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BEFORE F.M.PATHAN, CONTROLLING AUTHORITY  
UNDER THE PAYMENT OF GRATUITY ACT & JUDGE,  
SECOND LABOUR COURT, THANE.

**APPLICATION (PGA) NO. 31 OF 2019**

Mr. Devram Bhua Sutar

**... Applicant**

***Versus***

The Sub Regional Manager, and Ors.2

**...Opponents**

**ORDER BELOW EXH. C-10**

(Passed on : 18/08/2025)

Here in this application, opponents prayed to set aside 'No written statement' order passed against them.

- 2) Applicant by filing reply resisted the same.
- 3) Heard both the parties and perused the record.
- 4) From record, it appears that opponents appeared but failed to file their written statement. Therefore vide order dtd. 01/04/2024 passed below Exh U-1, the ld. Predecessor of this court passed 'No written statement' order against them. Then matter proceeded and came to the stage of final arguments. At this juncture opponents filed present application seeking permission to file written statement. Absolutely no reason is cited for previous default. Therefore, opponents are at all not justified in filing this application. Be that as it may. It is always in the interest of justice to decide the controversy on the merit instead of technicalities. Therefore this court is of the view that an opportunity is required to be given to the opponents to contest the matter more particularly when the written

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statement is annexed with the present application. But while doing so it cannot be neglected that the applicant will suffer inconvenience. The matter has to be reverted back to the initial stage , it will prolong the matter. Therefore, applicant is required to be compensated appropriately. In attending facts and circumstances it appears that cost of Rs.3000/- would be reasonable. Accordingly following order is passed;

**:- Order :-**

1. Application at Exh.C-10 is hereby allowed subject to the payment of cost of Rs.3000/- by opponents to the applicant.
2. Upon payment of cost the written statement of the opponents be taken on record.

Sd/-

**( F. M. Pathan )**

Controlling Authority under the  
Payment of Gratuity Act & Judge,  
Second Labour Court, Thane.

Place : Thane.  
Date : 18/08/2025  
VVM/-

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