M. No. 126-19

14.05.2019

Present:- AR for the applicant / workman who moved an application u/s 114 and Order 47 of the CPC for review of order and award dated 29.03.2019.

By virtue of para no.6 of the present application it is submitted by the AR for the applicant that despite various representations made by him to the Labour Department to furnish certain documents, as mentioned in para no.6 of the application, the Labour Department failed to provide the said documents to him and accordingly, on account of failure on the part of the Labour Department he ultimately moved an application dated 07.03.2019 to the Labour Department to provide the same which could not be provided before the impugned date of order dated 29.03.2019 leading to the passing of impugned order and award.

After having gone through the submissions made in the application, the court has also deemed it fit to revert to the impugned order and award dated 29.03.2019 and in particular para no.7 and 8 of the said award.

The relevant para no.7 and 8 are reproduced herein for better understanding of the reason on account of which impugned award was passed by this court :

"***7. Perusal of the file transpires that issues in the present case were framed on 04.05.2018 and the matter was fixed for workman evidence for the first time for 18.09.2018 and infact today is the third date and also last and final opportunity provided to the workman vide order dated 18.12.2018 to file affidavit in lieu of his evidence.***

8. Perusal of the documents filed along with the application transpires that the workman has applied for the certified copies only on 07.03.2019. Hence, in these circumstances, it is very much clear that the workman is not interested in pursuing the present case as when he is aware that the matter was fixed for workman evidence for the first time on 18.09.2018, he should have applied for the certified copies required for the purpose of filing his affidavit in evidence on the date of framing of issues itself i.e. 04.05.2018 so that affidavit could have been filed on 18.09.2018 but he did not care to apply for the same on 04.05.2018, 18.09.2018 and 18.12.2018 and has filed the application only for the purpose of seeking an adjournment."

Perusal of para no.7 and 8 of the impugned award makes it clear that the issues in the present case were framed on 04.05.2018 and the matter was fixed for workman evidence for the first time for 18.09.2018 and infact three dates and last and final opportunity was provided to the workman to file affidavit in lieu of his evidence vide order dated 18.12.2018 but despite grant of so many opportunities, the workman has failed to file affidavit in lieu of his evidence and finally moved an application on 29.03.2019 on the ground that he has not been supplied with certified copies by the Labour Department despite the application made by him on 07.03.2019.

As already mentioned earlier, in support of the averments made in para no.6 of the application, not even a single document has been placed along with the application which can show that indeed prior to 07.03.2019 the claimant has made any representation to the Labour Department to furnish documents as mentioned in the impugned application.

Accordingly, finding no merit in the application and finding no fault in the order and award dated 29.03.2019 which requires review, the present application stands dismissed.

File be consigned to Record Room after completing due formalities.

(Vinay Singhal)
Addl. District & Sessions Judge,
POLC-V, Rouse Avenue Court Complex
14.05.2019