

**Central Government Industrial Tribunal Cum Labour
Court Jabalpur**

ORDER SHEET

DATE OF ORDER OF PROCEEDING	ORDER OR PROCEEDING WITH SIGNATURE OF PRESIDING OFFICER	REMARK
Case No. CGIT/LC/R/84/2016 Shyamlal Rajak Vs. Dr. Hari Singh Gaur University		
06.11.2025	<p>Matter taken up.</p> <p>Mr. Shaswat Singh learned Counsel present with Workman. Mr. Siddharth Shukla learned Counsel present for management.</p> <p>Learned Counsel for department files an application with affidavit seeking recall of order by which the workman was allowed to not press his affidavit which he filed as his examination in chief and to replace this affidavit with another affidavit as his examination in chief. He has relied on judgment of Hon’ble Bombay High Court in the case of <i>Banganga Cooperative Society Ltd. vs. Mrs. Vasanti Gajanand, reported in AIR 2015 (NOC) 1132 (BOM)</i>. After hearing both the sides on this application, I find no occasion to recall the said order for the reason that affidavit filed as examination in chief cannot be withdrawn and replaced by another affidavit. Hence, rejecting the argument from the department that the earlier affidavit filed as examination in chief cannot be withdrawn and replaced by another affidavit, this application is rejected. However, so far as the argument of department that on withdrawal of earlier affidavit, they may be deprived their opportunity to contradict the witness in the light of his statement in his earlier affidavit, there is no bar in</p>	

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	<p>contradicting the witness with regard to his earlier statement in his earlier affidavit. The only consequence of this withdrawal of earlier affidavit is that the party who has filed this earlier affidavit cannot rely on it when it has been withdrawn by him.</p> <p>Today the workman witness is not available due to understanding between the parties that in one case only witness will be cross examined on one day.</p> <p>List on _____ for cross examination of workman witness.</p> <p>Upload this order.</p> <p>Presiding Officer</p>	