

(2023) 03 KAR CK 0007

In the Karnataka High Court

Case No : Writ Petition No. 786 Of 2023 (L-RES)

Bata India Limited

APPELLANT

Vs

President Bata Employees Association No.813,
Maheswaramma Temple Road, Devanna Colony T. Dasarahalli
Bangalore - 560057

RESPONDENT

Date of Decision : 02-03-2023

Acts Referred:

Citation : (2023) 03 KAR CK 0007

Hon'ble Judges : Hemant Chandangoudar, J

Bench : Single Bench

Advocate : Pradeep S Sawkar, K.S. Subramanya

Final Decision : Allowed

Judgement

Hemant Chandangoudar, J

1. The order dated 11.10.2022 passed by the Industrial Tribunal, Bangalore, in Industrial Dispute No. 278/2011 rejecting I.A.VI filed by the petitioner to recall the order dated 01.09.2021 by which cross-examination of M.W.1 was taken as nil, is challenged in this writ petition.

2. Heard the learned counsel for the parties.

3. Though sufficient opportunity was provided to the petitioner to present himself for cross-examination, the petitioner without any sufficient cause has not chosen to present himself to the cross-examination. If the petitioner is not permitted to be subjected to cross-examination, he could be deprived of his right to prove his case. So as to secure ends of justice, it would be appropriate, if one more opportunity is granted to the petitioner. Accordingly, I pass the following:

ORDER

Writ petition is allowed. The impugned order dated 11.10.2022 passed by the Industrial Tribunal, Bangalore, in Industrial Dispute No. 278/2011 is hereby set

aside and consequently, I.A.No. VI is allowed.

Petitioner to be present before the Industrial Tribunal on the next date of hearing i.e., 07.03.2023 and in the event, M.W.1 does not present himself for cross-examination, Industrial Tribunal to proceed in accordance with law.

The Industrial Tribunal is requested to conclude the proceedings within three months from the next date of hearing.

Petitioner to pay a sum of Rs.10,000/- as cost to the respondent on or before the next date of hearing.