

Court No. - 6

Case :- WRIT - C No. - 42087 of 2023

Petitioner :- M/S Roots Coolings System Pvt. Ltd.

Respondent :- Collector/District Magistrate Noida And 3 Others

Counsel for Petitioner :- Jamal Ahmad Khan, Dhruva Narayan Tripathi

Counsel for Respondent :- C.S.C.

Hon'ble Mrs. Manju Rani Chauhan, J.

Heard learned counsel for the petitioner and learned Standing Counsel for the respondent-State.

This writ petition has been filed by the petitioner with a prayer to direct the respondent no.2 to hear and decide the P G Appeal No..... of 2023 (Appeal number has not been allotted) filed by the petitioner - company against the ex-parte order dated 28.12.2022 and order dated 22.07.2023 rejecting the recall application of the employers for recall of the ex-parte order passed by the respondent no.3; Controlling Authority in PGA Case No.48 of 2019 (Shri Rajeev Ranjan vs. M/s Roots Coolings System Pvt. Ltd.) at an early date. A further prayer to direct the respondent no.1 not to take and adopt any coercive action against the petitioner in pursuance of the exparte order and recovery order passed by the respondent no.3.

At the very outset, learned counsel for the petitioner has confined his relief to the extent that the appeal pending before the respondent no.2 may be decided within stipulated period in case the petitioner deposits the entire amount as directed by order dated 28.12.2022.

Learned Standing Counsel does not have any objection to the aforesaid prayer made by the counsel for the petitioner, however, he submits that in case the petitioner does not deposit the entire amount, the authorities concerned shall proceed in accordance with law.

With the consent of learned counsel for the parties, this writ petition is being finally disposed of at this stage without calling for a counter affidavit.

Considering the facts and circumstances of the case, without expressing any opinion on the merits of the case, this writ petition is finally **disposed of** with a direction that in case the petitioner deposits the entire amount as directed by the order dated 28.12.2022 within a period of ten days from today, the respondent no.2; Appellate Authority under payment of gratuity act 1972/Dy-Labour Commissioner NOIDA, Gautam Buddh Nagar shall decide the appeal filed by the petitioner, in accordance with law, after hearing all the parties concerned, by a reasoned and speaking order, preferably within a period of three months from the date of making payment, if there is no other legal impediment.

For the period of ten days from today, the effect and operation of the impugned orders dated 28.12.2022 and 22.07.2023 shall be kept in abeyance.

Needless to say that in case the entire amount as directed by the order dated 28.12.2022 is not deposited by the petitioner on or before 18.12.2023, it shall be open to the authorities concerned to proceed in accordance with law.

Order Date :- 6.12.2023

Jitendra/-