

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

112

CR-5810-2022(O & M)

Date of decision: 12.12.2022

M/S HARSORIA HEALTHCARE PVT. LTD. petitioner

VS

PRESIDING OFFICER, GURGAON AND ANOTHER Respondents

CORAM : HON'BLE MR. JUSTICE ALOK JAIN

Present :- Mr.Rajiv Sharma, Advocate
for the petitioner

ALOK JAIN, J. :

The present petition raises challenge to the order dated 30.08.2022 (Annexure P-12), whereby the learned POLC-1, Gurgaon has closed the evidence of the petitioner by passing a detailed order.

Learned counsel for the petitioner has vehemently argued that the preliminary issue was decided on 17.01.2022 which relates to the authenticity of the inquiry conducted against the respondent-workman and submits that the same shall have a direct bearing on the outcome of the proceedings pending before the Labour Court. He further submits that the order dated 17.01.2022 has been assailed by filing CWP-13771-2022, which is pending before this Court, however, fairly conceded that there is no interim order granted in the said petition.

Learned counsel for the petitioner further submits that without going into the merits of the case, two effective opportunities be granted for leading the entire evidence subject to payment of the costs else the same shall prejudice the rights of the petitioner to appropriately defend the claim raised by the respondent-workman. It is further submitted by learned

counsel for the petitioner that the case is fixed for 13.12.2022 before the POLC-1, Gurgaon.

At this stage, issuance of notice to the respondents shall only procrastinate the proceedings and substantial justice can be met by imposing costs on the petitioner. Accordingly, the present petition is being decided in *limine* and without going into the merits of the case.

In the light of the above, the order dated 30.08.2022 (Annexure P-12) passed by the POLC-1, Gurgaon is set aside. The petitioner is granted two effective opportunities to complete its entire evidence after 13.12.2022 and both the future dates shall not be beyond a total span of more than two months. However, the said opportunity to lead evidence shall be subject to payment of costs of Rs.75,000/- to be paid to the respondent-workman.

The petition stands disposed of accordingly.

In view of the disposal of the main petition, all the pending misc.applications also stand disposed of.

(ALOK JAIN)
JUDGE

12.12.2022

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Whether speaking/reasoned : Yes/No

Whether Reportable : Yes/No.