

CWP No.22696 of 2014

[1]

In the High Court of Punjab and Haryana at Chandigarh.

**CWP No.22696 of 2014
Date of Decision:21.01.2016**

Capsugel Healthcare Ltd.

...Petitioner

Versus

The Presiding Officer and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Saurabh Munjal, Advocate, for
Mr. Arvind Bansal, Advocate,
for the petitioner.

None for the respondents.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India challenging the order dated 19.09.2014, whereby, evidence of the petitioner was closed.

Learned counsel for the petitioner has submitted that the petitioner-Company wanted to summon a witness from the organization where the workman was gainfully employed. Summons were issued qua the witness but he did not appear before the Court. Learned counsel for the petitioner has further submitted that petitioner be granted only one opportunity to enable it to examine the said witness at its own risk and responsibility.

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At the time of issuance of notice of motion, following order was passed:-

“Challenge in the present petition is to the order dated 19.09.2014 (Annexure P-2) passed by the Presiding Officer, Labour Court-I, Gurgaon in terms of which evidence of the management/petitioner-company has been directed to be closed.

Counsel appearing for the petitioner-company/management would submit that a witness from the concerned organisation, where the workman had been gainfully employed had been summoned but despite issuance of summons, such witness did not appear. It is argued that under such circumstances, no fault is attributable to the management/company. Counsel prays for one last opportunity to be granted to lead evidence and would submit that for such opportunity, if granted, the management would be ready and willing to compensate the workman by an amount of Rs.25,000/-.

Notice of motion, returnable for 29.11.2014.

Further proceedings before the Labour Court shall remain stayed till the next date of hearing.

Process dasti as well.”

None has appeared on behalf of respondent No.2 despite service.

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Keeping in view the submissions made by learned counsel for the petitioner, it would be just and expedient to grant one opportunity to the petitioner to enable it to examine the summoned witness to establish that the workmen was gainfully employed.

Accordingly, this petition is allowed. Industrial Tribunal-Cum-Labour Court is directed to grant one opportunity to the petitioner to enable it to examine the summoned witness at its own risk and responsibility subject to payment of ₹25,000/- as costs. Costs be disbursed to respondent No.2. Thereafter, learned Industrial Tribunal-Cum-Labour Court shall proceed further with the case in accordance with law.

January 21, 2016
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(SABINA)
JUDGE