

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No.5702 of 2006**

1. Managing Director, Chhattisgarh State Civil Supplies Corporation Ltd., Raipur (CG)
2. Chhattisgarh State Civil Supplies Corporation Ltd., Through its Manager, Ambikapur, Dist. Sarguja

---- Petitioners

Versus

1. Presiding Officer, Labour Court, Raigarh, under the Industrial Dispute Act 1947, Raigarh (CG)
2. Kameshwar Nath Yadav, S/o Shiv Prasanna Yadav, aged about 45 years, working as Driver, R/o Ambikapur, Distt. Sarguja (CG)

---- Respondents

For Petitioners	:	Mr.N.K.Vyas, Advocate
For Respondent No.2	:	None present

Hon'ble Shri Justice Sanjay K. Agrawal**Order on Board**07/11/2017

1. Application filed by respondent No.2 under Section 33 (C) (2) of the Industrial Dispute Act, 1947 was allowed ex-parte by the Labour Court on 1.8.2005. The petitioners preferred an application under Order 9 Rule 13 of the Civil Procedure Code for setting aside ex-parte order, which has been rejected by the impugned order.
2. Learned counsel for the petitioners would submit that the Labour Court has committed illegality in rejecting the application under Order 9 Rule 13 of the Civil Procedure Code as sufficient cause was shown for not appearing when the case was called up for hearing.
3. I have heard learned counsel for the petitioners and perused the impugned order.
4. The Labour Court has recorded a finding that the petitioners were served with a notice of the case along with an application and

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despite notice they remained absent and as such, cause shown was not sufficient. No sufficient reason has been assigned by the petitioners for not appearing despite notice.

5. The finding recorded by the Labour Court is a finding of fact based on the material available on record. I do not find any illegality in the impugned order.
6. Accordingly, the writ petition being without substance is liable to be and is hereby dismissed. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-