

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.08.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.No.12242 of 2011
and M.P.No.1 of 2011

The Management of M/s.S & S Industries
and Enterprises Ltd., rep.by its
Deputy General Manager S.Ramasamy ... Petitioner

Vs.

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

2.R.Balakrishnan

3.C.Sridhar

4.A.Pughazhendi

5.N.Ramamurthy

6.K.Sivagnanam

7.R.Sampath

8.M.Sankaran

... Respondents

Petition filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records in I.D.Nos.563 to 566, 764, 728 and 729 of 2001 on the file of the first respondent and quash the order of the first respondent dated 05.04.2011 in I.A.Nos.476 to 479 of 2010 in I.D.Nos.563 to 566, 764, 728 and 729 of 2001 and direct the first respondent to (a)reopen the evidence (b)grant permission to receive additional document (c) recall M.W.1 and (d) recall W.Ws.1 and 2.

For Petitioner .. Mr.B.Natarajan

For Respondents... Mr.R.Jai Kumar
for M/s.T.Fenn Walter Associates
for R2 to R8
R1 - Court

ORDER

The present writ petition has been filed against the order passed by the Labour Court dated 05.04.2011 dismissing I.A.Nos.476 to 479 of 2010 in I.D.Nos.563 to 566, 764, 728 and 729 of 2001.

2.The petitioner herein is the management and the respondents are the workmen. The industrial disputes in I.D.Nos.563 to 566, 764, 728 and 729 of 2001 have been raised by the respondents 2 to 8/ employees seeking reinstatement with consequential benefits. Their services were terminated on the basis of certain alleged acts of misconduct. The industrial disputes were raised as early as in the year 2001. During the trial before the first respondent Labour Court, on behalf of the employees/workmen, oral evidence was taken and several documents came to be marked. On behalf of the petitioner management, oral evidence was tendered and as many as 60 documents were marked and after the completion of the trial in 2010, the industrial disputes were posted for arguments. It is the case of the employees that their arguments were also over in 2010 itself and the disputes were posted for arguments on the management side.

3.While matter stood thus, the petitioner company filed I.A.Nos.477 to 479 of 2010 for reopening of the evidence and for grant of permission to receive the additional documents and for recall of evidence of both the management and the workmen witnesses for examination. In support of the interlocutory applications, an affidavit was filed. In the affidavit, no reasons have been spelt out as to what prompted the management to file the above said interlocutory applications at the belated stage. A very bald affidavit has been filed as could be seen from the contents of the same which is filed along with the typed set of documents in this proceedings.

4.The Labour Court, after appreciating the rival submissions of the parties, had dismissed the said interlocutory applications stating that no cause of action had been disclosed for reopening of the case and for introducing additional material, since no reasons whatsoever had been mentioned in the affidavit which is filed in support of the said interlocutory applications. In the said circumstances, the Labour Court had rightly dismissed the interlocutory applications stating that no reasons were mentioned in the affidavit which prompted the management to file the interlocutory applications at the belated stage. An attempt by the management to reopen the case was only

a ploy to delay the proceedings before the Labour Court to the detriment of the employees/workmen. Therefore, the Labour Court dismissed the interlocutory applications as devoid of merits and substance.

5. Learned counsel for the rival parties had made their submissions. Learned counsel appearing for the petitioner had made an attempt to impress upon this Court by seeking the Court's intervention to give the management a last opportunity to lead additional evidence and recall the witnesses. Such a plea on the part of the learned counsel for the management cannot be accepted as the same is without any justification for more than one reason. Firstly, the dispute itself is relating to the year 2001 and it has reached the stage of arguments in 2010 itself. Secondly, the affidavit filed in support of the said interlocutory applications does not disclose any cause of action nor any reasons for reopening of the case. The affidavit is completely bereft of any details or reasons and therefore, the Labour Court has rightly dismissed the interlocutory applications on the ground that the interlocutory applications were filed belatedly with improper motive for dragging the proceedings. Even before this Court, no reasons have been disclosed as to how the case of the management would be prejudiced in case their plea for reopening of the case is not allowed. In any event, the attempt by the management to reopen the case is completely without any justification both on facts and in law and the same cannot be allowed to succeed.

6. In the above circumstances, this Court does not find any infirmity in the order passed by the Labour Court and therefore, the present writ petition lacks in merit and substance and the same is dismissed. The first respondent Labour Court is directed to complete the proceedings and pass appropriate Award within a period of two months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CCC)

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Sub Assistant Registrar

To

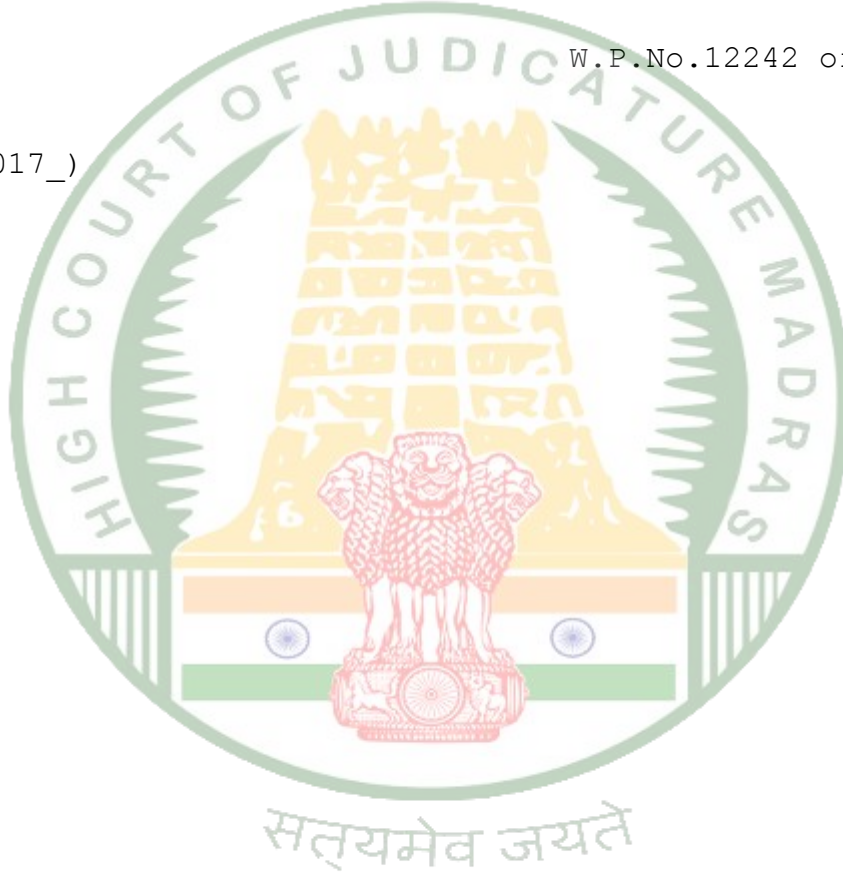
The Presiding Officer,
Principal Labour Court, Chennai.

+1cc to M/s.B.Natarajan, Advocate sr.60065

+1cc to M/s.T.Fenn Walter Associates sr.59625

W.P.No.12242 of 2011

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