

MHIC120004492018



IN THE COURT OF PRESIDING OFFICER,
INDUSTRIAL TRIBUNAL, PUNE.

Presided Over by Shri. S. M. Bukke

Application IT/221/2018

M/s ZF Steering Gear (India) Ltd. Applicant

VERSUS

Shrikant Panditrao Khairnar Opponent.

Advocate for the applicant : Shri. A. K. Gupte
Advocate for the opponent : Shri. S. A. More

ORDER BELOW EXH. U-4
(Delivered on 10-09-2024)

1. This is an application on behalf of Opponent to set aside 'no Say' order passed below Exh. C-1 on 02/12/2023.

2. The application in nutshell is as under :-

The opponent had not appointed advocate to conduct present matter due to his financial and personal difficulties. Therefore, he was unaware about the status of present matter. This Court has passed no say order against the opponent on 02/12/2023. Now the opponent provided necessary document to his advocate who appeared in this matter on last date. If no say order is set aside no loss or prejudice will cause to applicant company. On the contrary if the present application is rejected, hardship will cause to opponent

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employee. Considering the circumstances and in the interest of justice opponent craved to set aside no say order dated 02/12/2023.

3. The applicant and submitted to pass appropriate order.

4. Heard, perused.

5. The matter is pretty old of 2018. No steps taken by opponent therefore, my predecessor had passed no say order below Exh. C-1 on 02/12/2023. Now the opponent employee engaged lawyer who is ready to proceed with the matter. For proper adjudication of application, the say of opponent is necessary. It is cardinal principal of natural justice to hear the other side. No prejudice will cause to applicant if no say order is set aside. On the contrary, if application is rejected hardship and loss will cause to the opponent. It is old case more than 6 years for causing delay costs needs to be imposed upon the opponent. In such circumstances, Application deserves to allow. Hence I pass the following order :-

ORDER

- 1) Application (Exh. U-4) is allowed.
- 2) No say order dated 02/12/2023 below Exh. C-1 is hereby set aside subject to payment of costs ₹ 200/-.
- 3) Costs be deposited to District Legal Services Authority.

Date : 10-09-2024

(Shri. S. M. Bukke)
PRESIDING OFFICER ,
INDUSTRIAL TRIBUNAL, PUNE.

Directly dictated on PC/-