

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2018

CORAM:

THE HON^{BLE} DR.JUSTICE S.VIMALA

W.P.No.24630 of 2017

and W.M.P.No.25987 of 2017

M/s.Diamond Engineering (Chennai) Pvt. Ltd.,

Represented by its

Deputy Managing Director

Mr.P.Danaraj

41, Pudupakkam Village,

Kelambakkam-Vandalur Main Road,

Kancheepuram District. ... Petitioner

Vs.

1. The Presiding Officer,

I Additional Labour Court,

Chennai.

2. J.Selvaraj .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorari, to call for the records relating to the proceedings of the 1st respondent in unnumbered I.A. in I.D.No.428 of 2013 dated 06.07.2017 on the file of the 1st respondent and to quash the same.

For Petitioner : M/s.J.Pothiraj

For Respondents : Court & R1

Mr.A.Velmurugan

for Mr.M.Suresh for R2

O R D E R

The writ petition has been filed challenging the order passed by First Additional Labour Court in unnumbered I.A. in I.D.No.428 of 2013 dated 06.07.2017.

1.1. The order impugned is the dismissal of the petition filed under Section 45 of the Indian Evidence Act, where the Management has produced xerox copies of the documents and wanted the Court to send the documents containing the signature in the same (disputed and admitted document) for expert opinion for the purpose of comparison of documents.

1.2. A perusal of the order would go to show that the petition has been filed under Section 11 of the Industrial Disputes Act, read with Section 45 of the Indian Evidence Act. The Labour Court has given too many reasons as to why those documents need not to be sent for expert opinion. The first reason is that both the sample documents produced are xerox copies. Ex.M3 is the reply, in which, the so-called resignation is not whispered.

1.3. The resignation letter of the workman is dated 18.08.2010. The signature in the document is sought to be compared with Ex.M2, which is the letter demanding bonus dated 10.11.2010. Those documents were only xerox copies and not the original documents.

1.4. The Labour Court has also considered the circumstances that the defence of resignation was not taken before the Assistant Commissioner of Labour.

1.5. However, the Labour Court has indicated that the Court has got ample powers under Section 73 of the Indian Evidence Act for comparison of signature.

1.6. The reasons given by the Labour Court are legal, acceptable and correct. The finding of the Labour Court that the petition filed by the Management is a motivated one with an intention to drag on the proceedings endlessly is found to be correct.

2. Despite the Labour Court giving too many reasons for dismissal of the application and despite the Labour Court awarding cost of Rs.500/- payable to the Taluk Legal Services Authority, Chennai, the Management has chosen to challenge this order without any valid grounds.

3. The Management is directed to co-operate with the Labour Court for disposal. The management is expected to render utmost co-operation in the disposal of the case realizing their responsibility towards the workman also and towards the Court. The Labour Court shall dispose of I.D.No.428 of 2013 within a period of one month from the date of receipt of a copy of this order.

4. With the above direction, the writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

03.10.2018

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Index : Yes / No.

Internet : Yes / No.

Note: Issue order copy on or before 05.10.2018

To

1. The Presiding Officer,
I Additional Labour Court,
Chennai.

DR.S.VIMALA, J.

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