

HIGH COURT OF CHHATTISGARH, BILASPUR
WP No.4044 of 2003

1. State of Chhattisgarh, through the Executive Engineer, Public Works Department, Division No.2, Raipur (CG)
2. Sub Divisional Officer, Public Works Department, Sub Division, Bhatapara, District Raipur (CG)

---- Petitioners

Versus

Jitendra Kumar Verma, S/o Shri Biharilal Verma, R/o village Sitapar-Hathbandh SE Rly, District Raipur (CG)

---- Respondent

For Petitioners/State	:	Mr.Arun Sao, Deputy Advocate General
For Respondent	:	Non present though served.

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

21/09/2017

1. Learned State Counsel appearing for the petitioners/State would submit that the Labour Court has allowed the claim of the respondent and directed reinstatement with 50% back wages, against which, the State preferred an appeal before the Industrial Court. The Industrial Court dismissed the same for want of prosecution and when they filed an application for restoration of the appeal, same has been dismissed on the ground that appeal has been dismissed on merits, whereas the appeal was never decided on merits and it was dismissed for want of prosecution by order dated 27.8.2002.
2. None present for respondent though served.
3. I have heard learned counsel for the petitioners and perused the

impugned order.

4. It is true that on 27.8.2002 when the appeal was called out for hearing, petitioners or their counsel was not present, therefore, the appeal was dismissed holding that the petitioners are not ready and willing to prosecute the appeal. Therefore, when the application for restoration was filed, it ought to have been restored showing sufficient cause, which has not been done in this case.
5. Sufficient cause has been shown by the petitioners for not appearing on 27.8.2002, therefore, the impugned order dated 30.8.2003 is set aside and Appeal No.167/M.P.I.R./98 (Sub Divisional Officer and another Vs. Jitendra Kumar Verma) is restored to the file of the Industrial Court, Raipur for hearing and disposal in accordance with law after hearing both the parties expeditiously.
6. The writ petition is allowed to the extent indicated hereinabove.
No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-