

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

Civil Writ Petition No.14485 of 2013

Date of decision: 16.01.2015

Surjit Singh

... Petitioner

Versus

The Presiding Officer and others

... Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Jagram Singh Cooner, Advocate,
for the petitioner.

Mr.Manoj Dhankhar, AAG, Haryana

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.

Heard the learned counsel for the parties at some length. During the course of proceedings before the learned Labour Court, the workman made a request for summoning the record from the Forest Department, Ambala. The summoned witness appeared and made a statement that the record has been destroyed in floods and a Daily Diary Report entry was lodged in that regard. On this statement, learned Labour Court closed the evidence of the workman.

2. Aggrieved by the award, a co-worker of the petitioner approached this Court against the order closing evidence. Learned Single Judge accepted the prayer vide order dated 23rd August, 2012 in CWP

No.17459 of 2011; Nirmail Singh v. The Presiding Officer and others and an opportunity was given to the co-worker to conclude the evidence. The evidence of the petitioner was closed on 7th March, 2011 in the same set of circumstances and in a similar manner.

3. It is argued that the petitioner should be given the same treatment as was justly accorded by the learned Singe Judge of this Court on 23rd August, 2012 in Nirmail Singh's case. The learned Labour Court has dismissed the reference by award dated 18th April, 2011. If the record was destroyed in floods, opportunity should have been given to the petitioner in the light of the orders passed by this Court to summon the record so that a similar statement would have come when no evidence was led by the management before the Labour Court as in the other case. In such a situation, I think it would be proper to remit the case to the Presiding Officer, Labour Court, Ambala by setting aside the order dated 7th March, 2011 closing the evidence of the workman so as to enable a fresh adjudication on merits. In this, the petitioner would have two realistic and effective opportunities to conclude his evidence for the same reasons mentioned by this Court in CWP No.17459 of 2011 decided on 23rd August, 2012.

4. Parties are directed to appear before the learned Labour Court on 23rd February, 2015. Learned Labour Court, Ambala to endeavour to finalize the case expeditiously, the same being an old one.

(RAJIV NARAIN RAINA)
JUDGE

January 16, 2015

Paritosh Kumar