

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P. No.19569 of 2016

and

W.M.P No.16909 of 2016

The Management of Madura
Coats Private Ltd.,
Papavinasam Mills Post,
Ambasamudram - 627 422
Tirunelveli District.

... Petitioner

Vs.

1.Presiding Officer,
Industrial Tribunal, Tamil Nadu,
Chennai - 600 104.

2.A.Balasubramanian

... Respondents

PRAYER : Writ petition filed under Article 226 of the Constitution of India for issue of writ of certiorari calling for the records from the file of the First Respondent herein in I.A.No.157 of 2015 in A.P.No.17 of 2005 and quash the order dated 18.01.2016 passed by the 1st respondent.

For Petitioner : Mr.S.Jayaraman

सत्यमेव जयते

WEB COPY

O R D E R

The writ petition has been filed challenging the order passed by the Industrial Tribunal dismissing the petition filed by the petitioner under Section 11 of the Industrial Dispute Act, to re-open the petitioner/Management side witness which has been closed.

2. Heard Mr.S.Jayaraman, learned counsel for the petitioner who would submit that only on technical grounds the petition has been dismissed, that opportunity should be given to the petitioner to mark the documents, as the petitioner was under the bonafide impression that the documents were already marked.

3. Though the argument of the learned counsel for the petitioner appeals at the first blush, a close scrutiny of the order would reveal that the petitioner never exhibited any interest to prosecute the approval petition. The approval petition, as rightly contended by the tribunal is pending from the year 2005 onwards and for marking the documents on the side of the petitioner, matter was kept pending from 27.09.2010 to 20.08.2011 but no document was marked. If really there was any mistake or bonafide impression on the side of the petitioner, atleast thereafter, the Management should have filed the petition to re-open the petitioner's side witness. What has been done by the Management is that, they cross-examined the workmen on 01.11.2011 and the matter has been posted for argument from 09.04.2012 onwards. Only on 17.12.2015, petition has been filed to re-open the petitioner's side evidence. Number of opportunities were available to the petitioner to file re-open petition, assuming for a moment that, by mistake the documents were not marked by the Management.

4. When the matter was posted for trial in the year 2010, after a period of five years, the petition has been filed to re-open the petitioner's side witness, especially when the matter is kept pending for argument for more than three years. Therefore, there is no bonafide impression on the part of the petitioner but, it only exhibits lack of interest on the side of the Management to prosecute the case. If such delays are allowed, people will loose faith in the very system itself. Atleast, if a workmen commits mistake due to ignorance, that can be condoned, whereas the Management, which has proper legal advisers, cannot file a petition stating that they were under the bonafide impression that the documents were already marked. Therefore, the reasoning given by the Industrial Tribunal cannot be set aside and hence the same is sustained.

5. In the result, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed. The tribunal is directed to pass orders and dispose of the case, after hearing both the parties, on or before 31.07.2016 and file a report before this Court.

6. Post the matter on 31.07.2016 for reporting compliance.
rgr

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

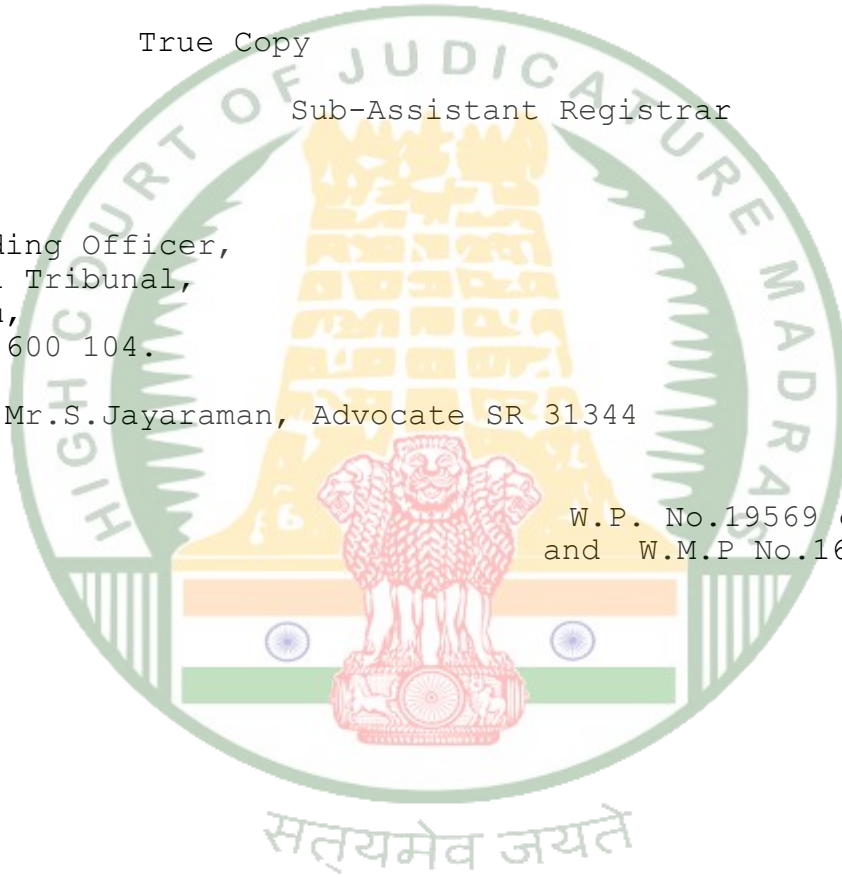
To

The Presiding Officer,
Industrial Tribunal,
Tamil Nadu,
Chennai - 600 104.

+ 1 cc to Mr.S.Jayaraman, Advocate SR 31344

pur(co)
prk15/6

W.P. No.19569 of 2016
and W.M.P No.16909 of 2016



WEB COPY