

(2001) 10 P&H CK 0104
In the Punjab And Haryana At Chandigarh
Case No : Civil Revision No. 5366 of 2001

Fashion Express, Dundahera, Gurgaon	APPELLANT
Vs	
Smt. Archana Dass	RESPONDENT

Date of Decision : 08-10-2001

Acts Referred:

Citation : (2002) 1 CivCC 586 : (2002) 1 RCR(Civil) 780

Hon'ble Judges : Bakhshish Kaur, J

Bench : Single Bench

Advocate : R.A. Yadav, for the Appellant;

Final Decision : Allowed

Judgement

Bakhshish Kaur, J.—Challenge in this revision is "to the impugned order whereby the application of the petitioner for leading additional evidence was dismissed by the Presiding Officer, Labour Court on May 09, 2001.

2. I have heard Mr. R.A. Yadav, learned counsel for the petitioner.

3. The reference before the Court is pending since 1994. Since the parties were at variance in respect of the issues involved therein, therefore, the learned Presiding Officer had framed issues on February 2, 1995. The management had closed the evidence on 23rd November, 1995. The respondent after appearing as her own witness had closed evidence on March 27, 1997. The case is pending before the Court for arguments.

4. A bare perusal of the order would reveal that the respondent had challenged the validity of the order whereby her services were terminated by the management. According to the management, it was workman who had submitted her resignation. Since the respondent had denied her signatures on the resignation letter, therefore, necessity has arisen to get the disputed signatures compared with the admitted one and for that purpose, the management seeks to lead additional evidence.

5. It is well-settled that additional evidence can only be allowed where the evidence sought to be led was either not in the knowledge of the party or with due diligence he could not lay hands on that piece of evidence. But in the case in hand, the resignation letter was certainly in the possession of the management. The management cannot be allowed to say that it was not in its knowledge and therefore, it may be allowed to lead additional evidence to prove her signatures on the disputed letters.

6. In view of the aforesaid, there is no merit in this revision petition. The same is hereby dismissed.

7. Before parting with this order, it is pertinent to observe that the parties had closed their evidence in the year 1997 and since then the case is pending for arguments. Arguments have not been heard till today. The learned Presiding Officer is taking the matter leisurely and in a very casual manner. No effort has been made to dispose of the reference.

8. It is well-settled that speedy trial is one of the facets of the fundamental right to life and liberty enshrined in Article 21 of the Constitution..... and the law must ensure reasonable, just and fair procedure which has a creative connotation. In *Chander Bhan v. State of Haryana* 1996 (1) RCR 125 (P&H) , it has been observed that

"The right to speedy and expeditious trial is one of the most valuable and cherished rights guaranteed under the Constitution. Fundamental rights were not a teasing illusion to be mocked at. They were meant to be enforced and made a reality."

9. In the given case in hand, there is no justification for keeping the matter pending for indefinite period, especially when the parties have already closed their evidence about four years ago.

10. The Presiding Officer, Labour Court, is therefore, directed to dispose of the case within two months from the date of receipt of a copy of this order.