

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on: 20.06.2019

Delivered on: 26.06.2019

Coram

The Hon'ble Mr.Justice V.PARTHIBAN

W.P.Nos.8319, 8321, 10966, 10968, 10971, 10974,
10977, 10981, 10984, 10987 of 2019

and

W.M.P.Nos.8861, 8864, 11403, 11404, 11406, 11407,
11410, 11412, 11416 and 11418 of 2019

A.SIVAKUMAR PETITIONER in WP No.8319 of 2019
D.PARTHIBAN PETITIONER in WP No.8321 of 2019
G.VINAYAGAM PETITIONER in WP No.10966 of 2019
E.SELVARAJ PETITIONER in WP No.10968 of 2019
N.MANIKANDAN PETITIONER in WP No.10971 of 2019
S.ARUNKUMAR PETITIONER in WP No.10974 of 2019
R.VINAYAGAM PETITIONER in WP No.10977 of 2019
M.VENKATESAN PETITIONER in WP No.10981 of 2019
E.SANTHOSE KUMAR PETITIONER in WP No.10984 of 2019
C.NAGARAJAN PETITIONER in WP No.10987 of 2019

THE DIRECTOR,
BRAKES INDIA PRIVATE LIMITED,
FOUNDRY DIVISION UNIT II,
KRISHNAVARAM,
PULIVALAM VILLAGE AND POST,
WALAJA TALUK,
VELLORE-632 505

... RESPONDENTS IN WP.NOS.8319 & 8321/2019

1 THE MANAGEMENT
BRAKES INDIA LTD., (TVS-B1),
BRAKES DIVISION
ARAKONAM ROAD,
SHOLINGAR,
VELLORE DISTRICT 631 102
... RESPONDENTS IN WP.NOS.10966, 10968, 10971, 10974,10977,
10981, 10984, 10987

WP.NOS.8319 & 8321:

Petitions filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus calling for the records pertaining to the order dated 21.03.2018 passed by the Principal Labour Court, Vellore, in I.A.No.154 & 153/2017 in I.D.No.102 & 101 of 2016 respectively and to quash the same and consequently direct the second respondent to produce all the 6 documents, which he has prayed for in the above said I.A.

WP No.10966 of 2019

Certiorarified Mandamus after calling for the records pertaining to the order dated 15.11.2018 in I.A. No. 109/2018 in I.D. NO. 38/2017 passed by the Principal Labour Court, Vellore, quash the same in so far as dismissing the I.A. in respect of documents numbers 4 and 6 to 9 and restricting the production of documents only in respect of the dates and period for which the respondent has produced in respect of document numbers 1,2,3 and 5 and consequently direct the respondent to produce all the documents and for the entire period in addition to documents already produced by them.

WP No.10968 of 2019

issue a Writ in the nature of Certiorarified Mandamus after calling for the records pertaining to the order dated 15.11.2018 in I.A. No. 110/2018 in I.D. NO. 39/2017 passed by the Principal Labour Court, Vellore, quash the same in so far as dismissing the I.A. in respect of documents numbers 4 and 6 to 9 and restricting the production of documents only in respect of the dates and period for which the respondent has produced in respect of document numbers 1,2,3 and 5 and consequently direct the respondent to produce all the documents and for the entire period in addition to documents already produced by them

WP No.10971 of 2019

issue a Writ in the nature of Certiorarified Mandamus aftercalling for the records pertaining to the order dated 15.11.2018 in I.A. No. 111/2018 in I.D. NO. 40/2017 passed by the Principal Labour Court, Vellore, quash the same in so far as dismissing the I.A. in respect of documents numbers 4 and 6 to 9 and restricting the production of documents only in respect of the dates and period for which the respondent has produced in respect of document numbers 1,2,3 and 5 and consequently direct the respondent to produce all the documents and for the entire period in addition to documents already produced by them.

WP No.10974 of 2019

issue a Writ in the nature of Certiorarified Mandamus after calling for the records pertaining to the order dated 15.11.2018 in I.A. No. 112/2018 in I.D. NO. 41/2017 passed by the Principal Labour Court, Vellore, quash the same in so far as dismissing the I.A. in respect of documents numbers 4 and 6 to 9 and restricting the production of documents only in respect of the dates and period for which the respondent has produced in respect of document numbers 1,2,3 and 5 and consequently direct the respondent to produce all the documents and for the entire period in addition to documents already produced by them.

