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

+ W.P.(C) 8764/2016

STATE BANK OF PATIALA Petitioner

Through: Mr.Shiv K. Tyagi, Adv.

versus

RAVINDER KUMAR Respondent

Through: None.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

% **28.09.2016**

C.M.No.35899/2016

Allowed, subject to all just exceptions.

W.P.(C) 8764/2016 & C.M.No.35898/2016

This petition impugns order dated 05.09.2015, passed by the Learned Presiding Officer of the CGIT, whereby the petitioner's request for leading evidence was declined and the case was reserved for final orders.

The impugned order records that ample opportunities were accorded to the petitioner to lead evidence. Indeed the workmen/respondents' evidence stood concluded on 20.04.2015 and the Management was to lead evidence as on 15.07.2015, however, no evidence was led by the Management. Consequently, the order dated 05.09.2015 was passed.

In particular, it records as under:

“On 19.02.2015 case was adjourned with the consent of both the parties and fixed 20.04.2015. on 20.04.2015 cross-examination of wwwl was concluded. Thereafter Sh. Manj Kumar Nigam. Ld. A/R for the workmen closed the

evidence of workman on the instruction of workman and 15.07.2015 was fixed for management evidence.

On 15.07.2015 case was adjourned to 10.09.2015 for management evidence.

On 10.09.2015, 05.11.2015 fixed for management evidence.

On 05.11.2015 case was adjourned to 15.12.2015 for management evidence.

In spite of aforesaid opportunities of evidence management could not file affidavit of any witness in its evidence. It is relevant to mention here that this LCA is oldest LCA pending in this Tribunal. Even I.D. case is supposed to be decided within period of 3 months only, what to say about LCA.

On the basis of aforesaid discussion I am of considered view that application moved on behalf of management for permission to lead management evidence entails rejection in this case wherein order is already reserved in-compliance of my previous order dated 31.08.2016. Which is accordingly rejected.”

This Court does not find any reason to interfere with the aforesaid order. The learned counsel for the petitioner submits that the evidence in the matter could not be led because there was a connected matter in which evidence had to be led first before it could be led in this case. However, there is no such averment or contention recorded in the proceedings before the Labour Court. Neither is this a plea or ground in the present petition.

There was no such averment or contention before the Labour Court that evidence would be led in this case only when evidence was completed in the other connected matter. There is no reason for the Court to interfere

with the aforesaid impugned order.

The petition is devoid of merit and is accordingly dismissed. Pending application also stands disposed off.

NAJMI WAZIRI, J

SEPTEMBER 28, 2016*/mr*