

IN THE HIGH COURT OF JUDICATURE AT MADRAS4

DATED : 24.08.2020

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. Nos. 27758, 27762, 27763 and 27764 of 2019

P.Thangaraj

... Petitioner in all WPs

-vs-

1.R.Rangabhasyam

News Editor
Moon Television
Moon Vision Pvt, Ltd.,
Sreyas Chamiers Towers,
3rd Floor, No.37/9, Chamiers Road,
Teynampet, Chennai - 600 018.

2.Dr.L.Shanavaz Khan,

The Managing Director,
Chief News Editor Moon Television
Moon Vision Pvt, Ltd.,
Sreyas Chamiers Towers,
3rd Floor, No.37/9, Chamiers Road,
Teynampet, Chennai - 600 018.

... Respondents in all WPs

Prayer in W.P. No. 27758 of 2019:- Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of of Certiorarified Mandamus, to call for the records pertaining to the order made in I.A. No. 3 of 2019 in C.P. No. 89 of 2016 dated 07.08.2019 on the file of the Additional Labour Court at Coimbatore and to quash the same.

Prayer in W.P. No. 27762 of 2019:- Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of of Certiorarified Mandamus, to call for the records pertaining to the order made in I.A. No. 5 of 2019 in C.P. No. 89 of 2016 dated 07.08.2019 on the file of the Additional Labour Court at Coimbatore and to quash the same.

Prayer in W.P. No. 27763 of 2019:- Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of of Certiorarified Mandamus, to call for the records pertaining to the order made in I.A. No. 6 of 2019 in C.P. No.

89 of 2016 dated 07.08.2019 on the file of the Additional Labour Court at Coimbatore and to quash the same.

Prayer in W.P. No. 27764 of 2019:- Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order made in I.A. No. 4 of 2019 in C.P. No. 89 of 2016 dated 07.08.2019 on the file of the Additional Labour Court at Coimbatore and to quash the same.

For Petitioner : Mr. D.Thirumoorthy for Mr. L.Ramu
(in all W.P.s)

For Respondents: Mr. G.Veerapathiran
(in all WPs)

COMMON O R D E R
(through video conference)

Heard Mr. D.Thirumoorthy, Learned Counsel for the Petitioner and Mr. G.Veerapathiran, Learned Counsel for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. Since these four Writ Petitions arise out of the orders dated 07.08.2019 in I.A. Nos. 3 to 6 of 2019 in C.P. No. 89 of 2016 passed by the Additional Labour Court, Coimbatore (hereinafter referred to as the 'Labour Court' for short), they are taken up together and disposed by this Common Order.

3. The Petitioner, who claims to have been in the employment of the Respondents during the period from 09.07.2011 to 09.02.2016, has filed the application in C.P. No. 89 of 2016 under Section 33-C(2) of the Industrial Disputes Act, 1947 (hereinafter referred to as the 'Act' for short), before the Labour Court, claiming arrears of salary at the rate of Rs. 15,000/- per month for that period. After two witnesses were examined by the Petitioner and another two witnesses were examined by the Respondents, the matter had been posted for argument before the Labour Court. At that stage, the Petitioner had filed the following applications:-

S. No.	I.A. No.	Relief Claimed
1.	3 of 2019	to re-open the case to produce additional documents, to re-call W.W-1 for marking additional documents.

S. No.	I.A. No.	Relief Claimed
2.	4 of 2019	to re-call W.W-1 for marking additional documents on his side
3.	5 of 2019	to produce certain additional documents
4.	6 of 2019	to direct the Respondent to cause production of three documents mentioned in that Petition.

The Labour Court by its separate orders dated 07.08.2019 in I.A. Nos. 3 to 6 of 2019, was of view that the applications had been filed with an intention to fish out in the troubled waters and to cause hardship/harassment to the Respondent and rejected the same. Aggrieved thereby, the Petitioner has filed these Writ Petitions.

4. It appears on a perusal of the pleadings of the parties before the Labour Court in the aforesaid applications that the Petitioner wanted to file the additional documents in view of certain answers given in cross-examination by the witnesses of the Respondents, which according to the Petitioner, could be disproved only with those documents, which he wanted to place by way of additional evidence.

5. Having regard to the fact that one of the documents that the Petitioner wanted to produce was information obtained from a public authority under the Right to Information Act, 2005, after the cross-examination of the witnesses of the Respondents, and the other documents relate to his employment in Viduthalai Tamil Daily, it would subserve the interests of justice if the Petitioner is permitted to produce those additional documents. It is needless to remind here that the Labour Court, which is not bound by the strict rules of procedure followed in regular courts and has to conduct its proceedings in consonance with the principles of natural justice, must have a pragmatic approach in receiving evidence from the parties when they intend to produce the same for effectual adjudication of the disputes in an expeditious manner. It is hastened to clarify here that when the matter is ultimately decided at the time of passing final orders, the Labour Court would definitely have to consider the genuineness and relevancy of the documents produced, but any endeavour to scuttle the right of the contesting parties to produce evidence would unnecessarily result in protraction of the proceedings, as has happened in this case. At the same time, with regard to the documents that the Petitioner had wanted the Respondents to produce, the Labour Court is justified in accepting the contention of the Respondents that inasmuch as they have taken over the Management in the year

2013, it could not be expected from them to produce documents prior to that period which are not in their custody. However, with regard to the bye-laws, Learned Counsel for the Respondents informs that he would ascertain whether the same exists and if a copy of the same is available with the Respondents, it would be produced before the Labour Court. It is also made clear that in respect of the documents which are not in the custody of the Respondents, which the Petitioner wanted to produce, the Petitioner is not precluded from working out his remedies in the manner recognized by law from seeking production of the same from the persons in whose custody those documents are now available. Though obvious, it is clarified that no opinion has been expressed on the correctness or otherwise on the genuineness or relevancy of the documents sought to be produced by the Petitioner before the Labour Court. In view of the foregoing discussion, it is not possible to uphold the orders passed in I.A. Nos. 3 to 5 of 2019, which are accordingly set aside and those applications are ordered, and no interference is called for in respect of order passed in I.A. No. 6 of 2019. The Labour Court shall proceed further in the matter on the aforesaid manner.

In the result, the Writ Petitions in W.P. Nos. 27758, 27762 and 27764 of 2019 are allowed on the aforesaid terms and W.P. No. 27763 of 2019 is dismissed. No Costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

kv/dm

To

The Presiding Officer,
Additional Labour Court, सत्यमेव जयते
Coimbatore.

+lcc to Mr.G.Veerapathiran, Advocate SR.27674.

W.P. Nos. 27758, 27762, 27763 and 27764 of 2019

GJ(CO)

CB(08/09/2020)