

IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH

CWP NO.19228 of 2015 (O&M)

Date of decision: 11.9.2015

M/s Guadian Lifecare Private Limited

...Petitioner

Versus

Presiding Officer and another

...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA

Present: Mr.Yash Pal Gupta, Advocate for the petitioner

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

RAJIV NARAIN RAINA, J. (Oral)

I have heard learned counsel for the petitioner and perused the paper-book with his assistance.

An application preferred by the Management under Order 18 Rule 17 read with Section 151 of the CPC for cross-examination of workman was rejected by the Labour Court on 3rd September, 2012. In 2012, the Management had forfeited its right to cross-examine the workman by making a statement through its authorized representative before the Labour Court. In the second application, the Management wishes to achieve the same end on the ground that Sh.S.K.Verma was not the representative engaged by the Management. The fact remains that when the right to cross-examine was forfeited, it was at the hands of an authorized representative Mr.Nityanand Singh. The Labour Court in the order dated 13th May, 2015 has not accepted the second application under Order 18 Rule 17 read with Section 151 CPC and has declined it by holding that it is a misuse of the process of the court

and is vexatious in nature. The application is intended to delay the disposal of the case. The Management has also been burdened with costs of Rs.10,000/- to be paid to the workman for moving a vexatious application. However, the Labour Court has observed that nothing said in the order would be read as a formal expression of opinion on the merits of the pending case.

Against the interim order passed by the Labour Court, interference by the writ court is not called for in view of the authority of the Supreme Court in **D.P.Maheshwari vs. Delhi Admn. and others**, AIR 1984 SC 153 wherein it has been held as under:-

“...It is also worthwhile remembering that the nature of the jurisdiction under Art.226 is supervisory and not appellate while that under Art.136 is primarily supervisory but the Court may exercise all necessary appellate powers to do substantial justice. In the exercise of such jurisdiction neither the High Court nor this Court is required to be too astute to interfere with the exercise of jurisdiction by special tribunals at interlocutory stages and on preliminary issues.”

For the foregoing reasons, this petition is dismissed. However, it would be open to the petitioner to raise the issue against the final award passed by the Labour Court.

(RAJIV NARAIN RAINA)

JUDGE

11.9.2015

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