

BEFORE THE LABOUR COURT, AT AKOLA.

Misc. ULP (Restoration) No. 02/2022.
(CNR-MHLC30-000297-2022)

- 1] **The Chief Executive Officer,**
Zilla Parishad, Akola, Tq. & Dist. Akola.
- 2] **Deputy Chief Executive Officer,**
Zilla Parishad, Akola, Tq. & Dist. Akola.
- 3] **Bal Vkas Prkalp Adhikari,**
Ekatmik Balvikas Yojana, Akot,
Tq. Akot, Dist. Akola.

APPLICANTS

Versus

Sau. Mangala Rajesh Akhare,
Aged about 40 years, Occ.- Service,
Anganwadi Kendra No. 2, R/o. Palsod,
Tq. Akot, Dist. Akola.

NON-APPLICANT

Coram :- Shri. S. K. Bangad, Presiding Officer.

Appearances :- Shri. Shashank Bhakare, Ld. Adv. for applicants.

Shri. S. N. Sonone Ld. Adv. for non-applicant.

: Order Below Exh. C-1 :
(Passed on 18th March, 2023)

01] Perused application and documents filed on record. Heard both sides.

02] Non-applicant filed ULP Case No. 05/2018 and that case was decided on 01/10/2022. Applicant appeared in the said matter but failed to file its written statement and contest the complaint. Applicant has received the copy of judgment alongwith the notice issued by the non-applicant.

Hence, they have filed this application for setting aside the judgment and chance be given them to contest the complaint.

03] Non-applicant has strongly opposed the application and prayed for rejection of application.

04] On perusal of Sec. 41(2) of M.R.T.U. and P.U.L.P. Act, 1971, the aggrieved party can make an application for setting aside the ex-parte order upon showing sufficient cause. In the present case, judgment was passed on 01/10/2022 in absence of applicant. Applicant got the knowledge of the judgment on 03/11/2022 and filed present application on 01/12/2022. In the complaint, applicant have neither filed their written statement nor contested the complaint. Considering the facts, one chance needs to be given to the applicant to get decided the complaint on merits. Delay would be caused if the judgment is set aside but the delay can be compensated and both the parties would get chance to putforth their case. Hence, I pass following order :-

ORDER

Judgment passed on 01/10/2022 in Complaint (ULP) No. 05/2018 is set aside on condition that no adjournment will be granted to the applicant and he shall pay costs of Rs. 1500/- to the non-applicant within 15 days from today.

Akola.

Date :- 18/03/2023.

**(S. K. Bangad)
Judge,**

Labour Court, Akola.