

(2009) 02 DEL CK 0219
In the Delhi High Court
Case No : Writ Petition (C) 7401 of 2008

Raju Sharma

APPELLANT

Vs

Sayona Printers

RESPONDENT

Date of Decision : 04-02-2009

Acts Referred:

Constitution of India, 1950 — Article 226, 227

Citation : (2009) 02 DEL CK 0219

Hon'ble Judges : Kailash Gambhir, J

Bench : Single Bench

Advocate : S. Shahi, for the Appellant; Suresh Kumar, for the Respondent

Judgement

Kailash Gambhir, J.—By way of the present petition filed under Article 226 and 227 of the Constitution of India, the petitioner seeks to challenge the impugned order dated 18.7.2008 and 20.8.2008 passed by the Presiding Officer, Labour Court-V.

2. The order dated 18.7.2008 is assailed on the ground that the petitioner was denied to place on record 36 original letters which were received by the petitioner during the course of employment with the respondent management. The order dated 20.8.2008 is assailed on the ground that the petitioner's evidence was closed by the Labour Court.

3. Counsel for the petitioner submits that the petitioner had already placed on record photocopies of 31 letters which were duly exhibited as Exhibits WW1/1 to WW1/31 but due to inadvertence on the part of the petitioner the petitioner could not place on record all the originals of 31 letters and five additional letters. The contention of the Counsel for the petitioner is that to establish the relationship of employee and employer the said letters are of vital importance to be proved by the petitioner workman and therefore, looking into the nature of dispute between the parties, it is imperative for the petitioner to prove those letters. Counsel for the petitioner thus prays that another opportunity may be

afforded to the petitioner to place on record the original letters, and for proving the same.

4. Counsel for the respondent opposing the present petition states that already 31 letters filed by the petitioner workman were exhibited on which the petitioner was also cross-examined and without giving any sufficient explanation the petitioner at a belated stage wanted to place on record 36 original letters which were rightly disallowed by the Labour Court. Counsel thus states that there is no infirmity in the order passed by the Labour Court.

5. I have heard Learned Counsel for the parties and perused the record.

6. It is not in dispute that the petitioner has already filed photo copies of 31 letters with a view to prove that the petitioner was in continuous employment of the respondent and for establishing his relationship of employee and employer with the respondent management. In addition to those documents the petitioner now wants to place on record five more letters to strengthen his case. Since already number of letters were placed on record by the petitioner, therefore, I am of the view that no prejudice would be caused to the rights of the respondent management if the petitioner is allowed to place five more letters in this regard and the original letters in respect of which the petitioner has already filed photo copies. Since the petitioner had moved such an application so as to place those documents on record at quite a belated stage, therefore, the said delay can be compensated by imposing costs of Rs. 3,000/- on the petitioner for not filing the said documents at the initial stage. The costs of Rs. 3,000/- shall be paid by the petitioner workman to the authorized representative of the management representing before the trial court.

7. Let the petitioner place on record all the 36 original letters. Fresh opportunity shall be granted to the petitioner to prove five letters, photo copy of which were not placed by the petitioner along with other 31 letters.

8. It is made clear that the petitioner shall be entitled to prove the said letters alone in the evidence with right to cross-examination by the respondent management.

9. With these directions, the petition stands disposed of.

10. The parties are directed to appear before the Labour Court on 25.2.2009.