

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA

W.P.NO.19217 of 2018

1. P.Selvaraj
2. C.Baskaran
3. M.Sasikumar
4. P.Saravanakumar
5. M.Sankar
6. B.Murali
7. C.Prakalathan

.... Petitioners

Vs

The Management of
CRI Pumps (P) Ltd
7/46-1, Keeranatham Road
Saravanampatti, Coimbatore - 641 035. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified mandamus calling for the records pertaining to the common order dated 07.06.2018 passed by the Additional Labour Court, Coimbatore in I.A.Nos.173 to 186 of 2017 in I.D.Nos.110 to 116 of 2013 and quash the same and consequently direct the Additional Labour Court, Coimbatore to reopen the case for further evidence on their side and the respondent to produce all the documents which they have prayed for, except the standing orders.

For Petitioners : Mr.V.Ajoy Khose
For Respondents : Mr.S.Ravindran, Standing Counsel
for M/s.S.Basheer Ahamed

सतयमेव जयते
O R D E R

The order dated 07.06.2018 passed in I.A.Nos.173 to 186 of 2017 in I.D.Nos.110 to 116 of 2013, is under challenge by the workmen. The workmen filed petition under Section 11 of the Industrial Disputes Act, seeking direction to the management to produce some of the documents in respect of which the workmen wanted to lead evidence. It appears that the application has been taken out along with an application to reopen the main case for the purpose of marking the documents. The Additional Labour Court has considered the details of the documents to be produced along with the explanation submitted by the management. The documents called for and the explanation submitted reads as under.

S.No	Document	Explanation by the Management
1.	Wage Register for the period 1997 to 2010 maintained at CRI Pumps (P) Ltd Chinnavedampatti and Wages Register for the period 2010 to 2013 maintained at CRI Pumps (P) Ltd, Engineering Division II.	CRI Pumps Pvt Ltd., situated at Chinnavedampatti has been separated as 3 units viz., Fludyn Advance Technology Centre, Gransa Industry and Jan Industry after the year 210 and the Engineering Division-II has been closed and the building has been handed over to COINDIA. In the above process, the documents sought for under Serial No.1 and 2 got misplaced due the passage of time not traceable despite efforts taken by the management and hence unable to produce the documents..
2.	Attendance Register for the period 1997 to 2010 maintained at CRI Pumps (P) Ltd., Chinnavedampatti and Attendance Register for the period 2010 to 2013 maintained at CRI Pumps Pvt Ltd Engineering Division II	
3.	Copy of the Certified Standing Orders.	Not available with the management and hence unable to produce the same.
4.	Balance Sheet for the year 2010-2013	Only a common balance sheet is maintained for the entire CRI Pumps Group. However each unit maintains profit and loss account, which is already filed and marked as Ex.M-7.
5.	Copy of Form III-A, V, VI-A and 10-D under the Provident Fund Act.	No details regarding for whom it is sought for, the period and purpose for which the documents are sought for and hence unable to produce the documents.

2. Learned counsel appearing for the workmen would submit that these documents are indispensable for proving the case and therefore the labour court ought not to have dismissed the applications, accepting the explanation submitted by the management. So far as the documents in serial Nos.1 and 2 are concerned, the wage register and attendance register, it is the

reply by the management that the establishment has been shifted in the year 2010 and therefore the documents are not available and it is the labour court to throw proper inference based on the facts and circumstances.

3. So far as document in Sl.No.3 is concerned, it is admitted that it is only model standing order that is required and the same is available. Regarding the document in Sl.No.4 ie., balance sheet is concerned, it is the case of the management that only a common balance sheet is maintained for the entire CRI Pumps Group. However each unit maintains profit and loss account, which is already filed and marked as Ex.M-7. In so far as document No.5, Copy of Form III-A, V, VI-A and 10-D under the Provident Fund Act is concerned, the learned counsel for the management would submit that sufficient details viz., name of the employee, the period and the purpose for which those documents are required etc., are not furnished and without those details, the management will not be in a position to produce the documents. Learned counsel for the petitioners /workmen submits that the details would be furnished before the labour Court.

4. Accordingly, the learned counsel for the petitioners / workmen is directed to furnish the details of the documents listed in Sl.No.5 and on receipt of the details, the management shall produce the available documents before the labour court.

5. With regard to the other documents, the labour court may draw appropriate inference having regard to the facts and circumstances available in this case and also having regard to the explanation submitted for the non production of the documents. With these directions, the writ petition is disposed of. No costs. Consequently, connected W.M.Ps are closed.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1.The Presiding Officer,
Additional Labour Court, Coimbatore.

+1cc to M/s.S.Basheer Ahamed, Advocate sr.no.56613

+1cc to Mr.V.Ajay Khose, Advocate sr.no.56706

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nr 16/10/2018