

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12-04-2018

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.1642 of 2015

And

M.P.No.1 of 2015

J.Paul Jayashankar

.. Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Coimbatore.

2.M/s.E-Scribe Solutions India (P) Ltd.,
Represented by its Managing Director,
Mathews Veliyath,
No.185, 3rd Floor,
100 Feet Road,
Gandhipuram,
Coimbatore-641 012.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the order dated 16.12.2014 passed by the first respondent in I.A.No.513 of 2014 in I.D.No.41 of 2013, quash the same and consequently allow the petitioner's I.A.No.513 of 2014 in I.D.No.41 of 2013 and direct the first respondent to allow him to let in evidence on all issues including the amended pleadings.

For Petitioner : Mr.V.Ajoy Khose

For Respondent-2 : Mr.P.Saravana Sowmiyan

O R D E R

The order dated 16.12.2014 passed by the first respondent in I.A.No.513 of 2014 in I.D.No.41 of 2013 is under challenge in this writ petition.

2. The grievance of the petitioner is that in the I.D.No.41 of 2013, the petitioner preferred an interlocutory application in I.A.No.513 of 2014, seeking an amendment to be carried out in the claim statement.

3. The learned counsel, appearing on behalf of the management, opposed the contention by stating that the amendment petition is filed in view of the legal grounds raised on behalf of the management before this Court. Therefore, the amendments now sought for in order to circumvent the legal grounds raised by the management, cannot be entertained.

4. This Court is of an opinion that the writ petitioner may be permitted to amend the claim statement by incorporating the additional grounds or otherwise. However, an opportunity to be provided to the management for controverting the statement which was made in the amendment. At the outset, the parties are at liberty to adjudicate the matter by availing the opportunities by adducing the evidences and through the documents in the industrial dispute case.

5. This apart, the petition filed seeking amendments are to be considered liberally in view of the fact that all the issues pertaining to the disputes are to be resolved in one petition and therefore, leaving certain issues for further adjudication may not be proper for the conclusion of the litigations. So also once a dispute is raised, it is preferable that all the connected issues are adjudicated and resolved.

6. This being the principles to be followed, there is no point in disallowing the amendment petition, so as to create another point for a fresh litigation. Accordingly, the order passed by the Labour Court in I.A.No.513 of 2014 in I.D.No.41 of 2013 dated 16.12.2014 is quashed. The writ petitioner is permitted to carryout the amendment in the claim statement and the respondents are at liberty to defend the amendments by way of filing an additional affidavit or through any other documents.

7. Accordingly, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

s/d-

Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

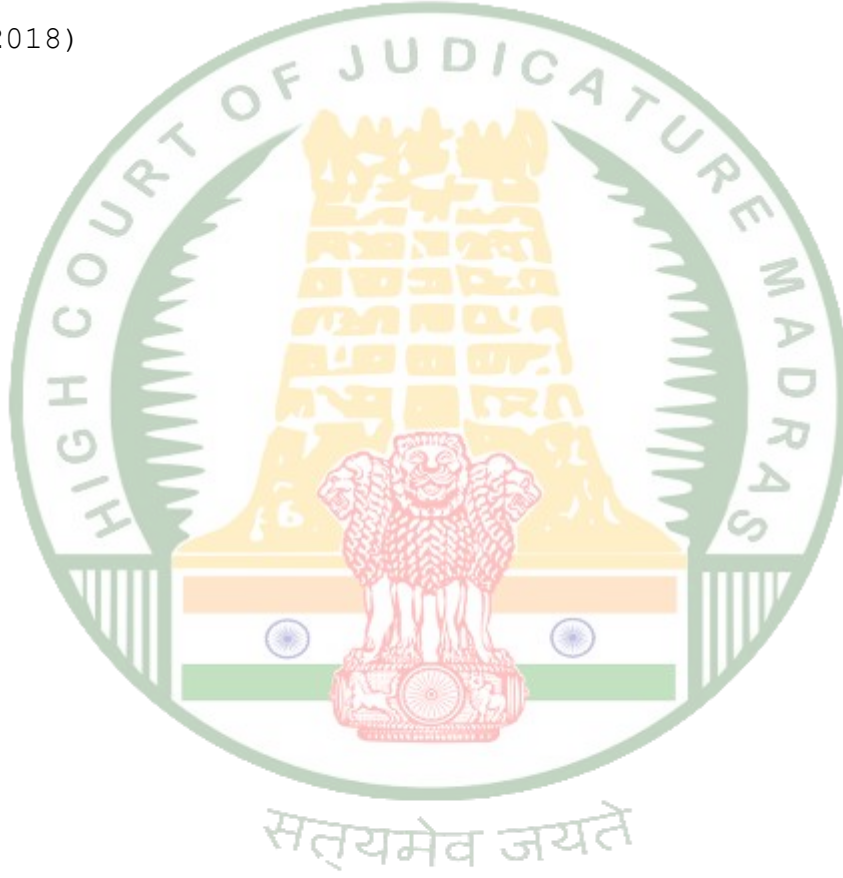
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To

The Presiding Officer,
Labour Court,
Coimbatore.

W.P.No.1642 of 2015

PPA (CO)
SP (27/04/2018)



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