



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

**LPA No.1776 of 2019
Decided on :05.11.2024**

Umesh Kumar Munjal

.....Appellant

VERSUS

**The Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar and Anr.
.....Respondents**

**CORAM: HON'BLE MRS. JUSTICE LISA GILL
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present: Mr. Neeraj Yadav, Advocate for the appellant.

Mr. Gaurav Tangri, Advocate for respondent No.2.

LISA GILL, J (ORAL)

1. Prayer in this appeal is for setting aside impugned order dated 05.07.2019 in CWP No.13027 of 2019 passed by learned Single Bench.
2. Brief facts necessary for adjudication of the matter are that present appellant/writ petitioner, filed CWP No.13027 of 2019 for setting aside order dated 26.04.2019 whereby his application for leading additional evidence was dismissed by learned Industrial Tribunal and Labour Court, Hisar. It is pleaded by the appellant that he was appointed as Sales Promotion Employee by respondent-Management on 19.06.2008. Vide order dated 07.11.2014, appellant was transferred from Bhiwani to Karwar Headquarter at Karnataka. Aggrieved therefrom, claim petition was filed by the present appellant, attached as Annexure P1, with the writ petition. Grounds taken therein were that transfer is a punitive measure on account of activities of present appellant associated with Trade Union.

After conclusion of evidence by present appellant as well as Management, an application for leading additional evidence was filed by the appellant (Annexure P-3 with writ petition) stating that ignorance was expressed by defendant's witness qua trade union activities of the appellant during period of his service and that witness of defendant expressed ignorance regarding reason(s) for appellant's transfer, therefore to unravel the truth, Regional Manager (Sh. Samir Johar) at the relevant time was necessary to be summoned. This application was dismissed by learned Labour Court vide order dated 26.04.2019 while observing that application itself is hypothetical in nature. Moreover, both the parties after availing subsequent opportunities had concluded their evidence in affirmative. Therefore, by virtue of additional evidence workman cannot be permitted to lead fresh oral evidence.

3. Aggrieved therefrom, CWP No.13027 of 2019 was filed by appellant which was dismissed by learned Single Bench on 05.07.2019 being bereft of any merit. Present appeal has been filed challenging said order dated 05.07.2019. Learned counsel for appellant vehemently argued that at least one opportunity should be provided to examine the then Regional Manager so that truth is unraveled. It is thus prayed that this appeal be allowed and impugned order dated 05.07.2019 may be set aside and writ petition be allowed as prayed for.

4. Learned counsel for respondent-Management has opposed this appeal. Dismissal thereof is prayed for.

5. We have heard learned counsel for parties but do not find any ground whatsoever to interfere in this matter. It is a matter of record that after completion of pleadings, evidence was led by both appellant-workman as well as Management. It is after conclusion of evidence that application seeking additional evidence was filed. No ground whatsoever is made out which justifies leading of

additional evidence at this stage. It is to be noted that appellant was well aware of the facts and circumstances. It was for him to have proved his case. Therefore the argument that the then Regional Manager is necessary to be examined to show whether appellant was involved in trade union activities is clearly devoid of any merits.

6. Learned counsel for appellant is unable to point out any illegality, infirmity or perversity in impugned order which calls for interference. No other argument raised. At this stage, it is brought to our notice that reference in question which is of the year 2016, is still pending adjudication.

7. Appeal is accordingly dismissed.

8. Learned Industrial Tribunal and Labour Court, Hisar is however directed to take necessary steps for expeditious disposal of the reference in question.

(LISA GILL)
JUDGE

(SUKHVINDER KAUR)
JUDGE

05.11.2024
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Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No