

**M/S Simplex Structures and anr. Vs. the Controlling Authority and ors.**

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**Court :** Madhya Pradesh

**Decided On :** Jun-21-2011

**Judge :** Sanjay Yadav, J.

**Appeal No. :** WPS/10443/2004

**Appellant :** M/S Simplex Structures and anr.

**Respondent :** The Controlling Authority and ors.

**Judgement :**

1. Shri Akhilesh Jain, learned counsel for the petitioners. Shri Y. M. Tiwari, learned counsel for the respondent No. 3.
2. With consent of learned counsel for the parties the matter is heard finally.
3. Challenge put forth in this petition is to an order dated 28-03-2003 passed by the Controlling Authority under the Payment of Gratuity Act, Jabalpur, in Gratuity Case No. 51 of 2002 as well as to an order dated 27-02-2004 passed by the Appellate Authority in an appeal preferred by the petitioners.
4. During the course of hearing it was expressed by the learned counsel for the petitioners that in absence of any opportunity to adduce evidence the core issues which were important to be adjudicated upon by the Controlling Authority could not be decided.

5. At this juncture learned counsel appearing for the respondent No. 3 submits that he has no objection if the case is remitted to the Controlling Authority for its fresh adjudication.

6. In view of the above, the impugned orders dated 28-03-2003 (Annexure-P/4) and dated 27-02-2004 (Annexure-P/6) are set aside with a direction to the Controlling Authority to decide the case afresh after giving an opportunity of hearing to the petitioners to adduce evidence.

7. Since this order has been passed on the basis of concession granted by the learned counsel for the respondent No. 3 and taking into consideration a similar order passed in WPS No. 10446/2004, no express opinion has been formulated on merit of the matter.

8. The Controlling Authority, therefore, will have to decide the case on its own merit. Parties are directed to appear on 25-07-2011 before the Controlling Authority.

9. The petitioners shall keep all the witnesses present on that date. No adjournment shall be granted to the petitioner. The Controlling Authority shall thereafter decide the matter on merit. The interim relief to continue till final decision is taken by the Controlling Authority.

10. The petition is disposed of finally in above terms.

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