

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CWP No.3353 of 2021
Date of decision: 12.02.2021

M/s Jagran Prakashan Limited

...Petitioner

Vs.

State of Haryana and others

...Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. Aman Dhir, Advocate,
for the petitioner.

Ritu Bahri, J. (oral)

Challenge is to the order dated 02.02.2021 (Annexure P-18) passed by the Presiding Officer, Industrial Tribunal-Cum-Labour Court, Panipat, whereby evidence of the petitioner has been closed by order.

Learned counsel for the petitioner contends that on 19.02.2020, RW-1 Pushpendra Singh, General Manager, was examined-in-chief by way of an affidavit Ex.RW1/A and his cross-examination was deferred on the request of learned counsel for the claimant (respondent No.4 herein). On the next date i.e. 24.02.2020, RW-1 Pushpinder Singh was present, but he was not cross-examined as learned counsel for applicant (respondent No.4 herein) sought an adjournment on the ground of some personal engagement and the case was adjourned to 05.03.2020. On the next date, RW-1 was not present and the case was adjourned to 12.03.2020. On 12.03.2020 and 17.03.2020, RW-1 was present, but could not be cross-examined as counsel for claimant/respondent No.4 sought adjournment and the case was adjourned to 09.04.2020. Copies of zimni orders are attached as Annexures

P-11 to P-14. Thereafter, the case was adjourned from time to time. On 25.01.2021, learned counsel for petitioner-Newspaper Establishment requested for an adjournment on the ground that RW-1 Pushpender Singh had not come present for cross-examination as he had been transferred from Panipat to Raipur (MP). Accordingly, the case was adjourned to 02.02.2021. On 02.02.2021, petitioner-Newspaper Establishment moved an application for adjournment on the ground that RW-1 Pushpender Singh, General Manager had some official engagements, due to which he could not come present before the Court. However, vide order dated 02.02.2021 (Annexure P-18), the Industrial Tribunal closed the evidence of the petitioner by order by observing that it (petitioner herein) has failed to conclude the evidence. Now, the case has been adjourned for addressing arguments.

A perusal of the aforesaid orders (Annexures P-11 to P-14) shows that the claimant (respondent No.4) had sought about 4 to 5 adjournments for conducting the cross-examination of RW-1 Pushpender Singh, but had failed to cross-examine him. Thereafter, on account of transfer of RW-1 to Raipur, only two adjournments were sought by the petitioner on 25.01.2021 and 02.02.2021. Petitioner had also filed an application dated 02.02.2021 (Annexure P-17) explaining that he had some urgent work in the office at Raipur (M.P.).

In the given circumstances of the case, to impart complete justice to the parties, it would be appropriate to provide one effective opportunity to the petitioner to conclude its evidence.

Resultantly, the impugned order dated 02.02.2021 (Annexure P-18) is set aside and the Industrial Tribunal-Cum-Labour Court, Panipat is directed to provide one opportunity to the petitioner to produce RW-1

Pushpender Singh, General Manager, for his cross-examination and conclude his entire evidence, subject to costs of Rs.10,000/- to be deposited with the District Legal Services Authority, Panipat.

Allowed accordingly.

12.02.2021
ajp

(RITU BAHRI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No