

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.09.2015

CORAM

THE HONOURABLE MR.JUSTICE C.S.KARNAN

W.P.No.5638 of 2015

and

M.P.No.1 of 2015

S.Devendran

... Petitioner

Vs.

1.The Presiding Officer,
Principal Labour Court,
Vellore.

2.The Management
Axles India Limited,
Cheyyar Division,
Vadamavandal Village,
Nemendi Post,
Cheyyar Taluk,
Tiruvannamalai District.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India to issue appropriate writs, orders or directions and more particularly a writ in the nature of declaration, declaring that the action of the 1st respondent in dismissing I.A.No.96 of 2015 in I.D.No.104 of 2011 as per the 'A' diary recording dated 26.02.2015 as illegal, arbitrary and contrary to law and consequently direct the 1st respondent to reopen the evidence on the side of the petitioner in I.D.No.104 of 2011 wherein common evidence is recorded.

For Petitioner : M/s.Balan Haridas

For Respondents : Mr.N.Balasubramanian for R2
Labour Court for R1

O R D E R

The petitioner herein has filed in I.D.No.104 of 2011, on the file of the 1st respondent herein, against the 2nd respondent/management and challenged the dismissal order dated 16.04.2011, which has been passed by the management after conducting a domestic enquiry. The management had also filed a counter statement and resisted the case in I.D.No.104 of 2011.

2. The petitioner further submits that other three employees also filed similar case against the same management, therefore a joint trial has been conducted and a common evidence has been recorded. On the side of the petitioner/workmen, three witnesses were examined and on the side of the management the evidence was over. Under these circumstances, the petitioner had filed a supplementary application in I.A.No.96 of 2015 in I.D.No.104 to 107 of 2007 to examine one more witness on the side of the employer, the same was allowed and the Labour Court/1st respondent herein, had issued summons to the witness viz., Mr.Devendiran, leader of the INTUC, the said summon had been served on the same witness but he did not turn up on the date of hearing dated 10.02.2015. Hence, the Labour Court closed the evidence on the side of the employer and posted the matter for arguments on 02.03.2015, the same was objected by the management. Hence, the petitioner has filed the above writ petition to give a direction to the 1st respondent to reopen the evidence on the side of the employer in I.D.No.104 of 2011.

3. The above case came before this Court today 09.09.2015, when the learned counsel for the respondent informed the Court stating that the management has no objection to reopen the case on the file of the 1st respondent to examine further evidence on the side of the employers. Further, the learned counsel for the respondent request the Court to grant permission to cross examine the proposal evidence. To that effect the petitioner's counsel also agreed to the same. Besides, the respondent counsel Mr.N.Balasubramanian made an endorsement.

4. On considering the consent view given by the learned counsel on either side, this Court directs the 1st respondent to reopen the evidence on the side of the petitioner/employer in I.D.No.104 of 2011 and record the common evidence and dispose the main case within a period of three months on merits. Consequently, connected miscellaneous petition is closed.

-Sd/-

Assistant Registrar(co)

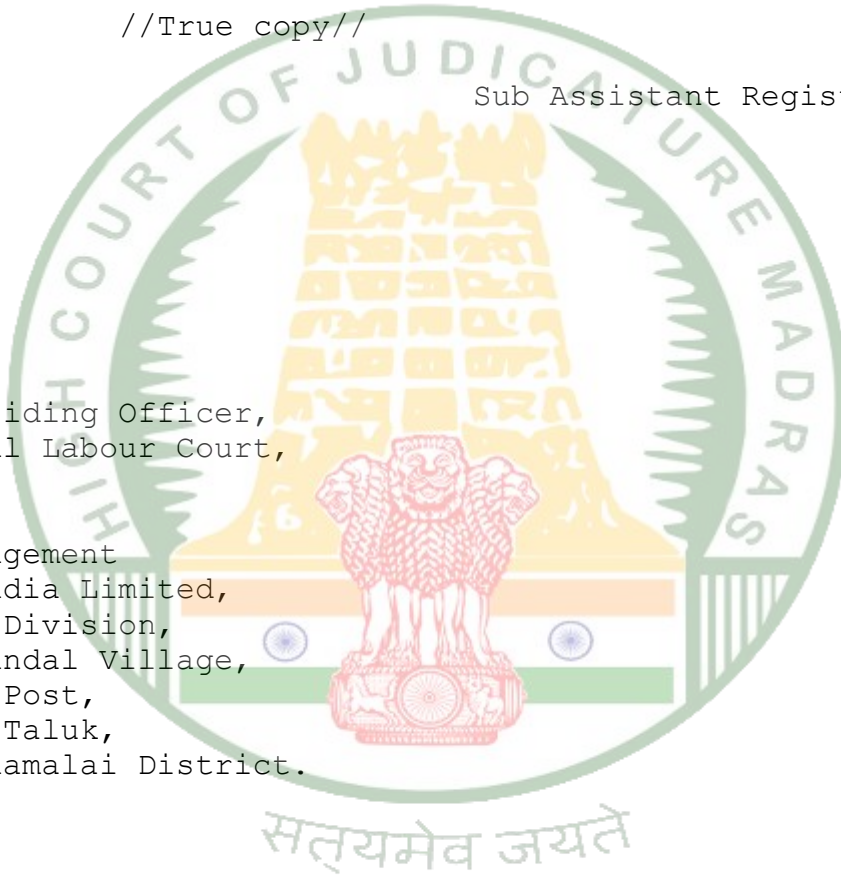
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Sub Assistant Registrar

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To

- 1.The Presiding Officer,
Principal Labour Court,
Vellore.
- 2.The Management
Axles India Limited,
Cheyyar Division,
Vadamavandal Village,
Nemendi Post,
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