

HIGH COURT OF CHHATTISGARH, BILASPUR**WPL No.6207 of 2006**

General Manager Ganpati Industries Private Limited, Urla, Raipur (CG)

---- Petitioner

Versus

1. The Secretary, Pragatishil Engineering Sharamik Sangh, Saheed Nagar, Beergaon, Raipur (CG)
2. Dhannu Lal Sahu S/o Shri Son Sai Sahu, R/o Village Parsada, P.S. Kumhari, District Durg (CG)
3. Guljari, S/o. Shri Son Sai Sahu, R/o Village-Parsada, P.S. Kumhari, District Durg (CG)

---- Respondents

For Petitioner	:	Mr.Raghvendra Pradhan, Advocate
For Respondents No.2&3	:	Mr.Anoop Mazumdar, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

02/11/2017

1. Learned counsel for the petitioner would submit that the Labour Court, Raipur while considering the application under Order 9 Rule 13 read with Section 151 of the CPC for setting aside the ex-parte award dated 23.5.2003 has not considered the grounds raised in the application and rejected the same finding that no reasonable ground has been shown by the petitioner in the application, which is unsustainable and bad in law.
2. On the other hand, learned counsel for respondents No.2 and 3 would support the impugned order.
3. I have heard learned counsel for the parties and considered their rival submissions made herein-above and also gone through the records with utmost circumspection.
4. A careful perusal of the impugned order would show that the Labour Court has not considered the grounds raised by the

petitioner for setting aside ex-parte award. No enquiry was made and straightway rejected the application holding that no sufficient cause has been shown by the petitioner, whereas the Labour Court ought to have conducted an enquiry on the cause shown by the petitioner and thereafter could have decided the application by reasoned and speaking order. That has not been done in this case.

5. Accordingly, the impugned order dated 28.8.2006 rejecting the application under Order 9 Rule 13 read with Section 151 of the CPC is set aside. Case is remitted to the Labour Court, Raipur for hearing and disposal of the application under Order 9 Rule 13 read with Section 151 of the CPC after hearing both the parties and making an enquiry within a period of three months from the date of receipt of a copy of this order.
6. The writ petition is allowed to the extent indicated hereinabove. No cost(s).

Sd/-

(Sanjay K. Agrawal)

Judge

B/-