

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2015

CORAM

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.Nos.30699 and 30700 of 2015 &
M.P.Nos.1 & 1 of 2015

The Management of ELGI Equipments Limited
Represented by its Director-HR, J.Jayaraman,
Coimbatore. .. Petitioner in both W.Ps

Vs

1 Presiding Officer,
Labour Court,
Coimbatore.

2.N.Saravanakumar ...Respondents in both W.Ps

PRAYER IN W.P.No.30699 of 2015

Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, calling for the records of the
1st respondent in I.A.No.590 of 2015 and in I.D.No.51 of 2010 and
quash its order dated 19.09.2015.

PRAYER IN W.P.No.30700 of 2015

Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorari, calling for the records of the
1st respondent in I.A.No.591 of 2015 and in I.D.No.51 of 2010 and
quash its order dated 19.09.2015.

For Petitioner .. Mr.S.Ravindran

Respondent1 ... Labour Court

For R2 .. Mr.L.Mouli

C O M M O N O R D E R

With the consent of the learned counsel on either side, the writ
petitions are taken up for final disposal.

2. Heard Mr.S.Ravindran, learned Counsel appearing for the
petitioner/Management and Mr.L.Mouli, learned counsel who accepted
notice on behalf of the second respondent/workman.

3(i) The challenge in these Writ Petitions is to the orders passed by the Labour Court in in I.A.Nos.590 & 591 of 2015 and in I.D.No.51 of 2010 dated 19.09.2015. The Industrial Dispute was raised by the respondent/ workman against his non-employment and he prayed for an award of reinstatement with backwages and continuity of service.

(ii) Counter statement has been filed by the petitioner/ Management and the matter was contested before the Labour Court. It appears that at the time when the case was posted for argument, the Management came forward with Interlocutory Applications in I.A.Nos.590 & 591 of 2015 to reopen the evidence and for receiving the documents.

(iii) In the affidavits filed in support of the said Applications, it has been stated that the Management seeks to mark certain documents, which are

telegrams to establish that fair procedure was followed while conducting domestic enquiry, though it was an exparte proceedings.

(iv) Those Applications were vehemently resisted by the workman by contending that it was an after thought and there was no reference to the said telegrams either in the enquiry report or in the counter statement filed in the Industrial Disputes or in the proof affidavits. The Labour Court passed an elaborate order and dismissed the said Applications.

4.I have elaborately heard the learned counsel for the parties and carefully perused the materials placed on record including the counter affidavit filed by the respondent/workman.

5.After hearing the parties, the short issue which falls for consideration is as to whether the Tribunal should have foreclosed the request of the petitioner/Management in marking additional document. Rules of procedure are handmaid of justice. Therefore, the Court in its discretion could exercise jurisdiction and permit the parties to mark documents, subject to proof and admissibility. In fact by virtue of the impugned orders, the entire proceedings have come to a stand still as the Industrial Disputes are pending before the Labour Court for nearly five years.

6. Therefore, this Court is of the view that the Management should be given an opportunity to mark the documents subject to proof and admissibility that may be raised by the respondent/workman and if the respondent/workman has got any documents to be marked, he should also be afforded an opportunity to mark the same and the Labour Court should ultimately decide as to whether the domestic enquiry conducted was fair and proper, whether the workman was afforded full and effective opportunity to defend himself in the domestic enquiry and other related aspects. Therefore, this Court is of the view that the petitioner/Management should be permitted to mark the documents subject to proof and admissibility being raised by the respondent/workman and likewise the respondent/workman should also be permitted to mark any additional documents that he may desire to do, subject to proof and admissibility.

7. In the light of the above, the Writ Petitions are allowed, the impugned orders are set aside and the matter is remanded to the Labour Court, with a direction to permit both the parties to mark additional documents, subject to proof and admissibility and thereafter proceed to adjudicate the dispute on merits and in accordance with law.

Since I.D.Nos.590 & 591 of 2010 are pending before the Labour Court for more than five years, the Labour Court is requested to expedite the disposal of the Industrial Dispute, subject to the condition that the petitioner/Management as well as the respondent/workman extended their full co-operation to the Court. The Labour Court shall endeavour to complete the adjudication and pass a final award, within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed.

Rpa

Sd/-
Assistant Registrar

/True Copy/

Sub-Assistant Registrar

To

Presiding Officer,
Labour Court,
Coimbatore.

+1 C.C. To L.Mouli, Advocate in SR.NO.66508

+1 C.C. To S.Ravidran, Advocate in SR.NO.66376

W.P.Nos.30699 & 30700 of 2015

AD(CO)

sd : 23/12/2015

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