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* IN THE HIGH COURT OF DELHI AT NEW DELHI

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+ W.P.(C) 3393/2014

RAM BAHAL PANDEY

..... Petitioner

Through: Mr.Mayank Goel, Mr.Lalruatpuia
Sailo, Advs.

versus

M/S THERMOKING

..... Respondent

Through: Mr. Arun Mehta, Adv.

26

+ W.P.(C) 3418/2014

RAMAN KUMAR

..... Petitioner

Through: Mr.Mayank Goel, Mr.Lalruatpuia
Sailo, Advs.

versus

M/S THERMOKING

..... Respondent

Through: Mr. Arun Mehta, Adv.

27

+ W.P.(C) 3455/2014

PRAVEEN KUMAR

..... Petitioner

Through: Mr.Mayank Goel, Mr.Lalruatpuia
Sailo, Advs.

versus

M/S THERMOKING

..... Respondent

Through: Mr. Arun Mehta, Adv.

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

ORDER

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29.11.2016

1. The petitioner has challenged the award of the Labour Court. The petitioner has relied upon the attendance noting made by the Assistant PF Commissioner which has been filed as Annexure P-4 with the writ petition at pages 76 to 79. This document was not filed before the Labour Court and

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Signing Date:30.09.2024 17:01:45
Certify that the digital and physical file have
been compared and the digital data is as per
the physical file and no page is missing.

therefore, the petitioner filed an application for permission to lead additional evidence to prove this document. The application under Order XLI Rule 27 for permission to lead additional evidence was allowed vide order dated 19th November, 2014 by taking the document on record.

2. Learned counsel for the respondent disputes the genuineness of Annexure P-4 filed by the petitioner.

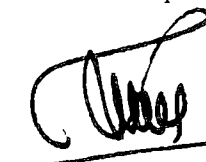
3. Learned counsel for the petitioner submits that he has obtained Annexure P-4 from the office of the Assistant Provident Fund Commissioner through RTI. Learned counsel for the petitioner submits that the petitioner may be permitted to lead additional evidence to prove the document before the Labour Court.

4. This Court is satisfied that the additional evidence is necessary to adjudicate upon the claim of the petitioner. In that view of the matter, the impugned awards are set aside and the matters be remanded back to the Labour Court for recording of additional evidence by the petitioner with respect to Annexure P-4. The Labour Court shall thereafter afford an opportunity to the respondent to lead evidence in rebuttal. The Labour Court shall thereafter pass a fresh award after hearing both the parties.

5. The parties shall appear before the Labour Court on 9th December, 2016 when the Labour Court shall fix the cases for recording of the additional evidence by the petitioner.

6. The record of the Labour Court be returned back forthwith.

7. Copy of this order be given *dasti* to counsel for both the parties under the signature of the Court Master.


J.R. MIDHA, J.

NOVEMBER 29, 2016

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