

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

**Reserved on: May 08, 2025**  
**Pronounced on: May 12, 2025**

**CR No.2392-2025****Maruti Suzuki India Ltd.****. . . . Petitioner**

Vs.

**Ram Niwas****. . . . RESPONDENT**

\* \* \* \*

**CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

**Argued By:-** Mr. Ashish Chopra, Sr. Advocate with  
Mr. Gursher Bhandal and Mr. Mehtab Bhatti, Advocates  
for the petitioner.

Mr. Tejasvi Sheokand, Advocate for the respondent.

**DEEPAK GUPTA, J.**

Reference No.208 of 2016 is pending for adjudication before learned Presiding Officer, Industrial Tribunal-cum-Labour Court-II, Gurugram. Petitioner herein is the applicant/management; whereas respondent – Ram Niwas herein is the claimant before the Tribunal. Petitioner is aggrieved by an order dated 15.04.2025 (*Annexure P-9*) passed by the Tribunal, whereby an application for seeking permission to lead additional evidence has been dismissed.

2.1 As per case of the petitioner, respondent was appointed as an Apprentice in the year 2005 in the petitioner - company, engaged in the business of manufacturing automobiles, with one of its plant at Manesar - Gurugram. Respondent was working as Foreman thereat, when his services were terminated on 16.08.2012.

2.2 Giving the background facts, it is submitted by the petitioner that due to suspending of a workman - Jiya Lal from service on 18.07.2012,

the Trade Union intervened, adopted pressure tactics and used coercive methods. A large mob consisting of 1000 workmen assembled at the gate, blocked the entrance to the administrative block, brutally attacked and caused grievous injuries to the staff of the company. The administrative block was put to fire by the workmen, which spread all over and one of the senior office bearers was burnt to death, whereas various others were brutally injured. It is alleged that respondent was one of such workmen and after making all the necessary statutory compliances, his services were terminated vide speaking order dated 16.08.2012.

2.3 Respondent served a demand notice dated 24.06.2015 under Section 2A of the Industrial Disputes Act, 1947. The conciliation process initiated by the said respondent-workman was beyond limitation and as such, the matter was referred to Labour Court at Gurugram. As per the own case of the petitioner, respondent-workman submitted his claim statement on 24.10.2016. Interim relief sought by him was declined vide order dated 20.02.2018 (*Annexure P-2*), against which he approached this High court by filing CWP No.12449 of 2018. Said CWP was disposed of by this Court on 17.07.2018 vide *Annexure P-3* by giving directions to learned Tribunal to decide the main reference expeditiously and preferably within a period of 06 months from the date of receipt of the certified copy of the order. Issues were framed by the Labour Court, Gurugram on 06.09.2018 and workman-respondent closed his evidence on 29.07.2019. The petitioner-company concluded its evidence on 08.10.2021 and the matter remained pending for arguments, when petitioner moved an application dated 20.03.2023 seeking permission to lead additional evidence in the shape of videos, documents/letters and cross-examination of the respondent-workman in another matter, wherein he had admitted his involvement in the nefarious activities, which was subject matter of adjudication before the Labour Court, in order to enable the Court to pronounce the judgment on the issues involved. However, the said application has been rejected by the learned Tribunal by way of impugned order.

3. Assailing the aforesaid order, it is contended by learned senior counsel for the petitioner that additional evidence sought to be produced is very crucial so as to enable the Court to pronounce the judgment, inasmuch as similarly situated workmen, more than 350 in number, have filed similar cases and so the present case will have direct bearing on the said bunch of cases. It is further submitted that cross-examination of the respondent in other case was conducted on 30.11.2022, whereas the photographs/videos had come to be known at a later stage. Learned senior counsel has relied upon **"Levaku Pedda Reddamma & Ors. v. Gottumukkala Venkata Subbamma & Anr."(Civil Appeal No.4096 of 2022 arising out of SLP (C) No.7452/2022, decided on 17.05.2022)**, wherein it was observed by Hon'ble Supreme Court that to deprive a party to the suit not to file documents even if there is some delay will lead to denial of justice and that trial Court should have imposed some costs rather than to decline the production of documents itself, as rules of procedure are hand-maid of justice. Learned senior counsel submits that the said citation was also referred by this Court in **"Rishi Ram Aggarwal v. Sushil Gupta" CR No.5795 of 2022**, decided on 09.12.2022. Learned senior counsel submits that in these circumstances, the petitioner-company may be burdened with some costs, but should be permitted to lead additional evidence.

