

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**WPL No. 2 of 2019**

Deepak Jaiswal S/o Teerath Jaiswal Aged About 38 Years Ex-Former Security/Labour, R/o H.No. 576, Deendayal Colony, Mangala, Police Station - Civil Line, District - Bilaspur Chhattisgarh.

---- Petitioner**Versus**

1. State Of Chhattisgarh Through Secretary, Forest Department, Mahanadi Bhawan, Atal Nagar, District Raipur Chhattisgarh.
2. Forest Officer Division Bilaspur, District Bilaspur Chhattisgarh.
3. Office In Charge Flying Scot, Division Bilaspur, District Bilaspur Chhattisgarh.

----Respondents

For Petitioner	:	Mr. K.P.S. Gandhi, Advocate
For State	:	Mr. Jitendra Pali, Dy. A.G.

Hon'ble Shri Justice P. Sam Koshy**Order on Board****08/01/2019**

1. The present writ petition has been filed aggrieved of the order dated 24.11.2018, passed by the learned Labour Court, Bilaspur, in case No. 39/I.D.A./2015/Reference.
2. The matter before the Labour Court is in respect of alleged illegal termination of the petitioner from service. The matter before the Labour Court is fixed for the evidence. It is said that the evidence on behalf of first party, the petitioner/worker had already been recoded and concluded thereafter the matter has been fixed for the evidence of the respondents/employer. They have also adduced an affidavit under Order 18 Rule 4 of the CPC and the matter is fixed for the cross examination of the witnesses on behalf of the management/State Government.

3. Meanwhile, the petitioner has moved an application calling for a witness on his behalf to substantiate his contention before the Labour Court. The said application dated 29.08.2018 (i.e. Annexure P/4) stood rejected by the impugned order, which has led to the filing of the present writ petition.
4. Counsel for the petitioner submits that it is a case where the petitioner could lead evidence only of himself and not any other witness to substantiate his claim and now that he has been able to get a witness, he has moved an application for getting that witness examined before the Court, but the Court below has rejected the said application. The rejection of the application is only on the ground that the said application has been filed belatedly, as the evidence of the management has already started.
5. Be that as it may, without entering into the merits of the case, since it is a case where the dispute raised by the petitioner before the Labour Court is of termination from service. The proceedings before the Labour Court would decide the fate of his future and the Labour Court would also be testing the veracity of the action on the part of the respondents in discontinuing the services of the petitioner. In the opinion of the Court, ends of justice would meet if the petitioner is provided another opportunity to lead any further additional evidence in support of his contention.
6. Accordingly, in the interest of justice the present writ petition stands disposed of setting aside the order dated 24.11.2018. As a consequence, the petitioner shall be permitted to call upon the said witness namely Dhirendra Pal Singh son of late Lal Pratap Singh

before the Labour Court on the next date of hearing to be given by the Labour Court and on which date, the petitioner shall ensure that his witness is present. The petitioner under no circumstances shall be given any further date for the evidence of the said witness. The respondents are also directed to ensure that the said witness, if he is examined on the next date of hearing, is also cross examined and discharged on the same date itself and thereafter the Labour Court may proceed further and conclude the matter after the evidence of the respondents are recorded.

7. With the aforesaid observations, the writ petition stands partly allowed and disposed off.

Sd/-
(P. Sam Koshy)
Judge

Ved