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HIGH COURT OF CHHATTISGARH, BILASPUR

Writ Petition (L) No.3452 of 2011

Ankit Steel (Steel Re-Rolling) Mill Ring Road No.2 Nahar Road
Gondwara Industrial Area Urala Raipur (CG)

---- Petitioner

Versus

1. Regional Provident Fund Commissioner Regional Office Indira Gandhi Vyavsayik Parisa Pandri, Raipur (CG)
2. Regional P.F. Commissioner-II (Recovery Officer) Office of the E.P.F.O. Regional Office Indira Gandhi Vyavsayik Parisa Pandri, Raipur (CG)
3. Employees Provident Fund Appellant Tribunal, through its Presiding Officer EPFAT, New Delhi
4. Sonu Ram Sahu S/o. Shri Devnath Sahu, aged about 47 years, Village-Kamarud, Post Bhothidih, Thana & Tah. Magalod, District-Dhamtari (CG)
5. Samaliya Sahu, S/o. Shri Devlal Sahu, aged about 43 years, Village & Post Ranka, Thana-Bemetara, Distt.Durg (CG)
6. Trinath Ram Sahu, S/o Shri Bishru Sahu, aged about 39 years, Village & Post Dhmakhda, Tah.-Simaga, Distt.Raipur (CG)
7. Kashiram Nishad, S/o Shri Mayaram, aged about 51 years, Village-Karamsen, Post-Nandghat, Thana-Nandghat, Tahsil-Navagarh, District-Durg (CG)
8. Babulal Lodhi S/o Shri Chitaru Lal, aged about 37 years, Village-Bhanpuri, Post-Mushara, Thana-Dongargarh, Tahsil-Dongargarh, District-Rajnandgaon (CG)
9. Baram Singh Madavi, S/o.Shri Dularu Ram, aged about 42 years, Village-Kirgahatola, Post-Shikari Mahaka, Tahsil-Dhuriya, District Rajnandgaon (CG)
10. Chetan Ram Sahu, S/o Late Shri Shiv Singh, aged about 52 years, Village-Sonardevri, Post-Sonardevri, Thana-Palari, District-Raipur (CG)

---Respondents

For petitioner	:	Mr.Vinod Deshmukh, Advocate
For Res.No.1 and 2	:	Mr.Sunil Pillai, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

19/04/2017

Heard.

1. Learned counsel for the petitioner would submit that at the time when the matter was taken up for hearing by the Employees' Provident Fund Appellate Tribunal, New Delhi on 7th December, 2010 Mr. Shyamlal Agrawal was suffering from cancer and he was being treated at Apollo Hospital, New Delhi and therefore, he could not attend the hearing. In absence of Mr. Shyamlal Agrawal, the matter has been heard and it has been dismissed.
2. On the other hand, learned counsel for respondents No.1 and 2 would oppose the writ petition.
3. I have heard learned counsel appearing for the parties.
4. The material produced before this Court supporting that Mr. Shyamlal Agrawal was unwell and suffering from cancer the date on which the matter was taken up for hearing before the Appellate Tribunal. Sufficient cause has been shown in not appearing before the Appellate Tribunal, the date on which the Appellate Tribunal has taken up the matter for hearing.
5. Accordingly, the order impugned dated 7th December, 2010 (Annexure P/3) passed by the Employees Provident Fund Appellate Tribunal, New Delhi in Case No.ATANo.317(8)2005 is hereby set aside. Case No.ATANo.317(8)2005 is restored to its original number for hearing and disposal in accordance with law after hearing both the parties.
6. The writ petition is allowed to the extent indicated hereinabove. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
JUDGE