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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 435/2016 & CM No.1739/2016

TARUNJIT SINGH Petitioner

Through: Mr.Anubhav Mehrotra, Adv.

versus

THE MANAGEMENT OF ISC IT SERVICES PVT LTD

..... Respondent

Through: Mr.G.K. Pathak, Adv.

CORAM:

HON'BLE MR. JUSTICE V.P.VAISH

ORDER

% **02.03.2016**

The petitioner –Tarunjit Singh has assailed order dated 07.12.2015 passed by learned Presiding Officer, Labour Court-IX, East District, Karkardooma Courts, Delhi in ID No.899/14 titled as ‘Tarunjit Singh vs. ISC IT Services’.

With the consent of learned counsel for the parties, the matter is taken up for final disposal.

The case as set out in the petition is that the petitioner was appointed as Trainee Programmer by the respondent vide appointment letter dated 10.04.2007. The respondent confirmed the petitioner for the post of Programmer w.e.f. 01.10.2007. Thereafter, the petitioner went to the office and he was not allowed to enter the premises. The petitioner wrote a letter dated 09.09.2008 to the respondent regarding

the same. The respondent issued a letter dated 04.09.2008 and informed the petitioner that he has been relieved from duties. The petitioner instituted a statement of claim under Section 10(4A) of the Industrial Disputes Act.

After completion of pleadings, issues were framed on 22.03.2011. The petitioner/workman had already filed affidavit and the matter was adjourned to 19.08.2011 for tendering of workman evidence and for cross-examination. The petitioner did not adduce the evidence and the matter was adjourned on various dates. Vide order dated 30.07.2015, the evidence of the petitioner was closed.

The petitioner moved an application for setting aside/recall of order dated 30.07.2015. Vide impugned order dated 07.12.2015, the said application was dismissed.

Learned counsel for the petitioner submits that the issues were framed on 22.03.2011 and affidavit was filed by the petitioner. The matter was referred to Mediation Centre. Learned counsel for the petitioner submits that on 16.09.2014, the matter was transferred to the Presiding Officer, Labour Court-IX, Karkardooma Courts, Delhi.

Learned counsel for the petitioner further submits that respondent did not appear on 16.09.2014, 22.12.2014, 21.03.2015 and 30.07.2015. He also submits that on 30.07.2015, lawyers were on strike and a request for adjournment was made by the workman which was not allowed and the evidence of the petitioner workman was closed.

Mr.G.K. Pathak, learned counsel for the respondent submits that the petitioner is trying to delay the matter and did not adduce any evidence despite last opportunity granted to him.

During the course of arguments, Mr.G.K. Pathak, learned counsel for the respondent submits that he has no objection if one more opportunity is granted to the petitioner to adduce his evidence subject to payment of costs.

Having heard learned counsel for the parties, I am of the opinion that interest of justice requires that one opportunity be given to the petitioner to adduce his evidence.

In view of the facts and circumstances of the case, learned trial Court is directed to afford one opportunity to the petitioner to adduce his entire evidence on the date to be fixed by the trial Court subject to payment of Rs.5,000/- as costs. The respondent shall have a right to adduce evidence in his defence. It is made clear that in case the petitioner fails to adduce evidence on the date to be fixed by the learned trial Court, no further opportunity shall be granted to the petitioner.

With the aforesaid terms, the petition as well as application are disposed of.

MARCH 02, 2016/gm

V.P.VAISH, J