

GAHC010210332025



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THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : WA/373/2025

GEETARTHA PATHAK
EX. ASSTT. EDITOR ASSAM BANI SINCE TERMINATED, UNIT 5, MIG B 3,
HENGRABARI HOUSING COLONY, GHY 6, DIST. KAMRUP (M), ASSAM.

VERSUS

THE STATE OF ASSAM AND ANR
REPRESENTED BY THE ASSTT. COMMISSIONER CUM CONCILIATION CUM
CONCILIATION OFFICER, KAMRUP (M), DEPTT OF LABOUR, GOVT. OF
ASSAM, GUWAHATI, NEAR GURU NANAK SCHOOL, SARAB BHATTI,
GUWAHATI.

2:THE MANAGEMENT OF ASSAM BANI AND ASSAM TRIBUNE GROUP
REP. BY MANAGING DIRECTOR OF THE ASSAM BANI ASSAM TRIBUNE
GROUP AND NEWS PAPERS TRIBUNE BUILDING
GHY 3
DIST. KAMRUP (M)
ASSAM

For the appellants : Mr. P.K. Roy, Sr. Advocate
Mr. S.K. Chakraborty, Advocate

For the respondents : Ms. S. Sarma,
Govt. Advocate, Assam

– B E F O R E –

HON'BLE THE CHIEF JUSTICE MR. ASHUTOSH KUMAR
HON'BLE MR. JUSTICE ARUN DEV CHOUDHURY

04-02-2026

(Ashutosh Kumar, C.J.)

We have heard Mr. P.K. Roy, learned Senior Advocate for the appellant.

The question in this appeal is whether the Labour Court was justified in permitting the Management (respondent No.2) to lead fresh evidence after the appellant/workman had adduced his evidence, without the Management having sought leave to do so in the written statement and which decision of the Labour Court has been affirmed by the learned Single Judge vide judgment dated 12.08.2025 passed in WP(C) 4615/2016.

It appears from impugned judgment that the learned Single Judge has relied primarily on the concurring separate opinion in ***Karnataka State Road Transport Corporation vs. Smt. Lakshmidamma & Anr. (2001) 5 SCC 433.***

Mr. Roy, learned Senior Advocate submits that the learned Single Judge fell in error in relying upon a paragraph in the concurring opinion instead of going by the binding ratio of the judgment. He relies on the judgment in ***Shambhu Nath Goyal vs. Bank of Baroda & Ors. (1983) 4 SCC 491*** and ***Karnataka State Road Transport Corporation*** (supra) to support his case.

In **Karnataka State Road Transport Corporation** (supra), a two Judges Bench had noted a perceived conflict between the judgments in **Shambhu Nath Goyal** (supra) and in **Rajendra Jha vs. Presiding Officer, Labour Court, 1984 Suppl. SCC 520** on the issue of the stage at which a Management could seek to lead evidence before a Labour Court or Industrial Tribunal to justify its action when a domestic enquiry is found defective or non-existent. The issue, therefore, was referred to a larger Bench on account of this divergence of the authority as to the timing and procedural pre-requisites for the Management to adduce evidence to justify its action under the Industrial Disputes Act, 1947 (hereinafter to be referred as 'Act, 1947').

In **Shambhu Nath Goyal** (supra), the Supreme Court had held that the rights which the employer has in law to adduce additional evidence must be availed of by making a proper request at the time when it files its written statement. This procedural requirement is rooted in the scheme of the Industrial adjudication under the Act, 1947 and is intended to prevent tactical or belated applications that may prolong the proceedings and ultimately severely prejudice the workman.

The larger Bench in **Karnataka State Road Transport Corporation** held that such observation and directions in **Shambhu Nath Goyal** (supra) ought not to be interfered with for it has survived the test of time and is also just and fair.

Though it may not be a statutory right but a procedural requirement which has the sanction of the principles of law, which has been judicially evolved to serve the twin objects of fairness and

expeditious disposal of cases as well.

The concurring separate opinion in ***Karnataka State Road Transport Corporation*** (supra) does emphasise the discretionary powers of the Labour Court to permit evidence at later stages where justice so demands but such observation cannot be treated as the binding ratio of the Constitution Bench judgment.

We also say so for the reason that the separate opinion in the concurring judgment cannot be divorced from the certainty of law and the decided principles of Industrial adjudication, which the majority opinion has preserved.

A perusal of the records of this case indicates that Management had not sought leave to adduce evidence in the written statement at the earliest available opportunity and that the appellant had completed his evidence without knowing that the Management/respondent No.2 intended to seek leave later, thereby causing severe prejudice.

This procedural regime has been affirmed in ***Uttar Pradesh State Road Transport Corporation vs. Gajadhar Nath, (2022) 3 SCC 190***.

Let notice be issued to the respondents.

Notice to respondent No.1 is accepted by Ms. S. Sarma, learned Junior Government Advocate, Assam.

Notice to respondent No.2/Management shall be issued on steps being taken by the appellant within a period of two weeks from today by both modes, i.e. by speed post as well as by usual process, returnable on **20.03.2026**.

On furnishing of necessary requisites, a form of notice shall also be handed over to the counsel for the appellant for it to be served *dasti* on respondent No.2, whereafter the certificate regarding service of *dasti* notice would be filed in the Registry.

Let this matter come up for consideration on **20.03.2026**.

Till such time, the Labour Court shall not proceed with the matter.

JUDGE

CHIEF JUSTICE

Comparing Assistant