

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

356

CR No.1394 of 2022

Date of Decision : 28.07.2022

Satpal

....Petitioner

VERSUS

Divisional Forest Officer, Sonapat Division, Sonapat

....Respondent

356-1

CR No.1397 of 2022

Kamlesh

....Petitioner

VERSUS

Divisional Forest Officer, Sonapat Division, Sonapat

....Respondent

356-2

CR No.1403 of 2022

Saroj @ Firdosh

....Petitioner

VERSUS

Divisional Forest Officer, Sonapat Division, Sonapat

....Respondent

356-3

CR No.1405 of 2022

Anil Kumar

....Petitioner

VERSUS

Divisional Forest Officer, Sonapat Division, Sonapat

....Respondent

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ramesh Goyat, Advocate
for the petitioners in all the petitions.

Mr. Satish Singla, AAG Haryana.

ALKA SARIN, J. (Oral)

By this common order, the above-captioned revision petitions are being disposed off.

The present revision petitions have been filed under Article 227 of the Constitution of India for setting aside the orders dated 23.02.2022

(Annexures P-4 and P-5) whereby evidence of the petitioners has been closed by order and order dated 23.02.2022 whereby the application filed by the petitioners for summoning the official witnesses has been dismissed and further for setting aside the order dated 05.04.2022 (Annexure P-8) passed by the Labour Court, Panipat vide which the application dated 16.03.2022 (Annexure P-6) for recalling the orders dated 23.02.2022 has been dismissed.

Learned counsel for the petitioners would contend that the petitioners in the present case are *Mali/Beldar*, who were appointed by the respondent-Management in the year 2000. They worked continuously upto 31.07.2018. However, their services were terminated on 01.08.2018. It is further the contention of learned counsel for the petitioners that services of the petitioners have been terminated in an arbitrary and illegal manner after they had worked for a period of more than 19 years. Learned counsel for the petitioners would further contend that the petitioners have no record with them and moved an application for production of the service record as well as the seniority list of daily wagers maintained by the respondent-Management. However, without considering the said application, the evidence of the petitioners was directed to be closed vide order dated 23.02.2022. Learned counsel for the petitioners would further contend that the petitioners would lead their evidence if one opportunity is granted to them and that their application for summoning the official witnesses along with the record be considered on merits.

Per contra, learned State counsel vehemently contended that despite numerous opportunities the petitioners did not lead their evidence. It is further the contention that the order closing the evidence of the petitioners was passed on 23.02.2022 and the present petition was filed in April, 2022.

I have heard learned counsel for the parties.

In the present case the petitioners, who are *Mali/Beldar*, had filed an application on 09.02.2022 for summoning the official witnesses along with the record. However, without considering the said application the evidence of the petitioners was closed vide order dated 23.02.2022. Thereafter, the application for summoning the official witnesses was also dismissed as having been rendered infructuous on the same very day vide a separate order dated 23.02.2022. An application was thereafter moved by the petitioners for recall of the orders dated 23.02.2022. However, the said application was also dismissed vide the impugned order dated 05.04.2022.

The petitioners, who are *Mali/Beldar*, had been working as daily wagers and have alleged that they have no record *qua* their service and are unable to lead any evidence in the absence of the record being produced by the respondent-Management. Though the application for summoning of the official witnesses was filed on 09.02.2022, however, without considering the same the order closing the evidence of the petitioners was passed on 23.02.2022. The petitioners, who are daily wagers and litigating for their rights, would suffer irreparable loss and injury in case they are not allowed to lead their evidence.

In view of the above and to do the complete justice between the parties, the impugned orders are set aside. The petitioners shall be granted one opportunity to lead their evidence. The Court, before granting them an opportunity to lead their evidence, shall consider the application filed by them for summoning of the official witnesses along with the record in accordance with the law.

The revision petitions stand disposed off in the above terms. Pending applications, if any, also stand disposed off.

28.07.2022
jk

(ALKA SARIN)
JUDGE

NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO