

110-A

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CR NO.5461 OF 2015

Decided on: 25.08.2015.

Amity International School . . . Petitioner

Versus

Presiding Officer, Labour Court-I & another . . . Respondents

CORAM: HON'BLE MR. JUSTICE ARUN PALLI

Present: Mr. Mohak Bhadana, Advocate
for the petitioner.

ARUN PALLI, J. (Oral)

Vide order being assailed, dated 05.01.2015 (Annexure P-1), evidence of the petitioner (management) was closed by order by Presiding Officer, Labour Court-I, Gurgaon. Application moved by the petitioner for recalling of the said order has since also been dismissed, vide order dated 07.05.2015 (Annexure P-2). This is how, the petitioner (management) is before this court, in this civil revision petition.

Services of respondent No.2 (workman) were terminated by the petitioner (management) on account of mis-conduct. And pursuant to an industrial dispute raised by the respondent No.2 (workman), Labour Court-I, Gurgaon, is seized of the matter. Respondent (workman) has already led and closed his

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evidence. However, despite availing many opportunities, petitioner failed to lead any evidence. So much so, no evidence of the petitioner was present on 05.01.2015, despite last opportunity, and accordingly evidence of the petitioner was closed by order. As indicated above, even the application seeking re-calling of the said order was also dismissed.

I have heard learned counsel for the petitioner and perused the records.

Learned counsel for the petitioner submits that let only one effective opportunity be afforded to the petitioner to adduce its entire evidence subject to costs, as otherwise petitioner (management) shall suffer an irreparable loss.

Ex-facie, the petitioner (management) has been negligent in pursuing its cause. If despite last opportunity no evidence of the petitioner was present on 05.01.2015, Labour Court was choiceless but to close its evidence. However, this is also true that foreclosure of the petitioner's right to lead evidence shall cause grave prejudice to its right of defence and might result in mis-carriage of justice. That being so, I am of the considered view that, in the ends of justice, petitioner shall be afforded one last opportunity to conclude its entire evidence. And as for delay caused by the petitioner, respondent (workman) could be compensated by awarding suitable costs. To avoid any further delay and expenses that respondent (workman) shall have to incur

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to defend these proceedings, no formal notice is being issued to him.

Accordingly, the orders dated 05.01.2015 and 07.05.2015 (Annexure P-1 & P-2) are set aside and the revision petition is disposed of with the following observations:-

- a) The petitioner shall be granted one effective opportunity to lead and conclude its entire evidence on the date that shall be fixed by the Labour Court in this regard.
- b) And in case the petitioner fails to adduce its entire evidence on the date fixed, its evidence shall be deemed to have been closed.
- c) The petitioner shall adduce its entire evidence, at its own responsibility, without any process or assistance of the Court.
- d) This, however, shall be subject to payment of costs of ₹20,000/- that shall be a condition precedent.

[ARUN PALLI]
JUDGE

25.08.2015
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