

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**Writ Petition (L) No. 195 OF 2014**

Lal Jhanda Majdoor Union, Through its Secretary Ghanshyam Rajak Aged about 52 years S/o Shri Ramlal Near Krishi Upaj Mandi Ward No. 36, Torwa Post: + Dist-Bilaspur (CG)

---Petitioner**Versus**

1. Presiding Officer Central Government Industrial Tribunal-cum-Labour Court Jabalpur (M.P.)
2. South Eastern Coalfields Limited Through its Chairman-cum-Managing Director, Seepat Road, Bilaspur (CG).

---Respondents

For Petitioner	: Mr. Gary Mukhopadhyay, Advocate
For Respondent No. 2	: Mr. H.B. Agrawal, Senior Advocate with Ms. Preeti Yadav, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board****16/11/2015**

1. With the consent of learned counsel appearing for the parties, the matter is heard finally.
2. Case No.CGIT/LC/A/6/06 initiated by the petitioner on 28.11.2006 under Section 33-A of the Industrial Disputes Act, 1947 was fixed for hearing on 03.09.2008 at Camp Court of Central Government Industrial Tribunal at Bilaspur and thereafter it was fixed for 10.12.2008, 18.03.2009 and ultimately, it was fixed on

21.10.2009 at Camp Court, Bilaspur. On 21.10.2009, the Presiding Officer of C.G.I.T. recorded the order-sheet that now the hearing will be taken place at Jabalpur on 18.03.2010 but no intimation was given to the parties and thereafter on 26.02.2014, final order on merit was passed dismissing the claim of the petitioner.

3. Learned counsel for the petitioner would submit that once the proceeding fixed on 21.10.2009 at Camp Court, (C.G.I.T.) at Bilaspur was cancelled and the matter was re-fixed on 18.03.2010 at Jabalpur, then Presiding Officer, C.G.I.T. ought to have noticed the petitioner as well as respondents to attend the hearing at Jabalpur and in absence of such notice petitioner could not appear at the time of hearing before the said Tribunal at Jabalpur, therefore, the impugned order dated 26.02.2014 passed on merit without giving an opportunity of hearing to the parties is bad in law and deserves to be quashed.

4. Learned counsel for the respondent No.2 would oppose the prayer and submit that the final order passed is in accordance with law and the petitioner ought to have taken care of his case and he ought to have present when the final order was passed at Jabalpur. therefore, writ petition deserves to be dismissed.

5. I have heard learned counsel appearing for the parties.

6. A careful perusal of the entire order sheets would show

that the petitioner had regularly appeared in the proceedings up to 03.09.2008 and thereafter the case was fixed for hearing on 10.12.2008 at Camp Court, of C.G.I.T. at Bilaspur and thereafter on 10.12.2008, 18.03.2009 & 17.06.2009, Camp Court sitting could not be held at Bilaspur and ultimately, on 21.10.2009 C.G.I.T. decided to hold the sitting at Jabalpur on 18.03.2010 but the fact remains that no notice was given to the petitioner regarding change of venue from Bilaspur to Jabalpur by the C.G.I.T. and on 26.02.2014, final order was passed on merit dismissing the claim of the petitioner. Thus, the order dated 26.02.2014 (Annexure-P/1) has been passed without giving notice to the petitioner about change of venue from Bilaspur to Jabalpur, by which, the petitioner remained unaware of the proceedings and as such, the petitioner was not afforded due opportunity of hearing before the final order was passed, as such, final order deserves to be quashed. Case No.CGIT/LC/A/6/06 is restored to its original file of C.G.I.T. Jabalpur for hearing and disposal in accordance with law.

7. Since the case is of year 2006, the said Tribunal is directed to conclude entire proceedings within a period of six months from the date of receipt of copy of this order and the parties are directed to appear before the said Court on **14.12.2015.**

8. Record be sent back forthwith.

Sd/-
(Sanjay K. Agrawal)
JUDGE

Tiwari