

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.8897 of 2019
W.M.P.No.9445 of 2019

Mr.V.Surilivel

...Petitioners

vs.

The Medical Superintendent
Christian Medical College and
Hospital, Vellore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certioarified Mandamus, to call for the records in I.A.No.211/18 in I.D.No.10/2018 on the file of Principal Labour Court at Vellore; order dated 27.12.2018 and to quash the same and direct to the respondent to produce the required documents as prayed for by the petitioner that the above I.A.No.211/2018.

For Petitioner : Mr.S.L.Venkatesan

For Respondent : Mr.Sanjay Mohan
for M/s.S.Ramasubramaniam

सत्यमेव जयते
O R D E R

The order dated 27.12.2018, in I.A.No.211/2018 in I.D.No.10/2018 is under challenge in the present writ petition.

2. The writ petitioner/workman has filed Industrial Dispute Case No.10/2018 before the Learned Principal Labour Court at Vellore, challenging the order of removal from service dated 21.12.2015 and claims reinstatement with backwages.

3. An Interlocutory Application in I.A.No.211 of 2018 was filed by the petitioner under Order 11 Rule 16 of Code of Civil Procedure to direct the respondent to produce the documents mentioned in the petition to establish his case.

4. The Principal Labour Court has passed an award stating that the petitioner has filed proof affidavit in I.D.No.10/2018 on 21.08.2010 and on that date itself he was examined in chief and also cross examined by the learned counsel for the respondent/management. It is further stated that in order to prove the allegations stated by the respondent/management during cross examination, the petitioner required 14 documents. The respondent filed their counter raising objections and sought for dismissing the Interlocutory Application. It is contended that the petitioner was on probation and his service was not confirmed. Even during cross examination, certain documents were marked and the fact regarding the probation period was also admitted by the writ petitioner/workman. Further, it is stated that the documents sought for in the interlocutory application by the workmen are in no way connected or relevant for the purpose of arriving at a decision in the Industrial Dispute.

5. The Labour Court found that the petitioner was mentioned as a Pharmacist in the respondent/Management. The petitioner had adduced evidence as W.W.1 and his document was also marked. The Cross-examination of the petitioner was also completed. During cross-examination, some of the documents were also marked. At the stage of adducing further evidence by the writ petitioner, he filed the Interlocutory Application for production of documents. The Labour Court was not convinced and further made a finding that the petitioner is not in need of the above documents to prove his case.

6. On a perusal of the list of documents sought for by the writ petitioner in the interlocutory application, this Court is of the view that those documents are old documents and even if the petitioner required them for establishing his case, the same could have been secured even before the filing of the Industrial dispute. This apart, the relevance are otherwise is also questioned and the Labour Court also made a finding that those documents may not be strictly required for the purpose of establishing the case of the writ petitioner in the

industrial dispute. Such Interlocutory Applications are filed by the workmen after the completion of examination and cross examination mostly to prolong and protract the trial, which can never be encouraged by this Court. Once the chief examination and cross examination were concluded, then the parties must get along with the case for "final hearing".

7. However, in the present case, no exceptional circumstances are produced so as to consider the claim of the writ petitioner. The writ petitioner is at liberty to get along with the case, based on the documents already marked and the evidence already recorded by him.

8. This Court has no hesitation in coming to a conclusion that there is no infirmity as such in respect of the findings of the Labour Court in the order passed in I.A.No.211 of 2018. Accordingly, the order dated 27.12.2018 passed in I.A.No.211 of 2018 in I.D.No.10 of 2018 stands confirmed and the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

//True Copy//

Sd/-
Assistant Registrar(CJ CONF)

Sub Assistant Registrar

ssb
To

The Medical Superintendent
Christian Medical College and
Hospital, Vellore.

+1cc to Mr.Ramasubramaniam , Advocate SR.No. 75961

ss
A.SK(14/10/2019)

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