

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR**M.C.C. No. 156 of 2016**

Rajaram Maize Products Surgiroad Mohad , Rajnandgaon, Through
Shri Girwar Gautam S/o Shri M.R. Gautam, Aged About 50 Years,
Manager, Rajaram Maize Products Surgiroad Mohad, Rajnandgaon,
Chhattisgarh

---- Applicant

Versus

1. Shri Kumar Singh S/o Shri Bhaiya Ram, R/o Village Suarbod, Post Office Bhaibod, Tahsil & District- Durg, Chhattisgarh
2. Member Judge Industrial Court, Raipur, Chhattisgarh

---- Respondents

 For Applicant:

Mr. Basant Dewangan, Advocate

Hon'ble Shri Justice P. Sam Koshy
Order on Board**13.06.2016**

1. The present application has been filed seeking restoration of Writ Petition No. 1964 of 2006.

2. A perusal of the order would show that the Writ Petition has been dismissed on merits and it has not been dismissed for want of prosecution. For ready reference operative part of the order reads as under:-

“ 1. The Respondent was terminated on 31.03.1992. Reinstatement was ordered as far back as 08.11.2001 affirmed by the Industrial Tribunal on 01.04.2005. The Writ Petition was filed in 2006.

2. Apparently, the petitioner has lost interest in pursuing the matter further. The Court is otherwise not persuaded to interfere at this belated stage considering reinstatement on 8.11.2001.”

The very fact that the Court has observed that the reinstatement was ordered in 2001 and the Petition itself was filed in 2006, the Court did not incline to interfere with the merits of the case, therefore the dismissed the matter on its merits.

3. For the aforesaid observation this Court is of the opinion that it is a matter where the Writ Petition was not dismissed for want of prosecution but rejected on merits, therefore the present application is not maintainable.

4. The instant M.C.C. stands dismissed as not maintainable.

Sd/-
(P. Sam Koshy)
JUDGE