

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.01.2020

CORAM

THE HONOURABLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.22741 of 2019  
and WMP No.22267 of 2019

1. S.Vembuly  
2.K.Mohan  
3. S.Illavarasan  
4. R.Selvamani  
5.M.Kaaja @ Kaaja Moinuthin  
6. J.Kamalakannan  
7.G.Kalaiselvam  
8.S.Raja ...Petitioners

Vs.

1.The Chairman,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
No.144, Anna Salai, Chennai 600 002.  
2.The Chief Engineer (Personnel),  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
No.144, Anna Salai, Chennai 600 002.  
3.The Chief Engineer,  
North Chennai Thermal Power Station, Chennai 600 120.  
4.The Superintending Engineer (P&A),  
North Chennai Thermal Power Station, Chennai 600 120.  
5.The Superintending Engineer (Mechanical-II),  
North Chennai Thermal Power Station, Chennai 600 120.  
6. M/s.Radha Engineering Works,  
Rep. by its Proprietor, Mr.Venkatesan,  
No.40, Sapthagiri Salai,  
Jaffarkhanpet, Chennai 600 083. ...Respondents

Prayer:Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of certiorarified mandamus to call for the entire records connected with the impugned order passed by the Presiding Officer, II Additional Labour Court, Chennai in I.A.No.380 of 2018 in I.D.No.137 of 2016 dated 21.03.2019 and quash the same and consequently direct the respondents to produce the documents sought by the petitioners in I.A.No.380 of 2018 in I.D.No.137 of 2016.

For Petitioner : Mr.S.N.Ravichandran  
For Respondent : Mr. Haroon for R1 to R5  
for M/s.T.S.Gopalan & Co  
Mr.S.Suresh for R6

O R D E R

This writ petition is filed challenging the order made in I.A.No.380 of 2018 in I.D.No.137 of 2016 dated 21.03.2019.

2. The said interim application was filed before the Labour Court for production of certain documents of the year 1994-1999. The Management filed a counter in the said I.A. and submitted that they do not have those documents, as they are more than 20 years old. Taking note of the said fact, the Labour Court dismissed the application. Hence, the present writ petition is filed against the said order.

3. Heard Mr.S.N.Ravichandran, learned counsel for the petitioner and Mr.Haroon, learned counsel appearing for the respondent/Management.

4. It is seen that the petitioners/Workmen filed the said application for production of certain documents. It is further seen that the Management has opposed the application specifically by stating that those documents of the year 1994-1999 are not available with them. Under such circumstances, the Labour Court dismissed the application.

5. Needless to state that at the time of trial, it is for the petitioners to project their case before the Labour Court based on the materials already available on record as well as on the effect of non availability/non production of those documents. Instead, filing the present writ petition would not serve any purpose, since it is specifically stated by the respondent Management that those documents are not available. Under such circumstances, I find that the present writ petition challenging the order of the Labour Court is totally misconceived. Accordingly, the writ petition is dismissed, without expressing any view on merits of the claim made by the respective parties, as the same have to be agitated before the Labour Court. The Labour Court shall dispose the main I.D. within a period of six months. No costs. The connected miscellaneous petition is closed.

Sd/-  
Assistant Registrar(C.S.VIII)

/True Copy/

Sub Assistant Registrar

To

- 1.The Chairman,  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
No.144, Anna Salai, Chennai 600 002.
- 2.The Chief Engineer (Personnel),  
Tamil Nadu Generation and Distribution Corporation Ltd.,  
No.144, Anna Salai, Chennai 600 002.
- 3.The Chief Engineer,  
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- 4.The Superintending Engineer (P&A),  
North Chennai Thermal Power Station,  
Chennai 600 120.
- 5.The Superintending Engineer (Mechanical-II),  
North Chennai Thermal Power Station,  
Chennai 600 120.

+1 cc to M/s.T.S.Gopalan & Co., Sr.No. 7442  
+1 cc to M/s.S.N.Ravichandran,Advocate Sr.No. 7433  
+1 cc to M/s.S.Suresh,Advocate Sr.No. 7964

AKM/26.02.2020/3P-9C /

W.P.No.22741 of 2019

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