



IN THE HIGH COURT OF ORISSA AT CUTTACK

W.P.(C) No.5721 OF 2026

(An application under Articles 226 and 227 of the Constitution of India)

Chennai Radha Engineering Works

(P) Ltd., Chennai

..... ***Petitioner***

-Versus-

1. Kumar Preetam Maharana

2. The Management of M/s. Vedanta

Aluminium Ltd., Jharsuguda

..... ***Opp. Parties***

Advocates appeared:

For Petitioner : Mr. Deepak Kumar Pani, Advocate

For Opp. Party No.1 : Prasanta Kumar Satapathy, Advocate

For Opp. Party No.2 : None

CORAM:

MR. JUSTICE K.R. MOHAPATRA

& MR. JUSTICE SANJAY KUMAR MISHRA

Heard and disposed of on 27.02.2026

JUDGMENT

By the Bench;

1. This matter is taken up through hybrid mode.
2. Order dated 5th February, 2026 (Annexure-6) passed by the learned Labour Court, Sambalpur in I.D. Case No.1 of 2023 is under challenge in this writ petition, whereby an application filed by the Petitioner to examine one Sri Saroj Das as M.W. No.4 on behalf of the Petitioner-Management No.1 has been rejected.



3. Mr. Pani, learned counsel for the Petitioner submits that the Petitioner is the 1st Party Management No.1 in I.D. Case No.1 of 2023 before the learned Presiding Officer, Labour Court, Sambalpur. Ext.21 (Annexure-4) has been admitted into evidence on behalf of the Workman-Opposite Party No.1 without any objection. However, there is no pleading with regard to Ext.21 in the petition under Section 2-A(2) of the Industrial Disputes Act, 1947 (for brevity 'the Act'). At the time of argument, the Petitioner-Management No.1 filed an application to recall the Workman for further cross-examination, which was allowed and the Workman-Opposite Party No.1 was further cross-examined on recall on 11th December, 2025. Thereafter, the Petitioner filed an application to allow the Petitioner-Management No.1 to examine one Sri Saroj Das as M.W. No.4, who allegedly issued Ext.21 on its behalf.

4. It is submitted by Mr. Pani, learned counsel for the Petitioner-Management No.1 that during further cross-examination on recall, the Workman-Opposite Party No.1 categorically deposed that said Sri Saroj Das had issued Ext.21 (Annexure4). The said document is a fabricated one and has been created to suit the case of the Workman in the application filed under Section 2-A(2) of the Act. The petition for examination of Sri Saroj Das, as a witness on behalf of the 1st Party Management No.1, has been rejected vide order dated 5th February, 2026 (Annexure 6). Learned Presiding Officer, while rejecting the application, opined that there was no pleading of the Management No.1 about the fraud and manufacturing of



Ext.21. On the basis of such finding, the petition to examine said Sri Saroj Das as M.W. 4 was rejected. Assailing the said order under Annexure-6, the writ petition has been filed.

5. Mr. Pani, learned counsel for the Petitioner further submits that foundation of pleading with regard to Ext.21 was not available in the petition filed under Section 2-A(2) of the Act by the Workman-Opposite Party No.1. Since the Opposite Party No.1, during further cross-examination on recall by the Management No.1, categorically stated that Sri Saroj Das had issued such letter, it was expedient for the Management No.1 to file an application to examine the said Sri Saroj Das as a witness on its behalf. However, learned Presiding Officer, without realising the same, rejected the application.

6. Mr. Pani, learned counsel for the Petitioner, to substantiate his submission, also relied upon para-10 of the case law in ***Bhagwati Prasad Vrs. Chandramaul***, reported in (1966) 2 SCR 286 : AIR 1966 SC 735, which is quoted hereunder:

“10. But in considering the application of this doctrine to the facts of the present case, it is necessary to bear in mind the other principle that considerations of form cannot over-ride the legitimate considerations of substance. If a plea is not specifically made and yet it is covered by an issue by implication, and the parties knew that the said plea was involved in the trial, then the mere fact that the plea was not expressly taken in the pleadings would not necessarily disentitle a party from relying upon it if it is satisfactorily proved by evidence. The general rule no doubt is that the relief should be founded on pleadings made by the parties. But where the substantial matters relating to the title of both



parties to the suit are touched, though indirectly or even obscurely, in the issues, and evidence has been led about them, then the argument that a particular matter was not expressly taken in the pleadings would be purely formal and technical and cannot succeed in every case. What the Court has to consider in dealing with such an objection is : did the parties know that the matter in question was involved in the trial, and did they lead evidence about it? If it appears that the parties did not know that the matter was in issue at the trial and one of them has had no opportunity to lead evidence in respect of it, that undoubtedly would be a different matter. To allow one party to rely upon a matter in respect of which the other party did not lead evidence and has had no opportunity to lead evidence, would introduce considerations of prejudice, and in doing justice to one party, the Court cannot do injustice to another.”

7. He, therefore, submits that when a document is marked by the adversary without any pleading, the Petitioner should have been given an opportunity to adduce rebuttal evidence against the same. Thus, the impugned order has seriously prejudiced the case of the Petitioner. Hence, the same is liable to be set aside and the Petitioner be permitted to examine Sri Saroj Das as a witness on its behalf.

