

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.04.2018

C O R A M

THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.9382 of 2018
and
W.M.P.No.11186 of 2018

Mr.Young Suk Shin

...Petitioner

Vs.

1. P.A.Nagaraj

2.The Presiding Officer,
III Additional Labour Court,
Additional City Civil Court Building,
High Court Campus,
Chennai - 600 104

... Respondents

PRAYER

Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorari calling for the records of the award dated 22.01.2018 in IA.No.153 of 2015 in ID.No.124 of 2014 passed by the 2nd respondent and quash the same.

For Petitioner : Mr.S.Sabarish

For Respondents : R2 - Court

O R D E R

The relief sought for in this writ petition is to call for the records of the award dated 22.01.2018 passed in IA.No.153 of 2015 in ID.No.124 of 2014 and quash the same.

2. The learned counsel appearing on behalf of the writ petitioner Mr.Sabarish strenuously contended that the III Additional Labour Court directed the writ petitioner to submit certain documents, which all are not necessary for the adjudication of the industrial dispute. The Court has unnecessarily directed the writ petitioner to submit the documents which were not relied upon by the writ petitioner before the Labour Court. This apart, these are all the documents maintained by the company confidentially, and

therefore, the same cannot be produced before the Labour Court for the purpose of adjudication undertaken in ID.No.124 of 2014.

3. This Court is of an opinion that the industrial dispute is raised for setting aside the oral retrenchment of certain workmen by the Management and further for reinstatement of those labourers. During the process of adjudication the workmen filed an application seeking production of certain documents by the writ petitioner company. The interlocutory application was filed in IA.No.153 of 2015 for the production of 24 documents listed out in the petition filed by the workmen. The III Additional Labour Court passed an order on 22.01.2018 directing the writ petitioner to produce 6 documents out of 24 documents listed by the workmen.

4. At the outset, the Labour Court considered the nature of the documents listed in the petition filed by the workmen and ultimately, came to the conclusion that six documents are sufficient for the purpose of considering the issues pending in ID.No.124 of 2014. From the list of documents sought for by the workmen, the Labour Court directed the writ petitioner to produce documents in Sl.Nos.6, 16, 18, 19, 20 and 22.

5. On a perusal of the copy of the IA filed by the workmen, the said documents are as follows:

S.No.	Particulars
6.	Copies of agreement are signing and amount paid the contractor M/s.RAMYA OUTSOUCING P LTD last 6 years by the respondent.
16.	List of temporary and casual workers have engaged in the respondent and total payments are made lost 10 years.
18.	Details and address of contractors and licenses are proved in during the period of their contracted periods in the respondent.
19.	List of Permanent posts and designation of workmen / employees and their basic pay and salary, basic educational qualifications at the time joining of duty and other total emoluments are given in the respondent.
20.	Name List of workmen, nature of work, hours of work, No of shift maintained in the respondent.
22.	Copy of master-roll register maintained under the I.D Act-1947 from 2000 to till date.

6. On a plain reading of the above list of documents, this Court is of an opinion that such documents are certainly

required for the purpose of ascertaining certain factual details in respect of the workmen / labourer employed in the petitioner company and in relation to their service particulars. Therefore, the said documents directed to be filed cannot be considered as irrelevant.

7. This being the factum of the case, the order of the III Additional Labour Court passed in I.A.No.153 of 2015 is in accordance with law and there is no infirmity as such. Thus, the order dated 22.01.2018 passed in I.A.No.153 of 2015 in I.D.No.124 of 2014 on the file of the second respondent is confirmed.

8. Accordingly, this writ petition stands dismissed. Consequently, the connected miscellaneous petition is closed. No costs.

-s/d-

Deputy Registrar

True Copy

Sub-Assistant Registrar

may a / lok

To

The Presiding Officer,
III Additional Labour Court,
Additional City Civil Court Building,
High Court Campus,
Chennai - 600 104

+1 CC to Mr.S. Kingston Jerold, Advocate sr 28939.

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W.P.No.9382 of 2018

SP(08/05/2018)

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