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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 564/2016, C.M. APPL.38130/2016
VIJAY KUMAR VATS Appellant
Through : Sh. Atul T.N., Advocate.

versus

GOVT OF NCT OF DELHI & ANR Respondents
Through : Sh. Santhosh Kumar Tripathi, ASC, for
GNCTD.
Dr. M.Y. Khan, Advocate.

CORAM:

HON'BLE MR. JUSTICE S. RAVINDRA BHAT
HON'BLE MR. JUSTICE R.K. GAUBA

% **ORDER**
17.10.2017

The appeal is directed against an order of the learned Single Judge which dismissed the writ petition. The application for restoration too was rejected. The Court notices that the appellant is a dismissed workman whose industrial dispute was decided against him. The writ petition challenging the tribunal's award was entertained and *rule* was issued. Thereafter, on 19.09.2014, the learned single Judge noticed that on the previous date of hearing, there was no appearance on behalf of the parties.

He, therefore, dismissed the writ petition. The subsequent application for restoration also met with the same fate since there was no appearance on behalf of the applicant/writ petitioner.

Learned counsel for the appellant states that *rule* was issued on 17.05.2013. The constant vigil on the cause list was not kept and

when the matter reached hearing, there was no representation. It is stated that the dismissal came to the notice of the appellant only when the Registrar's letter/notice in that regard was received. He urges that in the larger interest of justice, the writ petition should be restored to the file of the Court.

The respondents/management objected and submitted that there is two years' delay in the filing of the application. Consequently, the appeal is meritless.

This Court is of the opinion that there was considerable delay in seeking recall of the order of dismissal; at the same time, there is some substance in the appellant's argument that after *rule* was issued, it was not possible to keep a watch over the cause list. This resulted in the dismissal/non-prosecution of the writ petition. The Court, therefore, is of the opinion that in the interest of justice, the order dated 19.09.2014 and the impugned order dated 08.08.2016 requires to be and are, therefore, set aside.

W.P.(C) 3502/2011 is consequently restored to the file of the Court. The parties are directed to appear before the learned Single Judge on 07.11.2017, for further proceedings. The appeal is allowed in the above terms.

S. RAVINDRA BHAT, J

R.K. GAUBA, J

OCTOBER 17, 2017/AJK