

04.04.2024
Sl. No. 10.
D/L.
Mithun
Ct.No.23.

**In the High Court at Calcutta
Constitutional Writ Jurisdiction
Appellate Side**

**WPA 8833 of 2024
Gopal Chatterjee
Vs.
The State of West Bengal & Ors.**

Mr. Asim Kumar Niyogi,
Mr. Vaskar Pal

..for the petitioner.

Mr. Uddipan Banerjee

...for respondent no.3.

Mr. Sudip Sarkar,
Mr. Shamik Bagchi

...for the State.

The challenge in this writ petition is an order dated 12th February, 2024 passed by the Controlling Authority under the Payment of Gratuity Act, 1972. By the order impugned the writ petitioner's right to cross-examine the witness of the employer appears to have been refused and the matter is fixed on 15th February, 2024 for submission of written notes of argument.

It is submitted by the respondent No.3(employer) that this order has been subsequently corrected. The right to cross-examination of the witness of the respondent No.3 by the petitioner has not been either refused or denied. The cross-examination is continuing till date and is fixed as per the noting of the learned Advocate for the respondent No.3 on 9th April, 2024 at 3.30 p.m.

After hearing the parties it appears that the petitioner by making an application before the Controlling Authority had intended to adduce additional

evidence which application has been rejected on merits by holding that for the purpose of the issue involved, no additional evidence is required.

The Controlling Authority is directed to permit the writ petitioner to cross-examine the witness of the respondent No.3. The writ petitioner shall be also permitted to confront the witness with documents as may be felt necessary.

Leave to file additional evidence cannot be granted at this stage as the same will require recalling of the petitioner's witness to adduce evidence in chief for taking such documents on record and to be cross-examined by the employer on such additional evidence. This will, however, not prevent the writ petitioner from making a prayer to adduce additional evidence if it is so felt necessary after completion of the cross-examination of the witness/witnesses of the employer as the petitioner has approached the Controlling authority and this Court before completion of the cross-examination of the employers' first witness.

Nothing further remains to be adjudicated in this writ petition. The same is accordingly disposed of.

Since I have not called for affidavit, the allegations contained in the writ petition are deemed to have not been admitted by the respondents.

(Arindam Mukherjee, J.)