



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

% Date of Decision: 04.02.2026

+ **W.P.(C) 7660/2023**

VIJENDER SINGHPetitioner
Through: Mr. Rishi Nandy, Advocate
versus
GLOBE DETECTIVE AGENCY PVT. LTD.Respondent
Through: Mr. Rajat Arora and Mr. Sourabh
Mahla, Advocates

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI
JUDGMENT (ORAL)

1. By way of the present writ petition filed under Articles 226 and 227 of the Constitution of India, the petitioner assails (i) the order dated 21.12.2017 passed by the Labour Court whereby the petitioner's right to cross-examine the management witnesses was closed, and (ii) the consequent award dated 03.06.2022 passed by the Presiding Officer, Labour Court-III, Rouse Avenue Courts, New Delhi in LIR No. 1333/2016 (Old No. 140/2014), whereby the claim of the petitioner/workman was dismissed.
2. The challenge in the present petition is essentially founded on the ground that the impugned award rests entirely on un-cross-examined testimonies of the management witnesses, and that the denial of an effective opportunity of cross-examination has resulted in violation of the rights of the workman.
3. The petitioner was engaged by the respondent/management as a Security Guard in the year 1989. The case of the petitioner before the Labour Court was that his services were illegally terminated with effect



from 07.09.2012, whereas the stand of the management was that the petitioner had voluntarily abandoned his services.

4. During the course of proceedings before the Labour Court, the petitioner examined himself as WW-1. Thereafter, the management examined two witnesses, namely MW-1 (Area Manager) and MW-2 (General Manager), who tendered their affidavits in evidence.

5. On 21.12.2017, when MW-1 was present for cross-examination, an adjournment was sought on behalf of the petitioner on the ground of non-availability of his counsel. The Labour Court declined the request and forfeited the petitioner's right to cross-examine, closing the management evidence. Ultimately, by the impugned award dated 03.06.2022, the Labour Court dismissed the claim of the petitioner, holding that the petitioner had abandoned his services.

6. Learned counsel for the petitioner submits that the entire foundation of the impugned award is the testimony of MW-1 and MW-2, which admittedly remained unchallenged solely because the petitioner was denied the opportunity of cross-examination. It is further submitted that abandonment of service constitutes misconduct and, in the absence of any domestic enquiry or disciplinary proceedings, the Labour Court could not have accepted the plea of abandonment merely on the basis of the affidavits of the management witnesses.

7. *Per contra*, learned counsel for the respondent submits that opportunities were granted to the petitioner to cross-examine the management witnesses and that the petitioner failed to avail the same. It is submitted that the Labour Court was justified in closing the right of cross-



examination and in proceeding to decide the matter on the basis of the material available on record.

8. A perusal of the impugned award leaves no doubt that the findings on Issues Nos. 1 and 2 have been returned primarily on the basis of the testimonies of MW-1 and MW-2, which, as noted by the Labour Court itself, remained “uncontroverted and unchallenged”. In paragraph 28 of the impugned award, the Labour Court has expressly recorded that neither MW-1 nor MW-2 were cross-examined by the petitioner and, on that basis, proceeded to accept their testimonies as the truth. Paragraphs 28 and 29 of the award clearly demonstrate that the conclusion of abandonment is directly predicated upon the absence of cross-examination. The relevant extracts of the judgment are herein below:

“28. It has to be seen that MW-1 Sh. Brijesh Kumar Dubey, the Area Manager of the management, in his evidence by way of affidavit has categorically stated that the workman abandoned the services of the management on his own as he was not interested in continuing with the management. To the same effect is the testimony of MW-2 Sh. P. Chatterjee. Neither MW-1 nor MW-2 have been cross-examined by the workman despite the grant of repeated opportunities. As such, the testimony of MW-1 and MW-2 remain uncontroverted and unchallenged. I do not find any reason to disbelieve the unrebutted testimony of MW-1 and MW-2. I am of the opinion that both these witnesses coupled with the cross-examination of the workman himself have been able to prove that the workman abandoned the services of the management on his own.

29. As a result, I am of the opinion that the management has been able to prove Issue No. 1 in its favour and accordingly, Issue No. 1 is decided in favour of the management. I have no hesitation to hold that the workman has failed to prove the Issue No. 2 in his favour and accordingly, Issue No. 2 is decided in favour of the management.”

9. The right of cross-examination is not a mere procedural formality. It constitutes an integral facet of the principles of natural justice and fair hearing. At this stage, it is pertinent to note the decision of the Supreme



Court in Union of India v. T.R. Varma¹, where it was held that if evidence is relied upon against a party, such party must be afforded an opportunity to test that evidence through cross-examination. Relevant extract is herein below:

“10. ... The law requires that such tribunals should observe rules of natural justice in the conduct of the enquiry, and if they do so, their decision is not liable to be impeached on the ground that the procedure followed was not in accordance with that, which obtains in a court of law. Stating it broadly and without intending it to be exhaustive, it may be observed that rules of natural justice require that a party should have the opportunity of adducing all relevant evidence on which he relies, that the evidence of the opponent should be taken in his presence, and that he should be given the opportunity of cross-examining the witnesses examined by that party, and that no materials should be relied on against him without his being given an opportunity of explaining them. If these rules are satisfied, the enquiry is not open to attack on the ground that the procedure laid down in the Evidence Act for taking evidence was not strictly followed. Vide the recent decision of this Court in New Prakash Transport Co. v. New Suwarna Transport Co. [(1957) SCR 98] where this question is discussed.”

10. More recently, in Andaman Timber Industries v. CCE², the Supreme Court held that reliance on statements of witnesses without allowing cross-examination is a serious flaw which renders the order a nullity, being in violation of the principles of natural justice. Relevant extract is herein below:

“6. According to us, not allowing the assessee to cross-examine the witnesses by the adjudicating authority though the statements of those witnesses were made the basis of the impugned order is a serious flaw which makes the order nullity inasmuch as it amounted to violation of principles of natural justice because of which the assessee was adversely affected. It is to be borne in mind that the order of the Commissioner was based upon the statements given by the aforesaid two witnesses. Even when the assessee disputed the correctness of the statements and wanted to cross-examine, the adjudicating authority did not grant this opportunity to the assessee.”

¹ 1957 SCC OnLine SC 30

² (2016) 15 SCC 785



11. Applying the aforesaid principles to the facts of the present case, this Court finds that the entire edifice of the impugned award rests on evidence which was never tested through cross-examination, solely because the petitioner was denied such opportunity by the Labour Court.

12. This Court believes that the only appropriate course in the present case is to set aside the impugned award and remand the matter back to the Labour Court, with a direction to afford the petitioner an opportunity to cross-examine the management witnesses and thereafter decide the reference afresh in accordance with the law.

13. In view of the foregoing discussion, the writ petition is allowed in the following terms; that the order dated 21.12.2017, whereby the petitioner's right to cross-examine the management witnesses was closed, and the award dated 03.06.2022 passed in LIR No. 1333/2016 are hereby set aside. Needless to state that this Court has not examined the merits of the case.

14. The matter is remanded to the concerned Labour Court for fresh adjudication. The Labour Court shall allow the petitioner one effective opportunity to cross-examine the management witnesses (MW-1 and MW-2).

15. The parties shall appear before the concerned Labour Court on 23.02.2026.

16. The writ petition stands disposed of in the above terms. Pending applications, if any, are also disposed of.

MANOJ KUMAR OHRI, J

FEBRUARY 04, 2026

kb