

HIGH COURT OF CHHATTISGARH AT BILASPURWPL No. 32 of 2019

Pawan Gayakwad S/o Surendra Gayakwad Aged About 37 Years R/o Masanganj, Near Chowdhary Traders, Tehsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioner

Versus

Krishi Yantri, Karyalaya Sahayak Krishi Yantri, Agriculture Department Nutan Chowk, Sarkanda Tehsil And District Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Respondent

For Petitioner	:	Shri Anshuman Shrivastava, Advocate.
For State	:	Shri P. Acharya, PL

Hon'ble Shri Justice P. Sam Koshy

Order on Board

06/03/2019

1. The present writ petition has been filed challenging the order dated 05/02/2019 passed by the labour Court, Bilaspur in case No. 8/I.D Act/2016.
2. The facts of the case is that the petitioner in the present case has been terminated from service by the respondents and challenging the termination order he has raised an industrial dispute which is registered as case No. 8/I.D.Act/2016.
3. Pending the writ petition before the labour Court worker i.e. the petitioner himself got examined on 26/02/2018. Thereafter the matter was fixed for the evidence of the management. The management

has lead its evidence on 29/01/2019. In the course of the evidence, the management witness namely Jogindar Lal witness stated that exhibit P-2 marked by the petitioner before the labour Court documents are infact which are prepared by the uncle of the petitioner.

To rebut this document and the deposition of the management witness, the petitioner had moved an application calling for the witness who is said to have prepared the said document on behalf of respondent to disprove the averment made by the management. The said application was filed on 05/02/2019 which stood rejected on the same date i.e. 05/02/2019 which is under challenge in the present writ petition.

4. State counsel however, opposing the petition it is the case where the petitioner has been granted an opportunity to lead his evidence and the management evidence has also since been closed and the matter was fixed for final argument when the application was moved and therefore labour Court has rightly rejected the same as such there is no scope of any further interference with the same.
5. Having heard the contentions put forth on either side and perusal of the record, particularly perusal of the deposition of the management witness Jogindar Lal, it clearly reflects that the said witness in paragraph 11 during the course of examination made a statement

that exhibit P-2 , document relied upon by the worker is prepared by one of the uncles of the petitioner who works in the department. The said deposition of the management witness could be crucial unless the petitioner rebuts the same by leading evidence in rebuttal. In view of the same the petitioner had moved an application. This Court does not find any good reason that the petitioner could not be permitted to adduce the evidence in rebuttal of the evidence lead by the management witness. This Court also does not find any prejudice caused to the interest of the respondents in case if the said witness is permitted to be examined.

6. Given the said facts and circumstances of the case, let petitioner take appropriate steps for calling upon that said witness on his own on the next date of hearing fixed before the labour Court and the labour Court is further directed to record the evidence of the said witness on the same date and thereafter proceed further and decide the matter on its merits.
7. In view of the order passed by labour Court dated 05/02/2019 in case No.8/I.D. Act/2016 stands set aside/quashed. Meanwhile, Labour Court is directed not to proceed further with the case till the evidence of the said witness is examined and thereafter proceed further in accordance with law.

Sd/-

(P. Sam Koshy)
JUDGE