4.1 Refuting the aforesaid contentions, learned counsel for the respondent submits that this Court had directed the Tribunal to dispose of the matter expeditiously preferably within 06 months vide an order dated 17.07.2018. Extensions were later on granted from time to time and that vide order dated 09.04.2025 (*Annexure P-8*), this Court has directed the concerned Tribunal to complete the proceedings up to 30.06.2025 making it clear that no further extension shall be granted. Learned counsel further points out that though the petitioner-company had closed its evidence on 08.10.2021, but it did not produce the documents, now sought to be adduced at the time of leading its evidence and still further, it remained silent in moving such application prior to 30.03.2023. It is urged that sole objective in moving the application is to delay the proceedings.

4.2 Learned counsel for the respondent submits that in these facts and circumstances, the application for additional evidence has been rightly declined. Learned counsel has relied upon "***Shambhu Nath Goyal v. Bank of Baroda and others***", (1983) 4 Supreme Court Cases 491, and "***Karnataka State Road Transport Corpn. v. Lakhmidevamma (Smt.) and another***"(2001) 5 Supreme Court Cases 433. With these submissions, prayer is made for dismissal of the petition.

5. This Court has considered submissions of both the sides and have appraised the record carefully.

6. Before considering the contentions, it will be apt to reproduce the relevant observations as made by the Tribunal, which read as under:-

"5. The entire application has been carefully perused and the application deserves to be dismissed at the outset on account of fact that, the application is vague, obscure and does not mention exactly what documents, the applicant/management wants to place on file. There is a mention of some 'videography' and 'letters' allegedly showing involvement of the claimant in some provisional committee, in which allegedly claimant is involved after the present dispute arose. It was incumbent upon the applicant to specifically mention in detail as to which documentary evidence, he wants to lead. Further, applicant ought to have mentioned the details of civil suit from which, he wants to place on file certain cross-examination, but the same has not been mentioned, disentitling the applicant to any relief.

6. Moreover, the applicant has not placed on file copy of additional evidence, which he wanted to rely, depriving the claimant to file the proper reply and to prepare his defence to the said application. Today, during the course of arguments, the documents, which the applicant wants to place on file, were put before this Court, but this is not the correct stage to do so. Even if for the sake of arguments, this fact is ignored that applicant did not place on file the documents, still no relief can be granted to him because these documents pertain to date 28.08.2019. The management's evidence in this matter continued till 08.10.2021 and the evidence was closed on

08.10.2021, meaning thereby that, applicant had sufficient time to procure these documents and place them on file but the applicant purposely withheld these documents and moved the said application *two years* after management's evidence was closed, which cannot be permitted. Further, it is not the case of the applicant that, the documents were not within its knowledge because the applicant/management in this reference was *itself the plaintiff* in civil suit No. 638/2017, so, these documents were well within the knowledge of present applicant and these documents were exhibited on 28.08.2019 by *applicant/management itself* in civil suit No. 638/2017 and moving of this application two years after evidence of applicant was closed, has not been justified.

7. Further the present dispute is a reference made by learned Labour Commissioner, Haryana, Chandigarh and the reference made by Labour Commissioner is restricted to, '*whether the termination of Ram Niwas was illegal or not*'. The date of termination of claimant is July 2012 and it has not been satisfactorily answered by the applicant as to how any alleged conduct of the claimant, after the dispute arose way back in the year 2012, will be helpful in proper and just adjudication of this reference. The relief sought by the applicant through this application will in no more manner assist in deciding the real dispute between the parties. It is most relevant to mention here that, Hon'ble Punjab and Haryana High Court has been pleased to direct this Court to decide this case on or before 30.06.2025. No account of delay tactics can be permitted and this Court as well as parties are bound to comply with the directions of Hon'ble Punjab and Haryana High Court."

7. The above observations made by the Tribunal in the impugned order make it clear that application for additional evidence has been dismissed being vague and lacking specific details about the documents the applicant/management wants to submit. Despite references to videography and letters, no concrete evidence or details were provided. The applicant also failed to disclose the relevant civil suit or file copies of the documents in question, depriving the claimant of a chance to respond. The documents were only shown during arguments and date back to August 2019, though the management's evidence was closed in October 2021. Since the applicant

was already aware of these documents, withholding them and filing the application two years later is unjustified. Moreover, the dispute concerns the legality of respondent Ram Niwas's termination in July 2012, making any evidence post-dating the dispute, irrelevant. The Tribunal being under this High Court's directive to decide the case by 30.06.2025, did not entertain such delay tactics.

