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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 12669/2022**
SH. MAHESH KUMAR

..... Petitioner

Through: Mr. Fidel Sebastian, Adv.

versus

**MOOL CHAND KHARAITIRAM HOSPITAL AND AYURVEDIC
RESEARCH CENTRE**

..... Respondent

Through:

CORAM:
HON'BLE MS. JUSTICE REKHA PALLI

ORDER

% **08.12.2022**

CM APPL. 53182/2022 -Ex.

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CM APPL. 53181/2022 -Restoration.

3. This is an application seeking restoration of the writ petition which was dismissed in default on 15.11.2022.
4. From a perusal of the record, it appears that the petitioner is seeking to assail the award dated 31.05.2018 vide which his claim was rejected after finding that he had failed to join the Ghaziabad clinic where he was transferred vide order dated 26.02.2004. The learned Labour Court, therefore, came to the conclusion that it was a case of the workman abandoning service.
5. The record shows that that the present petition has been filed after a



delay of more than four years and therefore, even though it *prima facie* appears that the petitioner was not serious about pursuing his remedy, taking into account that he is a workman, the application for restoration is allowed subject to payment of costs of Rs.10,000/- payable to the Delhi High Court Bar Clerk's Association [A/c No.15530100006282, IFSC Code UCBA0001553, UCO Bank, Delhi High Court Branch]. The amount will be used only for the welfare of the families of those Clerks, who lost their lives during the COVID 19 pandemic.

6. List on 02.02.2023.

REKHA PALLI, J

DECEMBER 8, 2022/acm