

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2018

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.Nos.16358 and 16359 of 2018
and W.M.P.Nos.19525, 19526, 22159 and 22160 of 2018

W.P.No.16358 of 2018

D.Sundarrajan

... Petitioner

Vs.

1. The Presiding Officer,
Principal Labour Court,
Vellore - 632 009.

2. The Management,
ABI Showatech India Limited (LAP),
Pulivalam Post via Banavaram,
Walaja Taluk, Vellore District - 632 505.

3. M/s.S.V.G. & Co.,
Rep. by its Proprietor
P.N.Lakshminarayanan
No.58, Post Office Street,
Sholinghur - 631 102.

... Respondents

Writ 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 pertaining to the order dated 21.03.2018 passed by the 1st respondent in I.A.No.81 of 2017 in I.D.Nos.142, 144 to 156 of 2015, quash the same and consequently direct the 2nd respondent herein to produce all the 9 documents which they have prayed for in the above said I.A.

W.P.No.16359 of 2018

A.Ramesh

... Petitioner

Vs.

1. The Presiding Officer,
Principal Labour Court,
Vellore - 632 009.

2. The Management,
ABI Showatech India Limited (LAP),
Pulivalam Post via Banavaram,
Walaja Taluk, Vellore District - 632 505.

3. M/s.R.Loganathan & Co.
Rep. by its Proprietor,
R.Loganathan,
No.47/1, Kamaraj Nagar,
Sholinghur - 631 102.

.. Respondents

Writ 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 pertaining to the order dated 21.03.2018 passed by the 1st respondent in I.A.No.122 of 2017 in I.D.Nos.143 of 2015, quash the same and consequently direct the 2nd respondent herein to produce all the 9 documents which they have prayed for in the above said I.A.

For Petitioner in both W.Ps. : Mr.V.Ajoy Khose
For R1 in both W.Ps. : Court
For R2 in both W.Ps. : Mr.S.Ravindran,
Senior Counsel,
for M/s.S.Bazeer Ahamed

For R3 in W.P
16359/2018 : No appearance

For R3 in WP.
16358/18 : P.Nehru

COMMON ORDER

These writ petitions have been filed by the workmen, challenging the order passed by the Labour Court dated 21.03.2018.

2. The workmen filed applications before the Labour Court under Section 11(3) (b) of Industrial Disputes Act, 1947, seeking production of nine documents mentioned in the petition. In respect of the production of those documents, the respondents filed their counter affidavit, stating that document Nos.2, 4 and 9 are not available and document Nos.1, 3, 6, 7 and 8 are not maintained and document No.5 alone is available.

3. The learned counsel appearing for the petitioners/workmen submitted that the finding of the Labour Court that those documents are not relevant, is liable to be set aside as those documents are relevant to show that the workmen are directly employed under the second respondent.

3.1. It is submitted that evidence is not yet over and is yet to be recorded.

4. As those documents are claimed to be not available in the premises of the factory, there is no purpose in directing the production of documents by the Management. However, it is for the Labour Court to draw appropriate inference depending upon the context of the case, nature of the evidence adduced and the quality of evidence adduced. Therefore, the orders passed by the Labour Court stating that the documents are not relevant is hereby set aside. The matter is remitted back to the Labour Court to record evidence and to draw proper inference depending upon the context and nature of the evidence, while passing final orders, with reference to documents that are sought to be produced.

5. Accordingly, the writ petitions are disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

To

1. The Presiding Officer,
Principal Labour Court,
Vellore - 632 009.

+1cc to M/s.S.Bazeer Ahamed Advocate Sr.No.71304

+1cc to Mr.V.Ajoy Khose, Advocate Sr.No.70189

W.P.Nos.16358 and 16359 of 2018

kan(co)
nr 22/04/2019

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