

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.10.2019

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.11805 of 2014

and

M.P.No.1 of 2014

Gowri Spinning Mills(P) Ltd.,
Thokkampatti,
Dharmapuri - 636 705

..Petitioner

Vs.

1.The Presiding Officer,
Labour Court, Salem.

2.Adhimoolam

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records in I.A.No.327 of 2013 in I.D.No.607 of 2004 and to quash the order dated 22.01.2014.

For Petitioner : Mr.R.Raghavan

For Respondents : R1 - Labour Court

Mr.R.M.D.Nasrullah for R2

O R D E R

The order dated 22.01.2014 passed in I.A.No.327 of 2013 in I.D.No.607 of 2004 is under challenge in the present writ petition.

2. Admittedly, an Industrial Dispute was raised by the workman in I.D.No.607 of 2004. The writ petitioner Management filed an Interlocutory Application in I.A.No.327 of 2013 with a prayer to send the documents signed by the workman for signature verification to the Experts. In this regard, the writ petitioner Management had filed five documents before the Labour Court concerned and instead of sending the documents for signature verification, Labour Court dismissed the

Interlocutory Application without assigning any reason at all.

3. Perusal of the order impugned dated 22.01.2014, reveals that it is a non-speaking order and no reason has been assigned for the dismissal of the Interlocutory Application filed by the Management.

4. Labour Court ought not to have passed such an order in a blanket manner and in such Interlocutory Applications filed by any of the parties, are to be decided by furnishing reasons. Any unreasoned order cannot be accepted and therefore, the Labour Court has committed a grave error in not considering the Interlocutory Application on merits and by passing an order by assigning reason. In view of the fact that the order is non-speaking and no reasons are assigned, this Court is inclined to consider the writ petition.

5. This apart, sending the documents for signature verification is permissible, whenever there is a doubt raised in respect of the signatures of any of the parties. However, the Court has to find out, whether such petition is filed on genuine grounds or not. If the grounds raised are genuine with reference to the signature of any of the parties, then the Court is well within the powers to send those documents for signature verification in order to cull out the truth for the purpose of deciding the issues on merits.

6. This being the factum, the order dated 22.01.2014 passed in I.A.No.327 of 2013 in I.D.No.607 of 2004 is quashed.

7. Consequently, the relief sought for in the present writ petition is granted as prayed for and the Labour Court is directed to initiate all steps to complete the process of signature verification within Six weeks(6) from the date of receipt of a copy of this order and adjudicate the Industrial Dispute thereafter as expeditiously as possible and dispose of without causing any undue delay. The respective parties are directed, not to seek any unnecessary adjournments. Even in case of any adjournments, the Labour Court may grant adjournment only by recording the reasons, which shall be on genuine grounds.

8. With these directions, the writ petition stands allowed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

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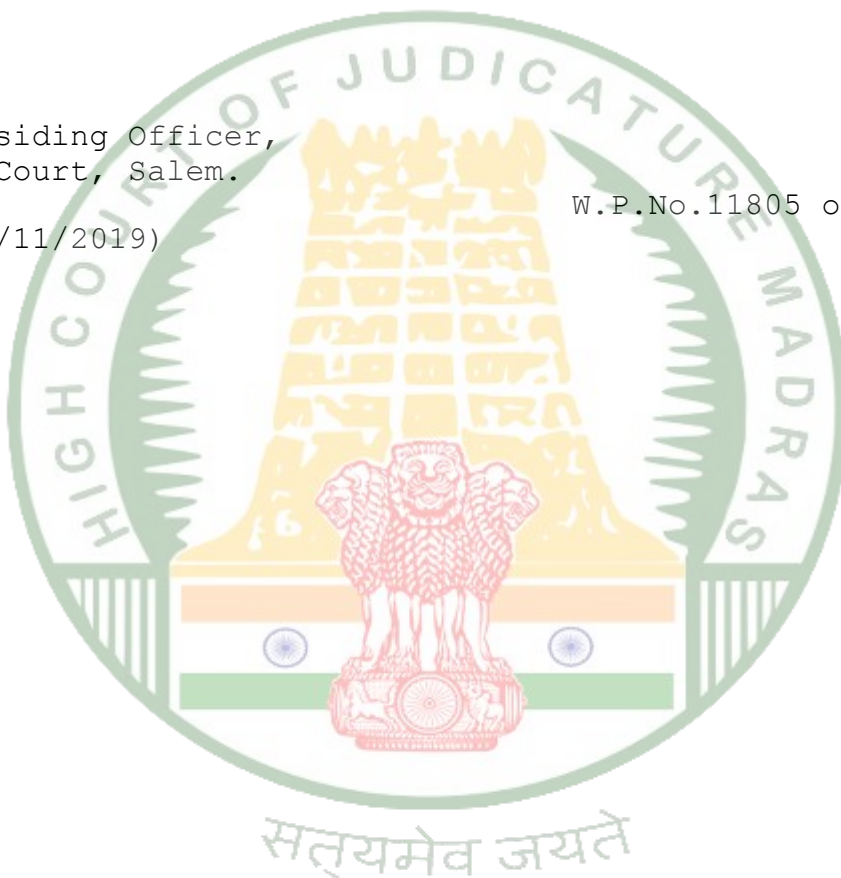
Sub Assistant Registrar

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To

The Presiding Officer,
Labour Court, Salem.

A.SK(12/11/2019)

W.P.No.11805 of 2014



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