

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

CWP No.827 of 2013

Date of Decision : 30.1.2015

Kuldeep Narain

....Petitioner

Versus

The Presiding Officer, Industrial Tribunal-
cum-Labour Court-II, Gurgaon and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Raj Kaushik, Advocate
for the petitioner.

Mr. Adarsh Jain, Advocate
for respondent No.2.

.....

MAHESH GROVER, J.

The petitioner impugns the order dated 6.9.2012 (Annexure P-3) as also the order dated 17.12.2012 (Annexure P-6) passed by the Labour Court, the cumulative effect of which is that the petitioner's right to adduce evidence stands terminated on account of wasting several opportunities for the said purpose.

Learned counsel for the petitioner with reference to Annexure P-2 contends that three opportunities were given to the

petitioner to lead evidence, 4th opportunity was given for reconciliation and on the 5th date his evidence was closed. The application for setting aside the order dated 6.9.2012 (Annexure P-3) was also declined by virtue of order dated 17.12.2012 (Annexure P-6). It was stated that acute prejudice has been caused to the petitioner as his entire case stands frustrated on account of the impugned orders.

Learned counsel for respondent No.2 opposes the prayer of the petitioner to contend that five opportunities ought to have been sufficient for the petitioner to conclude his evidence but the matter has been permitted to linger on unnecessarily.

On due consideration of the matter, I am of the view that the petitioner deserves one opportunity at least in the interest of justice to adduce his entire evidence, that he wishes to, before the Labour Court. One cannot find fault to the approach of the Labour Court as sufficient opportunities were indeed given. The petitioner is now directed to adduce his entire evidence on 9.3.2015 before the Labour Court. It is made clear that no further opportunity shall be given to the petitioner under any circumstances unless the court itself is on leave on the said date.

Petition disposed of.

30.1.2015
dss

(MAHESH GROVER)
JUDGE