8. Further, from the facts as disclosed by the petitioner itself, it is clear that after closure of the evidence by the workmen on 29.07.2019, the petitioner had concluded its evidence on 08.10.2021. No plausible explanation has been given for not producing the proposed additional evidence, at the time of its evidence before the Tribunal. Though, learned counsel submits that cross-examination of the respondent in a connected matter was concluded on 30.11.2022, but it is not disputed that that *lis* was also between the same parties. Simply because statement has been made by the respondent in some other litigation later on, cannot itself be a reason to allow the petitioner to place on record that statement in the additional evidence. Petitioner had already closed its evidence on 08.10.2021 and no reason is explained for not moving the application for additional evidence prior to 20.03.2023.

9. It is no doubt true that in ***Levaku Pedda Reddamma's case (supra)***, the Hon'ble Supreme Court took the view that a party should not be deprived to place on record some documents even if there is some delay, but the Court is required to look into the facts and circumstances of each case.

10. In ***Shambhu Nath Goyal's case (supra)***, it has been held by Hon'ble Supreme Court :-

*"16. We think that the application of the management to seek the permission of the Labour Court or Industrial Tribunal for availing the right to adduce further evidence to substantiate the charge or charges framed against the workman referred to in the above passage in the application which may be filed by the management during the pendency of its application made before the Labour Court or Industrial Tribunal seeking its*

*permission under s. 33 of the [Industrial Disputes Act, 1947](#) to take a certain action or grant approval of the action taken by it. The management is made aware of the workman's contention regarding the defeat in the domestic enquiry by the written statement of defence filed by him in the application filed by the management under [s.33](#) of the Act. Then, if the management chooses to exercise its right it must make up its mind at the earliest stage and file the application for that purpose without any unreasonable delay. But when the question arises in a reference under Section 10 of the Act after the workman had been punished pursuant to a finding of guilt recorded against him in the domestic enquiry there is no question of the management filing any application for permission to lead further evidence in support of the charge or charges framed against the workman, for the defect in the domestic enquiry is pointed out by the workman in his written claim statement filed in the Labour Court or Industrial Tribunal after the reference had been received and the management has the opportunity to look into that statement before it files its written statement of defence in the enquiry before the Labour Court or Industrial Tribunal and could make the request for the opportunity in the written statement itself. If it does not choose to do so at that stage it cannot be allowed to do it at any later stage of the proceedings by filing any application for the purpose which may result in delay which may lead to wrecking the morale of the workman and compel him to surrender which he may not otherwise do."*

11. Later, in ***Karnataka State Road Transport Corpn. v. Lakhmidevamma (supra)***, a 5 judges bench of the Hon'ble Supreme Court considered the question about the appropriate stage for the exercise of right of employer to lead evidence in proceedings under Sections 18 and 33(2)(b) against termination of service. The two Hon'ble Judges (Justice S.P. Bharucha and Justice N. Santosh Hegde) held that decision in ***Shambhu Nath Goyal's case (supra)*** that such right must be exercised when he files his statement of claim or makes an application for permission to take certain action or for approval of the action taken by him, is just and fair and does not conflict with the decision in ***Rajendra Jha case, 1984 Supp SCC 520***. It was also held that the doctrine of *stare decisis* also requires the long standing decision in ***Shambhu Nath Goyal's case*** needed to be approved and as such, the

application for seeking permission made after domestic enquiry, was found to be vitiated and held to be rightly rejected. The other two Hon'ble judges (Justice V N Khare and Justice Shivaraj V Patil) concurred with this view, though held that said position does not derogate from the powers of the Court/Industrial Tribunal to require or direct the parties to lead additional evidence at any stage before closure of the proceedings, if on facts and circumstances, it is deemed just and necessary in the interest of justice. One of the Hon'ble Judge (Justice Y.K. Sabharwal) dissented and held that employer's request to lead additional evidence, if made before closure of the proceedings must be examined on merits and can be allowed at the discretion of the Labour Court/Tribunal.

12. Thus, even if the dissenting view as taken in ***Karnataka State Road Transport Corpn's case (supra)***, as has been pointed out by learned senior counsel for the petitioner, is taken into consideration, it is clear that the request of the employer to lead additional evidence should be examined on merits and can be allowed at the discretion of the Labour Court/Tribunal.

13. In this case, having noticed all the facts and circumstances, inasmuch as petitioner did not lead the evidence at appropriate stage and then kept long silence before moving the application for additional evidence and then did not exactly disclose the nature of proposed additional evidence and also considering the fact that the matter is lingering on before the Tribunal for the last approximately 09 years, this Court is of the view that no illegality or perversity has been committed by the Tribunal by passing the impugned order, declining the application of the petitioner for seeking permission to lead additional evidence. As such, holding the present revision to be devoid of any merit, the same is hereby dismissed.

**May 12, 2025**  
*Sarita*

**(DEEPAK GUPTA)**  
**JUDGE**

Whether speaking/reasoned?	Yes
Whether reportable?	Yes