

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.945 of 2020
and
W.M.P.No.1144 of 2020

The Management of
CMR Toyotsu Aluminium India Pvt. Ltd.,
A4 & A5, SIPCOT Industrial Park
Pillaipakkam,
Sriperumbudhur - 602 105. ...Petitioner

vs.

1. R.Boopalan
S/o.Ramalingam
2. M.Ramesh
C/o.Boopalan
3. R.Sivakumar
C/o.D.Balakrishnan
4. E.Murugan
5. P.Rajesh
6. K.Lakshmanan
C/o.Murugan Poosari
7. A.Ganesh
S/o.Arumugam
8. S.Karthik
9. N.Udahaykumar
C/o.Boopalan
10. D.Balakrishnan
11. G.P.John Bernandas

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in I.D.No.599 to 609/2018 pending on the file of the Labour Court, Kancheepuram and quash the order passed in I.A.No.210 of 2019 and consequently, direct the Labour Court, Kancheepuram to reopen the evidence on the side of the petitioner and to permit to let in their side of evidence/witness.

For Petitioner : Mr.John Zacharian
for Mr.K.R.Hariharan

O R D E R

This writ petition is filed challenging the order dated 23.09.2019 passed by the Presiding Officer, Labour Court,
<https://hcservices.courts.gov.in/hcservices/>

Kancheepuram, in I.A.No.210 of 2019 in I.D.Nos.599 to 609 of 2018. The said I.A. was filed by the Management, the petitioner herein, for reopening the evidence on the side of the Management and permit them to let in their side of evidence both oral and document. The Labour Court dismissed the said application. Hence, the present writ petition is filed before this Court.

2. Heard the learned counsel for the petitioner and perused the materials placed before this Court.

3. The respondents herein have filed the Industrial Disputes challenging the transfer orders. It is seen that the trial had commenced in the above industrial disputes and the Management side evidence was closed on 22.02.2019, especially, after an endorsement was made by the counsel appearing for the Management that there was no evidence on the side of the Management and that the evidence may be closed. It is further seen that after closing such evidence, the matter was listed for arguments on 22.03.2019. However, another counsel on change of vakalat on behalf of the Management, sought an adjournment. Accordingly, the Labour Court adjourned the matter on several occasions till 12.07.2019. Even, on that day it appears that the counsel for Management sought time for arguments and the Labour Court granted adjournment, however, by imposing costs of Rs.500/- to be paid to the Workmen. It is found by the Labour Court that the said cost was not paid by the Management. Again, on the next hearing date, the counsel for the Management instead of arguing the matter had taken out the present interim application for reopening the case for adducing evidence on the side of the Management. The Labour Court found that the Management, by filing the present application, is only trying to drag the proceedings. The Labour Court also pointed out that the Management has not paid the costs of Rs.500/- to the Workmen. Under the above stated circumstances, the Labour Court dismissed the said interim application.

4. The learned counsel for the petitioner submitted that there are valid evidence available on the side of the Management and therefore, an opportunity may be given to them to let in evidence by allowing the interim application.

5. I have gone through the affidavit filed in support of the interim application No.210 of 2019 before the Labour Court. I find no justifiable reason or ground to come to the rescue of the Management for reopening the case so as to enable the Management to let in evidence. It is not that the Labour Court failed to grant opportunity to the Management to put forth their case by letting evidence. On the other hand, it is evident that after giving such an opportunity, the counsel for the Management made endorsement that there was no evidence on the side of the Management and that the evidence may be closed. Thereafter, the matter was adjourned for

arguments on several occasions and on one such occasion, while granting adjournment, the Labour Court imposed costs of Rs.500/- on the Management. The Management does not have courtesy even to comply with the said order by paying the said costs to the Workmen. On the other hand, they have chosen to file the interim application to reopen the case, that too, with bereft of material details in the affidavit as to why such application is filed in belated stage. Therefore, I find that the Labour Court is fully justified in rejecting the interim application, with which, I find no ground or reason to interfere.

6. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

mk

TO

1.The Labour Court,
Kancheepuram.

+1cc to Mr.K.R.Hariharan, Advocate, S.R.No. 3796

W.P.No.945 of 2020

CP(CO)
GN(14/02/2020)

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