WP No.10977 of 2019

issue a Writ in the nature of Certiorarified Mandamus after calling for the records pertaining to the order dated 15.11.2018 in I.A. No. 113/2018 in I.D. NO. 42/2017 passed by the Principal Labour Court, Vellore, quash the same in so far as dismissing the I.A. in respect of documents numbers 4 and 6 to 9 and restricting the production of documents only in respect of the dates and period for which the respondent has produced in respect of document numbers 1,2,3 and 5 and consequently direct the respondent to produce all the documents and for the entire period in addition to documents already produced by them.

WP No.10981 of 2019

issue a Writ in the nature of Certiorarified Mandamus after calling for the records pertaining to the order dated 15.11.2018 in I.A. No. 114/2018 in I.D. NO. 43/2017 passed by the Principal Labour Court, Vellore, quash the same in so far as dismissing the I.A. in respect of documents numbers 4 and 6 to 9 and restricting the production of documents only in respect of the dates and period for which the respondent has produced in

respect of document numbers 1,2,3 and 5 and consequently direct the respondent to produce all the documents and for the entire period in addition to documents already produced by them

WP No.10984 of 2019

issue a Writ in the nature of Certiorarified Mandamus after calling for the records pertaining to the order dated 15.11.2018 in I.A. No. 115/2018 in I.D. NO. 44/2017 passed by the Principal Labour Court, Vellore, quash the same in so far as dismissing the I.A. in respect of documents numbers 4 and 6 to 9 and restricting the production of documents only in respect of the dates and period for which the respondent has produced in respect of document numbers 1,2,3 and 5 and consequently direct the respondent to produce all the documents and for the entire period in addition to documents already produced by them.

WP No.10987 of 2019

issue a Writ in the nature of Certiorarified Mandamus after calling for the records pertaining to the order dated 15.11.2018 in I.A. No. 116/2018 in I.D. NO. 45/2017 passed by the Principal Labour Court, Vellore, quash the same in so far as dismissing the I.A. in respect of documents numbers 4 and 6 to 9 and restricting the production of documents only in respect of the dates and period for which the respondent has produced in respect of document numbers 1,2,3 and 5 and consequently direct the respondent to produce all the documents and for the entire period in addition to documents already produced by them.

For Petitioner .. Mr.V.Ajaykhose
for M/s. R.Krishnaswamy
in all W.Ps.

For Respondent .. Mr.S.Ravindran,Sr.counsel
for M/s.S.Bazeer Ahamed
in all W.Ps.

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COMMON ORDER

All these writ petitions are directed against the orders passed by the Labour Court in various Interlocutory Applications seeking for production of documents from the Management, at the instance of the workmen.

2.The Labour Court, by common reasons in respect of all the I.As, has partially allowed the I.As. The Labour Court,

while dealing with the I.As for production of some documents by the Management, has held that out of the documents sought in the I.As., the Management was maintaining a few of them, but the remaining documents were not maintained by the Management and therefore, they were not able to produce the same.

3.The Labour Court, accepting the contention of the Management, had held that certain documents, which were produced by the Management, are fair enough and the other documents, which could not be produced by the Management, are not very relevant to the dispute raised by the workmen against their termination by the Management. As against the said order, the present writ petitions have been filed.

4.Sri.Ajay Khosh, the learned counsel appearing for the workmen in all the writ petitions would submit that the Labour Court, while dealing with the issue of production of all the documents, as indicated in the I.As, has rendered a finding that some of the documents, which were not made available by the Management, are not relevant. According to the learned counsel, the Labour Court has not appreciated the case of the workmen and simply held that the documents which were not produced by the Management are not relevant.

5.Moreover, while partially rejecting the claim of the workmen for production of the documents, the Labour Court has also held that the Management was not statutorily bound to maintain such documents, after a lapse of some period. According to the learned counsel, it is imperative on the part of the Labour Court to have given a detailed finding as to the relevancy of the documents first, before concluding that the documents which were not produced by the Management was due to non-availability of the same or not. Unfortunately, the Labour Court misdirected itself by not rendering a finding on the relevancy of the documents and rejected the claim of the workmen by a very thin reasoning.

6.Per contra, the learned Senior counsel Mr.Ravindran, appearing for the Management, in all the writ petitions, would submit that the Labour Court has gone into the issue of the relevancy of the documents sought by the workmen and held that those documents which were not statutorily maintainable, were not maintained by the Management and hence, the same could not be made available to the Labour Court. At the same time, while holding so, the Labour Court has held that in any event, such documents which were not available were not also relevant to the dispute raised by the workmen.

7. According to the learned Senior counsel, there is nothing wrong in the conclusion arrived at by the Labour Court. According to the learned Senior counsel, in any event, some of the documents, which were maintained statutorily by the Management, were produced and the I.As were not dismissed outright, but were partially allowed. Therefore, the learned Senior counsel would urge this Court not to interfere with the orders passed by the Labour Court in the aforesaid Interlocutory Applications.

