

ITEM NO.34

COURT NO.15

SECTION XI

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 19936/2017

(Arising out of impugned final judgment and order dated 13-04-2017 in WA No. 51033/2015 passed by the High Court of Judicature at Allahabad)

ANIL KUMAR SHARMA

Petitioner(s)

VERSUS

LIFE INSURANCE CORPORATION OF INDIA & ANR.

Respondent(s)

(IA No. 131312/2017 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 24-02-2020 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DEEPAK GUPTA
HON'BLE MR. JUSTICE ANIRUDDHA BOSE

For Petitioner(s) Mr. Ravindra Kumar Raizada, Sr. Adv.
Ms. Divya Roy, AOR
Mr. Surjeet Singh, Adv.
Ms. Sneha Masani, Adv.

For Respondent(s) Mr. R. Chandrachud, AOR
Mr. Karan Sharma, Adv.

UPON hearing the counsel the Court made the following
O R D E R

The main ground raised by petitioner that there has been violation of Rules of natural justice inasmuch as the statement of the complainant Sister Kripa was not orally recorded. The statement was incorporated in the form of a letter and the petitioner was not given adequate time to prepare his cross-examination. In support of his arguments, learned counsel relies on the Judgment of this Court in 'M/S. Kesoram Cotton Mills Ltd vs Gangadhar And Others', AIR 1964 SC 708 specially the observation made in para 15, wherein this Court observed that in Domestic Inquiries normally oral evidence should be recorded and even in cases where written statement are

taken on record, the delinquent employee should normally be given two days to prepare for the cross-examination. In this very judgment, it is noted that in Domestic Inquiries related to industrial matters, lawyers are not permitted and further judicial notice was taken of the fact that most of the industrial workers in the country are illiterate and sometimes even the representative of the labour union may not be present to represent them.

This is a judgment of the year 1964 and much water has thrown since then and in fact the CPC now permits filing of affidavit in evidence as statement of witness.

As far as the present case is concerned, the petitioner is of the rank of an Administrative Officer. He did not object to the statement of Sister Kripa being recorded. He, however, did pray for time to prepare for cross-examination. Though, time, as prayed for by him was not granted, the Enquiry Officer gave him two hours to prepare the cross-examination. He also had the benefit of the Defence Assistant to assist him. Furthermore, the letter which was incorporated as a statement when sister Kripa appeared is hardly one page long. Two hours time was sufficient to prepare the cross examination by the accused who is educated and had the benefit of Defence Assistant. No prejudice has been caused to the accused.

In this circumstances, there is no violation of the Rules of natural justice.

The special leave petition is dismissed accordingly.

Pending applications, if any, shall also stand disposed of.

(SWETA DHYANI)
SENIOR PERSONAL ASSISTANT

(PRADEEP KUMAR)
BRANCH OFFICER