

* IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No.6745/2010

Date of Decision: October 27, 2010

M/S. INTERACTIVE COMPOSITION CORPN.... Petitioner
through Ms. Prerna Mehta, Advocate

versus

WORKMEN SHRAVNI CHATTERJEE & ANR Respondent
through none

CORAM:
HON'BLE MISS JUSTICE REKHA SHARMA

1. Whether the reporters of local papers may be allowed to see the judgment? No
2. To be referred to the reporter or not? No
3. Whether the judgment should be reported in the 'Digest'? No

REKHA SHARMA, J. (ORAL)

Despite service of notice upon respondent no. 1, none has appeared for the said respondent.

The petitioner has impugned the order of the Presiding Officer, Labour Court dated July 26, 2010 whereby its application seeking permission to cross-examine two witnesses, namely, Dev Raj who was examined as WW-1 and Ms. Radha Devraj who was examined as WW-32 was disallowed. The learned Labour Court has dismissed the application on the ground that the petitioner who wanted to cross-examine these witnesses in order to prove that the workman was gainfully employed had not disclosed in the application the source of its information regarding the gainful employment of the workman.

Having heard learned counsel for the petitioner, I find that the reason assigned by the Presiding Officer, Labour Court in not allowing the application is wholly misconceived. It was not necessary for the petitioner to reveal the source of its information as to the gainful employment of the workman. It appears that the petitioner wanted to elicit this information from the witnesses through the medium of cross-examination. The request was reasonable and ought not to have been declined. Hence, I set aside the order dated July 26, 2010. The Presiding Officer, Labour Court is directed to grant an opportunity to the petitioner to cross-examine WW-1 - Dev Raj and WW-32 – Ms. Radha Devraj.

The parties shall appear before the Labour Court on December 20, 2010 and on the said date, the Labour Court shall give a date to the petitioner for cross-examination of the aforesaid witnesses. Thereafter, it shall proceed further with the case.

The writ petition is disposed of.

REKHA SHARMA, J.

OCTOBER 27, 2010
PC.