

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2015

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THE HONOURABLE MR. JUSTICE T.S.SIVAGNANAM

W.P. No.27997 of 2014 &
M.P.No. 1 OF 2014

P.K.Govindaraju

[PETITIONER]

Vs

1 The Chief Manager
ICICI Bank Ltd.
ICICI Bank Tower,
Arihant Insight
24, II Phase,
Ambattur Industrial Estate
Ambattur, Chennai-600 058.

2 The Branch Manager
ICICI Bank Ltd.
Panikulam Branch
Ramanathapuram District.

3 The Presiding Officer
The Central Government
Industrial Tribunal-
cum-Labour Court
Sasthiri Bhavan, Nungambakkam,
Chennai-34.

[RESPONDENTS]

PRAYER : Petition filed Under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the 3rd respondent in I.A. No.192 of 2014 in I.D. No.92 of 2013 dated 3.9.14 quash the same and direct the 2nd respondent to produce the original documents of ExS-A1, A3, A4, A6 and Ex-A7 before the 3rd respondent in I.D. No.92 of 2013, within the time that may be stipulated by this Honourable Court.

For Petitioner : Ms.G.Devi

For Respondents: Mr.Sanjay Mohan - R1

for M/s.Rama Subramanian & Associates

No appearance - R2

Court - R3

O R D E R

Heard Ms.G.Devi, learned counsel appearing for the petitioner and Mr.Sanjay Mohan for M/s Rama Subramanian & Associates, appearing for the first respondent.

2.The petitioner has filed this Writ Petition challenging the order passed by the Central Government Industrial Tribunal-cum- Labour Court, Chennai dated 03.09.2014. By the said order, the Tribunal rejected the Interlocutory Application filed by the petitioner in I.A.No.192 of 2014 in I.D.No.92 of 2013. In the said I.D., the petitioner has sought for reinstatement with consequential benefits.

3.Counter statement has been filed by the respondent Management and after the trial was completed, during the course of argument, the Interlocutory Application had been filed by the petitioner, requesting the Court to summon the second respondent herein to produce the following seven documents:

Sl.Nos.	Date	Particulars	Exhibits
1.	05.02.2002	-The Manager ICICI Bank, Panikulam Branch had sent letter to the Group Head Social Banking Group Madurai for posting of one vacancy as personal servant.	A1
2.	05.02.2002	- Representation sent by the petitioner to the Manager ICICI Bank, Panikulam Branch for appointment.	-A2
3.		- Attendance Register for December 2003 to March 2005	-A3
4.		-Salary Slip from August 2002 to October 2003	-A4
5.	12.11.2008	-Representation sent by the petitioner to the ICICI Bank Head Office, Chennai with acknowledgement.	-A5
6.	08.06.2002	- Letter by Human Resources Department Chennai, Branch, corporate branch	-A16
7.		-Letter along with service provider agreement before the ICICI Bank Panikulam Branch and cancel.	-A17

4.The Tribunal after recording the stand taken by the Management, dismissed the Application, holding that the Management is not in possession of those documents. This is sought to be assailed in this Writ Petition, by contending that they have to be produced before the Tribunal and direction should be issued in this regard.

5.The learned counsel for the respondent/management pointed out that the documents which have been filed in the typed set of papers i.e. from pages 1 to 50 are xerox copies, which have been refused to be accepted by the Tribunal. If that be the case, the petitioner could not have included those documents in the typed set of papers to show as if those documents are on record before the Tribunal.

6.Be that as it may, out of seven documents sought for by the petitioner, documents in Sl.Nos. 2 & 5 have already been marked as Exhibits before the Tribunal and in so far as Sl.No.7 is concerned, only the agreement has been marked and not the letter. Therefore, the request of the petitioner can be confined only to the documents in Sl.Nos. 1, 3, 4 & 6. So far as the documents in Sl.Nos.1 & 6 are concerned, the Management took a definite stand that they do not exist. So far as the documents in Sl.Nos. 3 & 4 are concerned, it is stated that those documents are maintained by the Contractor. If that be the case, then the Management cannot be compelled to mark those documents. It is for the petitioner to contest the main Industrial Dispute and make out a case based on the oral and documentary evidence placed on record and it is for the petitioner to produce the necessary witnesses and this Court cannot compel the Labour Court to direct the Management to produce the documents, which according to them are not in existence, or those documents are maintained by the Contractor. Further, as rightly pointed out by the learned counsel for the respondent/Management, the interim orders of the Tribunal cannot be challenged in the light of the decision of the Hon'ble Supreme Court in the case of DENA BANK v. D.V.KUNDADIA [(2011) 15 SCC 690], wherein it has held that such Writ Petitions are not maintainable.

7.In the light of the fact that three of the documents sought for have already been marked and the definite stand taken by the Management in respect of the other four documents, the impugned order does not call for interference.

Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

rpa
To

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Chennai-34.

+1cc to M/s. S. Ramasubramaniam & Associates, Advocate,
S.R.No.67987

+1cc to M/s. V.Raghapathi, Advocate, S.R.No.68400

PPA (CO)
EU (05/1/2016)

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