8. Per contra, Mr. Satapathy, learned counsel for the Workman-Opposite Party No.1 vehemently objects to the prayer made in the writ petition and submits that several documents at the instance of the Workman-Opposite Party No.1 was admitted in evidence. Some of the documents were also marked with objections. But, Ext.21 was marked without any objection by the Management. The learned Presiding Officer had given ample



opportunity to the Petitioner-Management No.1 by recalling the Workman-Opposite Party No.1 to be cross-examined further on Ext.21. Detailed cross-examination on Ext.21 has been made. Beforehand, the Workman was cross-examined on three occasions, i.e., on 6th September, 2024, 4th October, 2024 and 1st November, 2024. At the time of argument, an application to recall the Workman to be further cross-examined was filed and the same was allowed. Accordingly, the Workman was further cross-examined on recall on 11th December, 2025. Thus, it cannot be said that the Petitioner-Management No.1 had no opportunity to adduce rebuttal evidence, more particularly on Ext.21. The Petitioner-Management No.1 alleges that the document, i.e., Ext.21, has been manufactured by practicing fraud. A plea with regard to fraud has to be specifically pleaded. Since, there is no pleading in the written statement of the Petitioner-Management No.1 with regard to fraud *qua* Ext. 21, learned Labour Court has rightly rejected the application filed by the Petitioner to examine Sri Saroj Das as a witness on its behalf. He, therefore, submits that the impugned order under Annexure-6 warrants no interference and the writ petition, being devoid of any merit, should be dismissed. He further submits that a direction be given to learned Presiding Officer, Labour Court, Sambalpur to dispose of I.A. Case No.1 of 2023 at an early date.

9. In reply, Mr. Pani, learned counsel for the Petitioner-Management No.1 submits that there was no occasion on the part of the Petitioner-Management No.1 to plead about Ext.21.



Reiterating his submission, Mr. Pani, learned counsel further submits that there is no pleading in the petition under Section 2-A(2) of the Act with regard to Ext.21. Thus, the points urged by Mr. Satapathy, learned counsel for the Workman-Opposite Party No.1 is not sustainable.

10. This Court heard learned counsel for the parties and perused the documents available on record as well as the impugned order including Annexure-4, i.e., Ext.21.

11. On perusal of the case record, it appears that the Workman exhibited as many as 22 documents. Some of the documents were marked with objection. But, the Petitioner-Management No.1 preferred not to object to the admission of Ext.21 at the time when it was exhibited through W.W. No.1. It further appears from the record that though the Petitioner-Management No.1 had cross-examined the Workman-Opposite Party No.1 on three occasions, i.e., on 6th September, 2024, 4th October, 2024 and 1st November, 2024 and thereafter adduced evidence by examining three witnesses as M.Ws. No.1 to 3, but no reference to Ext. 21 was made. However, at the time of argument of the I.D. case, an application was filed to recall the Workman-Opposite Party No.1, who deposed as W.W. No.1 for his further cross-examination, more particularly, on Ext.21. The said application being allowed, the Petitioner-Management No.1 further cross-examined the Workman (W.W. No.1) on recall on 11th December, 2025. Thus, it is apparent that the Petitioner-Management No.1 had ample opportunity to adduce rebuttal evidence against Ext.21. There cannot be any quarrel over the



ratio in the case of ***Bhagwati Prasad*** (*supra*). But, we are of the view that the ratio decided therein is of no assistance to the Petitioner-Management No.1 in the instant case in the facts and circumstances stated above.

12. A fraud has been alleged by the Petitioner-Management No.1 in the petition to examine Sri Saroj Das as a witness. A plea of fraud at a belated stage should not be allowed to be taken. Law is well-settled that the allegation of fraud has to be specifically pleaded and proved. The plea taken by the Petitioner to the effect that he had no occasion to plead fraud with regard to Ext.21 is also not acceptable inasmuch as after Ext.21 was admitted in evidence without objection and thereafter the Petitioner had examined three more witnesses on its behalf. But, for the reasons best known, no evidence with regard to allegation of fraud was adduced. It is also not out of context to mention here that the W.W. No.1 disclosed the name of Sri Saroj Das on being asked by the Petitioner-Management No.1. Thus, allegation of fraud made at a belated stage in a petition to examine Sri Saroj Das as a witness has rightly been rejected by learned Labour Court, Sambalpur. In addition to it, Ext.21 was marked without objection.

13. In view of the above, we are of the considered view that such an application was filed only to drag the litigation. As such, attempt of such nature should not be allowed, as has been rightly dealt with by the learned Presiding Officer, Labour Court, Sambalpur.



14. In view of the discussions made above, the writ petition merits no consideration and is, accordingly, dismissed.

15. It is expected that the learned Presiding Officer, Sambalpur shall proceed to dispose of I.D. Case No.01 of 2023 expeditiously after hearing the arguments of learned counsel for the parties.

Urgent certified copy of this judgment be granted on proper application.

(K.R. Mohapatra)
Judge

(S.K. Mishra)
Judge

*Orissa High Court, Cuttack,
Dated 27th February, 2026/Kanhu*