



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M. SUBRAMANIAM

W.P.No.25835 of 2019

and

W.M.P.No.25272 of 2019

The Management of NVH India
Auto Parts Private Limited,
Rep., by its Manager - HR,
S.Manikandan,
Plot No.B - 67 & 68, Sipcot Industrial Park,
Irungattukottai, Sriperumbudur Taluk,
Kancheepuram District-602 117.

.. Petitioner

-vs-

1.R.Sadhasivam
2.V.Boopathy
3.J.Vinoth Kumar
4.G.Umashankar
5.R.Mohan
6.K.Jayakumar
7.S.Saravanakumar
8.K.Prabhu Kumar
9.G.Arun
10.D.Chandrasekar

.. Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Certiorarified Mandamus to call
for the records of the Labour Court, Kanchipuram in I.D.Nos.115
to 123 of 2018 & 135 of 2018 and quash its order dated
31.07.2019 in I.A.No.143 of 2019 in I.D.Nos.115 to 123 of 2018 &
135 of 2018 and direct the Labour Court, Kanchipuram to allow
the petitioner to cross-examine the petitioners in I.D.Nos.115
to 123 of 2018 & 135 of 2018.

For Petitioner : Mr.S.Ravindran,
Senior Counsel
assisted by
Mr.S.Bazeer Ahamed

For Respondents: Mr.V.Prakash,
Senior Counsel
assisted by
Mr.K.Sudalai Kannu



ORDER

The order dated 31.07.2019, passed in I.A.No.143 of 2019 in I.D.Nos.115 to 123 & 135 of 2018 is under challenge in the present writ petition. Further direction is sought for to allow the petitioner Management to cross-examine the petitioners in I.D.Nos.115 to 123 & 135 of 2018.

2.Admittedly, the industrial disputes were raised by the workmen challenging their non-employment. All the industrial disputes are now pending before the Labour Court, Kanchipuram. During the pendency of the industrial disputes, a memo was filed for joint trial in order to dispose all these industrial disputes as expeditiously as possible. There was no objection on the side of the parties concerned and the Labour Court also agreed to go for a joint trial.

3.The learned Senior Counsel appearing on behalf of the writ petitioner Management states that the Labour Court, Kanchipuram, is now insisting for examination of one witness alone.

4.This Court is of a considered opinion that if at all any grievances exist regarding the examination of witnesses, it is left open to the parties to approach the Labour Court and at this juncture, this writ petition cannot be entertained. However, the learned Senior Counsel for the petitioner Management brought to the notice of this Court that the respondents filed a counter affidavit in this writ petition stating that "we have no hesitation to examine all the petitioners". Relying on the said statement, it is contended that all the witnesses are to be examined.

5.All these pleadings or requests shall be made before the Labour Court for consideration and the Labour Court is to adjudicate these issues on merits and in accordance with law as expeditiously as possible.

6.With the above observation, this writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar



abr

To

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The Presiding Officer,
Labour Court, Kanchipuram.

+1cc to Mr.K.Sudalai Kannu, Advocate SR.98112

+1cc to Mr.S.Bazeer Ahamed, Advocate SR.98159

W.P.No.25835 of 2019

RGN (CO)
CB (07/01/2020)