8. Considered the submissions of the learned counsel appearing for the workmen in all the writ petitions and also Mr.S.Ravindran, the learned Senior counsel appearing for the Management.

9. Both the counsels have taken this Court to the findings of the Labour Court and the ultimate conclusion of the Labour Court partially allowing the I.As. After perusing the pleadings and the impugned order, this Court is of the view that the Labour Court has not dealt with the issue of relevancy of the documents, which were not produced due to non-availability in proper perspective. Unless the Labour Court gives a specific and definite finding as to how the documents, which were not made available, are not relevant to the dispute or how they are relevant, the Labour Court would not be in a position to draw any inference either way. In such circumstances, it is incumbent upon the Labour Court to deal with the I.As little more critically when examining the same from all possible angles.

10. This Court finds that the reasons adopted by the Labour Court, which culminated in the passing of the impugned order, are little sketchy, particularly as to the relevancy of the documents and this Court feels that the orders need to be revisited by the Labour Court. A detailed reasoning thereupon is required for the benefit of the parties to the dispute and it will also help the Labour Court to come to a definite conclusion in respect of the dispute raised before it.

11. For the aforesaid reason, the writ petitions are allowed to the extent indicated below. The matters are remitted back to the Labour Court for it to give a detailed finding and reasons for arriving at a conclusion as to the relevancy of the documents which could not be produced by the Management due to its non-availability.

12. In the process, the Labour Court is also directed to render a finding as to the documents, which were not made available, are statutorily mandated to be maintained by the Management or not. The Labour Court may also direct the parties

to file any additional pleadings and also let any oral evidence in this regard, in case it requires such course of action for coming to a definite conclusion on the aspects indicated above. The Labour Court is also directed to dispose of all the I.As., within a period of three months after the matters are restored to its file. No costs. Connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

To

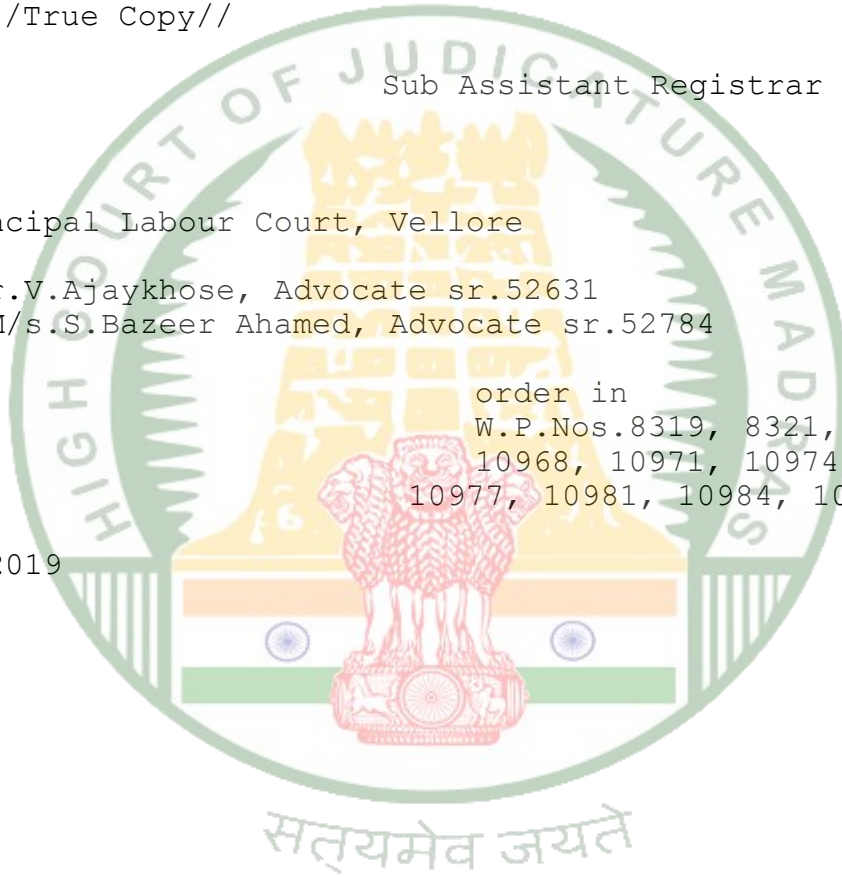
1.The Principal Labour Court, Vellore

+1cc to Mr.V.Ajaykhose, Advocate sr.52631

+2cc to M/s.S.Bazeer Ahamed, Advocate sr.52784

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