

08.06.2026
Ct. No.13
Sl. No.10
akd

M. A. T. 606 of 2025
(C. A. N. 1 of 2025)

[Alok Pakhira -Vs- The State of West Bengal & Ors.]

Mr. Ramaneesh Guha Thakurta
Ms. Senjuti Sengupta
Mr. Pulin Chandra Maity
... ... for the appellant

Mr. Basabjit Banerjee
Mr. Adityajit Abel Bose
... ... for respondent no. 3

1. The appeal is directed against judgment and order dated 24.03.2025 passed by a learned Single Bench of this court whereby and whereunder it was held at paragraphs 23 and 24 of the said order that certain paragraphs of the evidence-in-chief namely, paragraphs 4, 5, 6, 9, 10, 11, 12, 18, 19 and 20 that were held as irrelevant by the learned Tribunal in its order dated 29.10.2024 including the documents connected therewith and earlier disclosed in the pleadings, were also held irrelevant by the learned Single Bench. Admittedly, both in the application as also the evidence-in-chief, the said documents were relied upon by the appellant-workman.
2. This Court is of the view that both the learned Tribunal as well as the Single Bench committed error in holding that any portion of the evidence-in-chief and the documents referred therein are irrelevant or cannot be marked as exhibits.
3. It is open to the learned Tribunal, after hearing the arguments of both sides, to decide upon the relevancy of the said documents and exhibits particularly when deposition is available in the form of an evidence-in-chief filed by the appellant-

workman. The learned Tribunal is always free in its final order to decide as to whether the same is germane or necessary to the main reference. Such question is left open for the Tribunal to decide appropriately in accordance with law.

4. In that view of the matter, the impugned order to the extent that it holds at paragraphs 23 and 24, contrary to the above observations, shall stand set aside.

5. The learned Tribunal shall proceed to mark as exhibits the documents disclosed by the appellant-workman, if they have been duly proved in the evidence-in-chief filed by the appellant-workman. The learned Tribunal shall thereafter proceed to answer the reference uninfluenced by any observations made hereinabove and in accordance with law as well as the merits of the reference.

6. With the aforesaid observations, MAT 606 of 2025 is allowed and disposed of.

7. The impugned order of the learned Tribunal dated 29.10.2024, to the extent indicated hereinabove, shall stand set aside.

8. It is expected that the reference is disposed of by the learned Tribunal as well as the in-charge as expeditiously as possible preferably within a period of four months from the date of communication of this order.

9. All questions subject to the above including relevancy of exhibits are kept open before the Tribunal to be agitated by the parties in accordance with law.

10. In view of disposal of the appeal, the connected application being CAN 1 of 2025 also stands disposed of.

11. There shall be no order as to costs.

12. All parties shall act on a server copy of this order duly downloaded from the official *website* of this Court

(Rajasekhar Mantha, J.)

(Rai Chattopadhyay, J.)