

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2019

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.14120 of 2019
and
W.M.P.No.14172 of 2019

M.Vijayakumar
S/o.Munusamy

...Petitioner

vs.

The Management of Blue Dart Aviation Ltd.,
88, Old Airport Terminal
Meenambakkam
Chennai-27.

...Respondent

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 orders dated 13.03.2019 in I.A.Nos.381 and 382 of 2018 in I.D.No.82/2015 from the file of the learned II Additional Labour Court, Chennai, quash the same and consequently, direct the learned II Additional Labour Court to reopen the evidence on the petitioner's side and permit the petitioner to give further evidence and to mark the transfer certificate and the ESI Identity card as documents and exhibits on his side, award costs.

For Petitioner : Mr.V.Ajoy Khose

For Respondent : Mr.Anand Gopalan
for M/s.Gopalan & Co.,

O R D E R

This writ petition is filed challenging the orders dated 13.03.2019 made in I.A.Nos.381 and 382 of 2018 in I.D.No.82 of 2015 passed by the Presiding Officer, II Additional Labour Court, Chennai.

2. I.A.No.381 of 2018 was filed to reopen the evidence of the petitioner before the Labour Court and permit him to mark the documents as Exhibits. I.A.No.382 of 2018 was filed to recall the evidence of the petitioner and permit him to mark the documents as Exhibits. The Labour Court dismissed both the interim applications by holding that if the petitioner is permitted to mark the additional documents, the main crux of the industrial dispute will be changed.

3. The learned counsel for the petitioner submitted that the petitioner cannot be prevented from adducing material evidence before the Labour Court in support of his claim and therefore, the orders impugned in this writ petition cannot be sustained.

4. On the other hand, the learned counsel appearing for the respondent/Management submitted that by seeking permission to mark additional documents, the petitioner is trying to establish his date of birth as 21.04.1968 instead of 21.04.1957 and therefore, the Labour Court has rightly rejected the interim applications.

5. Heard both sides and perused the materials placed before this Court.

6. The petitioner herein is the Workmen. He filed I.D.No.82 of 2015 on the file of the II Additional Labour Court, Chennai, challenging non-employment and the consequential relief for reinstatement with backwages, continuity of service and all other attendant benefits. During the pendency of industrial dispute, the petitioner filed the above two interim applications for the purpose of marking School Transfer Certificate and ESI card issued by the competent authority in support of his claim that his date of birth is 21.04.1968. Needless to say that the petitioner having filed the claim petition before the Labour Court, is bound to prove his case by adducing material evidence. For that purpose, the petitioner seeks to reopen his evidence and mark certain additional documents. This Court is not in a position to agree with the findings of the Labour Court that the crux of the dispute will change if the petitioner is permitted to reopen and mark additional documents. On the other hand, the interest of justice would be met only if both parties are provided with sufficient opportunity to let in evidence in support of their claim. Therefore, this Court is of the view that the orders impugned in this writ petition cannot be sustained.

7. Accordingly, this Writ Petition is allowed and the impugned orders are set aside. Consequently, both the interim application Nos. 381 and 382 of 2018 are allowed. The

petitioner shall mark the additional documents. Needless to say that the Labour Court shall decide the merits of the claim made by the petitioner after hearing both the parties and considering the rival pleadings and also the evidences let in by them and thereafter, to pass orders on merits and in accordance with law. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VIII)

//True copy//

Sub Assistant Registrar

mk

To
The Additional Labour Court,
Chennai

+1cc to Mr.V.Ajoy Khose, Advocate SR.No.104999

+1cc to M/s.Gopalan & Co , Advocate SR.No.104747

W.P.No.14120 of 2019

SPD(CO)
GMY(22/01/2020)