

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.11.2019

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

W.P.No.31661 of 2019

and

W.M.P.No.31869 of 2019

K.Paulraj

..Petitioner

Vs.

1.The Management of Aruna theatres &
Enterprises Pvt. Ltd.,
3, Pillar Road, Ashok Pillar,
Chennai - 600 083

2.The Receiver,
Aruna theatres & Enterprises Pvt.Ltd.,
3, Pillar Road, Ashok Pillar,
Chennai - 600 083

..Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the Order passed by the 1st respondent in I.A.No.1 of 2019 in I.D.No.193 of 2008, dated 01.08.2019 on the file of II Additional Labour Court at Chennai and quash the same and consequently direct the first respondent to produce all the documents listed in the above said I.A.Petition.

For Petitioner : Mr.D.Manimaran

O R D E R

The order passed by the 1st respondent in I.A.No.1 of 2019 in I.D.No.193 of 2008 dated 01.08.2019 is under challenge in the present writ petition.

2. The writ petitioner workman filed an Interlocutory Application in I.A.No.1 of 2019, to direct the 1st respondent Management to produce certain documents, stating that those documents are relevant to the claim set out by the writ petitioner in the industrial dispute.

3. The learned counsel for the writ petitioner states that the Manager of the 1st respondent Company namely one Mr.V.Hariharan was cross examined as MW1 on 08.04.2019. During the Cross Examination, the above said witness MW1 has stated that he has no knowledge about the concern letter given in

favour of the writ petitioner for getting cinema operator license in his name, which was marked as Ex.P1 on the petitioner side. In view of the statement made by the said witness MW1, the petitioner filed the interlocutory application, seeking certain documents, which was considered by him as necessary for the purpose of establishing his case.

4. The Labour Court considered the reasons set out for filing such an Interlocutory Application and arrived a conclusion that the assets of the Management are now in the custody of official Liquidator / Receiver and in the writ petition filed by the Management, the official Liquidator / Receiver was added as a party. However, the petitioner workman has not impleaded the official Liquidator / Receiver as a party in the industrial dispute, the official Liquidator / Receiver filed a report along with the counter filed by the Management. This apart, the documents sought for by the workman are not relevant with reference to the claims set out in the dispute. Accordingly, the Interlocutory Application was dismissed.

5. This Court is of the considered opinion that the industrial dispute is already pending before the Labour Court for the past about 11 years. Now, the petitioner workman seeks the documents relating to the year 1998. The Interlocutory Application was filed based on the evidence given by one Mr.V.Hariharan, Manager of the 1st respondent. If the parties are allowed to protract and prolong the issues by filing such Interlocutory Applications, it may not be possible for the Labour Court to dispose of the Industrial Dispute itself. This apart, the documents sought for, was of the year 1998 and now 21 years lapsed, the Management has been taken over by the official Liquidator / Receiver.

6. Under these circumstances, even for the Receiver, it may not be possible to produce such old documents as per the claim made by the writ petitioner workman. The Industrial Dispute is raised by the workman and he has to establish his case by filing the documents available with him. Only, on certain exceptional circumstances, where the Management has suppressed certain documents and material facts, then alone, the Labour Court can issue appropriate direction to produce such documents for perusal or for marking.

7. Thus, the Labour Court has stated the reasons for rejection of the Interlocutory Application is candid and convincing and there is no infirmity. The Labour Court is directed to proceed with the Industrial Dispute as expeditiously as possible and dispose of the same without granting any unnecessary adjournments. The parties to the dispute are also directed to co-operate for the early disposal of the Industrial

Dispute. Even in case of adjournments, the Labour Court has to record the reasons and requests for unnecessary adjournments, are to be rejected by the Labour Court.

8. Accordingly, the order passed by the 1st respondent in I.A.No.1 of 2019 in I.D.No.193 of 2008 dated 01.08.2019 is confirmed and the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(J)

// True Copy//

Sub Assistant Registrar

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To

The II Additional Judge,
Labour Court, Chennai.

+lcc to Mr.D.Manimaran, Advocate, SR.No.92561.

W.P.No.31661 of 2019

(CO)
CSR: 12.12.2019



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