

ORDER BELOW EXH. C-12
(Dtd. 03/10/2025)

1] This application is filed by respondent for setting aside No WS order passed against respondent on 10/10/2024. The complainant has filed reply on the application and resisted the application on the ground of delay and passing of order prior to one year ago and claimed rejection of the application.

2] I have heard learned Advocate for respondent and complainant.

3] The respondent had appeared through Advocate, however, No WS order is passed on 10/10/2024. The learned Advocate for respondent has filed pursis at Exh. C-4 for no instructions on 03/06/2025. The respondent did not remain present and therefore, delay is caused for the progress of case. The respondent is authority and despite appearance did not intimate Advocate for proceeding case which has resulted in delay in trial of the case. The complainant has claimed rejection of the application and proceed the case for filing evidence.

4] In view of allegations of complainant and considering the progress of case the record shows that the complainant had proceeded to lead evidence by filing affidavit on 08/04/2025 and thereafter, sufficient time was availed by respondent. The respondent had marked appearance on 06/08/2025 and thereafter, matter is posted for cross-examination, however,

without setting aside No WS order the adjournments were sought. In view of nature of proceeding and considering the status of respondent being authority hearing to the application on merit is just, rather than to decide without participation of respondent would not be just. Hence, considering the reason setting aside No WS order is just by imposing cost to be paid to the complainant and proceeding of trial is necessary. Hence, I proceed to pass following order;

ORDER

- 1] The No WS order passed against respondent on 10/10/2024 is set aside subject to cost of Rs. 4,000/- to be paid to the complainant.
- 2] On payment of cost the reply of the respondent would be taken on record and matter would be proceeded further as per procedure.
- 3] Application is disposed of accordingly.
- 4] Adjourned for compliance on 29/10/2025.

Place: Aurangabad
Date : 03/10/2025

(D. S. Khedekar)
Judge,
Labour Court-1, Aurangabad.