



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.02.2015

CORAM:

WEB COPY

THE HONOURABLE MRS. JUSTICE PUSHPA SATHYANARAYANA

C.R.P. (MD) .NO.1174 of 2011

and

M.P. (MD) .No.1 of 2011

Thiyagarajan

... Revision Petitioner

vs.

Meenakshi Sundaram

... Respondent

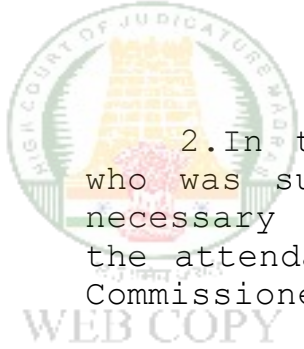
PRAYER: This Civil Revision Petition filed under Article 227 of the Constitution of India, to allow this revision and set aside the order in W.C.I.A.No.10 of 2011 in W.C.(MD).No.62 of 2007 in W.C.Case No.44 of 2007 on the file of the Deputy Commissioner of Labour Court, (Workmen Compensation Commissioner-Legal) Tirunelveli dated 26.04.2011.

For Petitioner : Mr.C.Sankar Prakash

For Respondent : Mr.A.L.Gandhimathi

ORDER

The workman, who was sustained injury had filed W.C.Case No.44 of 2007 in which, he had marked certain documents established that he was a workman under the respondent company and this was pursuant to the order passed in the earlier revision filed by the workman in C.R.P.No.1446 of 2008 dated 16.07.2010. Now, after the evidence is over and the documents were marked, the matter was posted for arguments. The present W.C.I.A.No.10 of 2011 has been filed by the petitioner/workman to reopen the case and directed the respondent to proceed the original attendance register for the relevant period. That was dismissed by the Deputy Commissioner of Labour, Tirunelveli on the ground that there was no such direction. The order of the Deputy Commissioner of Labour, Tirunelveli is patently wrong and the same has been set aside. The reason for summoning the original Attendance Register is to prove that he was not a office boy but, he was a workman in the factory. As earlier only Photostat copy of the register was filed, the workman has demanded the production of the original attendance register for the employer.



2. In the circumstances, this Court will enable the workman, who was sustained injury to establish his claim and it will be necessary to direct the employer viz., the respondent to produce the attendance register for the relevant period before the Deputy Commissioner of Labour, Tirunelveli.

3. Accordingly, the civil revision petition is disposed of directing the respondent to produce the attendance register before the Deputy Commissioner of Labour Court (Workmen Compensation Commissioner-Legal) Tirunelveli and the Deputy Commissioner of Labour Court (Workmen Compensation Commissioner-Legal) Tirunelveli is directed to dispose of the W.C.No.44 of 2007 on merits and in accordance with law on or before 30th April 2015. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(A.S.,)

/True Copy/

Sub-Assistant Registrar

To

The Deputy Commissioner of Labour,
(Workmen Compensation Commissioner-Legal), Tirunelveli.

+1cc to Mr.AL.Gandhimathi, Advocate, in SR. No.7052.

+1cc to Mr.C.Sankar Prakash, Advocate, in SR. No.6871.

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