

**ORDER BELOW EXH. C-26**  
**(Dtd. 01/10/2025)**

- 1) This application is filed by respondent for setting aside no argument order passed on Exh. U-2 on 19/09/2025.
- 2) The complainant resisted application by filing reply.
- 3) I have heard learned Advocate for both parties.
- 4) By perusal of record and the reply of complainant which shows that the application was pending for argument and on 19/09/2025 despite the respondent had sought adjournment on the last date no argument was advanced therefore, no argument order was passed. It appears that the respondent had sought adjournment by application at Exh. C-24 on 04/08/2025 whereon adjournment was refused and respondent and the complainant was directed to advance argument on next date without fail. The complainant has advanced argument and respondent failed therefore, order was passed against respondent. Considering the order passed on record and the absentee of respondent for advancing argument and on the objection of complainant by virtue of pendency of decision of application U-2 referred in para No. 3 of reply shows that 15 times adjournments are sought and despite conditional order

there was no argument. In such compelling circumstances the argument was closed. However, again respondent is seeking setting aside no argument order. In view of statement of respondent and the difficulties shown by virtue of application without supporting document for urgency to attend before the concerned Commissioner and therefore, the conditional order is required to be passed with compensating complainant for inconvenience and delay by seeking setting aside order. Hence, for the ends of justice and to decide application on merit following order would be just and necessary. Hence, I proceed to pass following order;

**ORDER**

- 1) No argument order is set aside subject to cost of Rs. 2000/- be paid to the complainant.
- 2) On payment of cost the respondent shall keep Advocate present on the next date after payment of cost and failure to advance argument on the scheduled date, the order of no argument against respondent would be passed for decision of the application on merit.
- 3) The respondent shall take note of the order and comply accordingly.

(Typed and declared in open Court)

Place: Aurangabad  
Date : 01/10/2025

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