



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

**CWP-25239-2022
Date of Decision : 29.10.2025**

BABU LAL

.....Petitioner

VERSUS

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CUM LABOUR
COURT AND OTHERS**

.....Respondents

CWP-25347-2022

JAWLDEEN ALIAS JABALDEEN

.....Petitioner

VERSUS

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CUM LABOUR
COURT AND OTHERS**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Deepak Sonak, Advocate,
for the petitioners.

Mr. Sushil Bhardwaj, Addl. A.G., Haryana.

KULDEEP TIWARI, J.(Oral)

1. Both the writ petitions are amenable to be decided together as a common order has put to challenge therein. For the sake of brevity the facts of the case are being culled out from CWP-25239-2022.

2. The petitioners-workman fetching grievance from an interim order dated 15.07.2022 (Annexure P-6), where through, the second application preferred by the petitioners, for summoning a witness of the

respondents-management, alongwith the record, through process of Court, was declined on the ground that on an earlier occasion a similar application of the petitioners was allowed vide order dated 19.07.2019, and consequent thereupon, one witness-Satish Kumar was summoned who stepped into the witness box as WW-2, however, no question was asked about the muster-roll by the petitioners. Further it was held that that on 20.08.2021, the learned Tribunal concerned, had directed the workman-petitioners, either to obtain certified copy of the requisite record, or to get the information through RTI. Finally, the said application was dismissed being not maintainable.

3. Learned counsel for the petitioners draws attention of this Court towards the first application, to submit that in pursuance of the summoning order issued therein, an official of the respondent-management, examined himself as workman witness (WW-2), and he brought on record the cash book from the year 1995 to 2025, however, he did not bring the attendance register believing that the workmen were the contractors. Therefore, the petitioners were compelled to file a second application, requiring the respondent-management to produce entire record, and documents regarding the petitioners' employment/service, maintained by respondent-management, which are relevant for the purpose of deciding the present case.

4. He further submits that the only endeavour of the petitioners is to establish before this Court is that, they are the workmen, and not the contractors, and the attendance register, or muster roll of the relevant period, are, therefore, necessary to establish the claim of the petitioner.

5. Learned State counsel appearing for the respondents-management, submits that the second application, itself is not maintainable.

6. He further submits that in case the respondents-management failed to produce the relevant documents, as alleged by the petitioners-workman, an adverse inference can very well be taken by the learned Tribunal concerned, at the time of final disposal, therefore, there is no necessity to interfere into the interim order, rather, it would cause delay in disposal of the claim petition preferred by the petitioners.

7. This Court has considered the submissions made learned counsel for both the parties, and also perused the interim order.

8. One of the principal dispute, arises before the learned Tribunal concerned, is, as to whether, the petitioners are workmen or contractors, as alleged by the respondents-management, and this issue can be effectively adjudicated only when the documents, as sought by the petitioners, are brought before learned Tribunal concerned.

9. Keeping in view the the Industrial Disputes Act, 1947, which is the benevolent Act, this Court is of the considered view that the learned Tribunal concerned, has taken a narrow view, while passing the impugned interim order, which requires interference. Consequently, the said order is **set aside**, and the application annexed as Annexure P-5, preferred by petitioners is allowed.

10. A direction is passed upon the learned Tribunal concerned, to summon witness of the respondents-management, for production of

records/documents, as sought by the petitioners through the aforesaid application, with an advance notice to the petitioners.

- 11. The instant petitions, stand **allowed**.
- 12. A photocopy of this order be placed on the file of the connected case.

October 29, 2025
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No