

08.09.2020
Item No.03
(Susanta)

(Via Video Conference)

**C.O. 1688 of 2019
with
CAN 4996 of 2020**

**Sri Rejesh Singh
Vs.
The Management of Calcutta Telephones & Anr.**

Mr. Tapash Kumar Mondal,
Mr. Anirban Dey.
... for the petitioner.

Affidavit-of-service filed by the learned advocate for the petitioner evidencing service of the notice of the present revisional application upon Mr. Goutam Debnath, learned advocate for the opposite party no. 1 in terms of the order dated December 5, 2019 is taken on record.

None appears on behalf of the opposite parties in spite of service.

The petitioner has raised an industrial dispute before the Industrial Tribunal, Kolkata being reference no. 41 of 2005.

In the said proceeding, the petitioner claims that the opposite party no. 1, Mahadev Mondal, being the Assistant Engineer of the Calcutta Telephones issued a certificate, on behalf of the management of the Calcutta Telephones.

But the said Mahadev Mondal while adducing evidence as witness in the said proceeding denied his signature on the said document.

The petitioner applied for appointment of a handwriting expert to compare signature of said Mahadev Mondal appearing in the said document with that of his signature appearing in different documents filed by him in the said proceeding on behalf of the management of the Calcutta Telephones.

The learned Tribunal by the order dated November 28, 2018 allowed such prayer of the petitioner and directed him to take appropriate steps in this regard.

The petitioner subsequently filed an application for sending the said document to the Director, Question Document Examination Bureau, C.I.D, West Bengal, at Bhabani Bhawan, 31 Belvedere Road, Alipore, Kolkata- 700 027, West Bengal for the said purpose.

The learned Tribunal by the order dated March, 28, 2019 has dismissed the said application holding that there is nothing in the earlier order that the photographs and comparison of disputed and admitted signature shall be done by any Government organization.

The Tribunal has miserably failed to appreciate the scope of such an application and thereby has committed serious jurisdictional error in dismissing the said application.

The order impugned is therefore not sustainable and is accordingly set aside.

The application filed by the petitioner for sending the relevant document to the Director, Question Document Examination Bureau, C.I.D is allowed.

The Tribunal is directed to take necessary steps accordingly.

The Tribunal is also directed to ensure that the whole exercise in this regard is to be completed expeditiously.

With the above terms C.O. 1688 of 2019 and the connected application being CAN 4996 of 2020 are thus disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties subject to compliance of all requisite formalities.

(Biswajit Basu, J.)