

:: Order below the pursis submitted by Mr. Abhilash Nair, Enforcement Officer, in Special Sitting / Lok adalat ::

(1). If the history of present case is perused than it is decades old case which was transferred to Labour Court, Ahemdabad and was then after allotted to present Court. The summons were issued to accused person herein but that hasn't produced any fruitful result and were returned unserved and so at last this case was placed on dormant file. Then after District Magistrate, Ahemdabad through his order dtd.2-9-2021 has permitted the prosecution side to withdraw all the dormant cases which were pending before various Labour Courts at Ahemdabad and on basis of the same the dormant cases under Factories Act and B.O.C. Act were withdrawn by the concerned authority in the last concluded Lok adalat/special sitting dtd.11-9-2021 but since the concerned authority of present case i.e. E. P. F. O. hasn't remain present in the said Lok adalat so the head office of this institution has conveyed about the same to the concerned authority of this case for remaining present and proceeding with all the cases of their organization which were kept on dormant files and the District Magistrate has permitted the prosecution to withdraw the same.

(2). On basis of the same the E.P.F.O. has deputed Mr. Abhilash Nair, Enforcement Officer and the said organization has also informed their panel advocate Mr. Arvindakshan Nair to remain present with the said deputed officer before this Court in todays Lok adalat/special sitting. So both of them have remained present in todays special sitting of this Court and after verifying the concerned case has passed the instant pursis stating that present case is placed on dormant file and it is taken up in todays Lok adalat so as per the instruction of Chairman, Legal Service Committee, Labour and Industrial Court appropriate order may be passed. Further along with the said pursis the deputed officer has also produced one copy of the Authority letter dtd.8-12-2021 given to him as well as the Panel Advocate by E.P.F.O. along with letter dtd.3-12-2021 of the Industrial Court, Gujarat, report of E.O. dtd.7-12-2021 submitted to Regional P. F. Commissioner and copy of letter dtd.2-9-2021 of District Magistrate permitting prosecution to withdraw dormant files. The copy of said letter is placed in C. C. no.4758/2018 and is perused for other cases also wherein such type of pursis are filed.

(3). So looking to the present case it is decades old case wherein process could not been served to accused even though ample efforts has been undertaken all this years. In this circumstance the prosecution could not procure the presence of accused before this Court nor there seems any possibility in the near future that accused will be traced out. So it is very much difficult to carry out further judicial proceeding in this case in absence of the accused and due to such dead wood cases the trials of effective civil and criminal cases are hampered. Hence in this circumstance when the instant case is already on dormant file and District Magistrate has permitted prosecution for withdrawing the same then in that circumstance this case is to be disposed off under sec.321 of the Cr. P. C. The deputed officer and panel advocate of the E.P.F.O. has stated that they may be permitted to restore this case in future if the accused is traced out. The prosecution for that purpose does not require any permission of this Court and they can avail such right if law permits them for the same and if any such right exists under law in their favour. In this circumstance due to bonafide object it seems reasonable and judicial that the proceeding of the instant case is to be stopped hence the present case is disposed off as withdrawn on basis of the present pursis and letter of District Magistrate referred above so the accused herein is discharged u/sec.321(a) of the Cr.P.C. from the offense stated in the instant complaint case and hence the case is disposed off as such.

This order is pronounced, read and signed in the National Lok Adalat on this day i.e. 11th December 2021.

Dt.11-12-2021.
Ahemdabad.

(Parvezahemad Alimohmad Malaviya)
Add. Chief Judicial Magistrate &
Judge (S.D.), Labour Court, Ahemdabad.
Judge Code : GJ00837.
