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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(C) 11096/2016 & CM APPL. 43393/2016
NORTH DELHI MUNICIPAL CORPORATION Petitioner
Through Ms. Eshita, Adv.
versus
CHAND RAM Respondent
Through None.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

% **08.08.2017**

No steps in terms of the order dated 23.01.2017 and 27.07.2017 has been taken on behalf of the petitioner and it is submitted that the matter is still pending for judgment before the CGIT-cum-Labour Court-2. A similar submission was made on behalf of the petitioner on 27.07.2017 also.

Vide the present petition, the petitioner assails the impugned order dated 04.07.2016 of the CGIT-cum-Labour Court-2 whereby the application of the petitioner seeking the setting aside of the order dated 21.03.2016 of the said CGIT-cum-Labour Court-2 was rejected. Thereafter, the matter was fixed for management evidence on 08.07.2016.

The impugned order dated 04.07.2016 however indicates that in the order dated 21.03.2016, the matter before the CGIT-cum-Labour Court was fixed for cross examination of WW1 but none had appeared on behalf of the petitioner and the right to cross examination of WW1 was closed being a last opportunity.

Vide order dated 21.03.2016, the matter was fixed for 02.05.2016 for management evidence and on 02.05.2016 the management had moved an

application for setting aside the order dated 21.03.2016, the order dated 04.07.2016 of the CGIT-cum-Labour-2 Court indicates that the workmen in the instant case was examined on 20.07.2015 and after that his cross-examination had been deferred to 14.09.2015 on which date the AR of the management had sought an adjournment which was allowed to 16.10.2015 but on 16.10.2015 the matter could not be taken up as learned Presiding Officer was on leave and the matter was adjourned to 21.12.2015.

On 21.12.2015, the AR of the management did not turn up till 1 p.m. and the matter was adjourned to 08.02.2016 for cross-examination of WW1 with directions to the AR of the management to come in the early hours to conclude his cross-examination before lunch but on 08.02.2016 the AR of the management again sought an adjournment which was also allowed and the matter was adjourned to 18.03.2016 for cross-examination of WW1 but on which date also the AR of the management again sought an adjournment which was once again allowed and the matter was adjourned to 21.03.2016 as last a opportunity for cross-examination of WW1.

On 21.03.2016 also the AR of the management chose not to cross-examine WW1 and did not reach till 3.00 p.m. and the Tribunal was compelled to close the right of cross-examination of management.

Taking into account the observations made in the proceedings dated 21.03.2016 and the proceedings dated 04.07.2016, it is apparent that there is no infirmity in the said orders and there is no ground for issuance of any further notice of the petition to the respondent.

The W.P.(C) 11096/2016 is dismissed.

ANU MALHOTRA, J

AUGUST 08, 2017/MK

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