

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO.10955 OF 2019

Date: 28.08.2019

Between:

Gharada Chemicals Limited,
Rep., by its General Manager (HR Corporate Affairs),
Registered office at Gharda House,
48, Hill Road, Badra, W.Mumbai-400 050 & another

.....Petitioners

And

Authority appointed under section 48(1) of
Telangana State Shops and Establishments-
Act 1988 and Assistant Commissioner of Labour,
Karimnagar, T.S. & another.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION NO. 10955 OF 2019

ORDER:

Heard learned counsel for petitioners, learned Government Pleader for Labour for respondent No.1 and Sri C.Haripreeth, learned counsel for respondent No.2.

2. Against the order of termination from service, the 2nd respondent filed S.E.Case No.3 of 2017 before the Authority Under Telangana State Shops & Establishments Act, 1988 (for short 'the Authority'). In the said case, the respondents-employer who are the petitioners herein filed I.A.No.3 of 2019 praying the Authority to receive documents filed along with the said I.A. By the order dated 18.04.2019, impugned herein, the said application is rejected.

3. However, it is interesting to read the order extracted here under :

“Here the learned counsel is contending that the documents filed by the respondent company are false. It is not known as to how he arrived at this conclusion without cross examining the management witness is not known. It can be termed as only an assumption which the Authority is not supposed to take into consideration. When the documents are filed by the respondent company they are expected to prove the documents to be genuine. The learned counsel of the applicant has got ample opportunity to cross-examine the witness and defeat the documents. Instead of doing so, the applicant blandly stating that the documents were false. The onus of proving the documents, in that case rest with the applicant. Therefore, I do not find any considerable force in the IA filed by the learned counsel of the applicant. Hence, the IA is dismissed.”

4. A reading of the order would show that while the Authority accepts the plea of petitioner to receive the documents and gave liberty to the 2nd respondent herein to test the correctness of the

documents, during the course of recording of evidence, rejects the I.A. It appears that the Authority was confused between the person who filed the application and the person who filed the case. On this ground alone, the order is liable to be set aside.

5. Accordingly, the Writ Petition is allowed. The matter is remitted to the Authority and the Authority is directed to consider the issue objectively and pass orders in I.A.No.3 of 2019. A decision shall be taken and appropriate orders be passed within two weeks from the date of receipt of copy of this order. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

Date: 28.08.2019
Rds

