

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPL No. 24 of 2018**

Dilip Kumar Singh S/o Shri Tihari Singh Aged About 35 Years R/o Village Nawagaon Dyali, Post Dindori, Tahsil And Police Station Lormi District Mungeli Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh, Through Secretary, Forest Department Mahanadi Bhawan Mantralaya, Naya Raipur, Raipur Chhattisgarh.
2. District Forest Officer, Forest Division Mungeli, District Mungeli Chhattisgarh
3. Forest Range Officer, Forest Range, Khudiya, District Mungeli Chhattisgarh.

---- Respondents

For Petitioner	:	Mr. Lav Sharma, Advocate
For State	:	Mr. Gary Mukhopadhyay, G.A.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****05/02/2018**

1. Present writ petition has been filed against the two orders dated 19.07.2017 and 22.12.2017, whereby the application for taking documents on record as also the application for producing of documents filed by the petitioner before the Labour Court stood rejected.
2. Counsel for the petitioner submits that the documents which were sought to be taken on record, were the documents obtained under the Right to Information Act and it were necessary to prove the employment of the petitioner with the respondents. He further submits that since the documents provided under the Right to Information Act were photocopies, they had moved an application for production of the documents to show that the documents so filed are genuine documents and can be proved before the Labour Court.

3. It was further contended that the respondents in the instant case inspite of sufficient opportunity being granted have not led any evidence to discharge the burden in denial to the claim put forth by the petitioner. According to the petitioner, in the absence of any evidence by the department, it becomes incumbent upon the petitioner/worker to prove its case for grant of appropriate relief.
4. Having heard the contentions put forth by the petitioner and on perusal of record true it is what reflects is that the respondents (the non-applicants before the Labour Court) inspite of ample opportunity being granted having not led any evidence to rebut the contention of the petitioner. To further substantiate the contention, the worker involved in the dispute has moved an application for taking documents on record, which are all photocopies provided under the Right to Information Act by the department.
5. Further, the petitioner has also moved another application for production of documents before the Court, which are the payment vouchers made during April, 2011 to 01.09.2012, which would further strengthen the case of the petitioner.
6. Since the department in the instant case have not led any evidence to substantiate their contentions and that the worker is left to establish his own case, this Court is of the opinion that since they have obtained certain documents subsequent to the evidence being closed that of the worker as also the non-applicant, ends of justice would meet if the petitioner is granted one more opportunity to substantiate his contention in a better manner. Accordingly the application for taking documents on record deserves to be and is accordingly allowed.

7. So far as the application for production of documents is concerned, the ground specified by the Labour Court in rejecting the same that of the matter getting reopened for evidence on either side would not be a sufficient ground for rejecting an application for production of documents. Accordingly, the said order also stands set-aside and the matter is sent back to the Labour Court for reconsidering the application for production of documents in accordance with law and to pass a fresh order.
8. It is made clear that we have not expressed any opinion on the merits so far as the application for production of document is concerned. The said application shall be reconsidered and shall be decided purely on its merits in accordance with law.
9. The writ petition thus stands disposed of.

Sd/-
(P. Sam Koshy)
Judge