

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.01.2020

CORAM

THE HON'BLE MR. JUSTICE K.RAVICHANDRABAABU

W.P.No.31840 of 2019
and
W.M.P.No.32080 of 2019

E.Boobalan
Palla Street
Pattarai Village
Tiruvallur District - 602 004.
...Petitioner

vs.

The Management
Caterpillar India Private Limited
Melnallathur Village
Tiruvallur District - 602 004.
...Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the concerned records passed from the Principal Labour Court, quash the order dated 24.09.2019 in I.A.No.1 of 2019 in C.P.No.139 of 2016 by the Principal Labour Court, Chennai, as illegal, arbitrary and contrary to law and consequently, direct the respondent to produce the salary slips in respect of employee by name R.Madurai, Employee Code No.0354785, Son of Raman, who joined the respondent Company on 05.03.2004 as a Material Handler (Loader) for the period from December 2012 to December 2016.

For Petitioner : Mrs.R.Kamatchi Sundaresan
For Respondent : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.,

O R D E R

This writ petition is filed challenging the order dated 24.09.2019 passed by the Presiding Officer, Principal Labour Court, Chennai, in I.A.No.1 of 2019 in C.P.No.139 of 2016.

2. The petitioner herein has filed the above C.P. seeking for payment of a sum of Rs.21,92,000/- towards difference of wages, incentives, bonus and all other attendant benefits. During the pendency of the said C.P., the petitioner filed the above I.A. for producing the salary slips in respect of an employee viz., R.Madurai, Employee Code No.0354785, whom, according to the petitioner, is a co-employee, joined the respondent Company on 05.03.2004 as a Material Handler. The claim of the petitioner is that he has made the claim for backwages before the Principal Labour Court, Chennai, on the basis of the backwages paid to his co-employee viz., R.Madurai. Therefore, the petitioner sought for production of the salary slips of the said Madurai.

3. The Labour Court dismissed I.A.No.1 of 2019 on the reason that the said Madurai is not a party to the proceedings and the information sought by the petitioner pertains to the third party.

4. The learned counsel for the petitioner submitted that when the petitioner has filed the claim petition, he has to support his case by adducing material evidence and therefore, production of the said salary slip is very much essential.

5. On the other hand, the learned counsel for the respondent-Management, after filing a counter affidavit, has contended that the Management will adduce the evidence at the time of trial as to what was paid to the co-employee and therefore, the petitioner is not justified in seeking production of salary slips in respect of the employee viz., R.Madurai.

6. Heard both sides and perused the materials placed before this Court.

7. The petitioner has filed the above claim petition. The correctness of the claim made by the petitioner and his entitlement are the matters to be considered and decided by the Labour Court in the above said C.P. and therefore, this Court, at this stage, is not expressing any view on the merits of the claim made by the petitioner. However, the apprehension of the petitioner is that since the Management has taken a stand that the claim made by the petitioner is highly excessive and does not commensurate to the payment made to the co-employee, he is seeking the production of salary slips of the said Madurai, whom, according to the petitioner, is the co-employee with similar status.

8. The learned counsel for the respondent-Management since informed this Court that the above apprehension is not well founded on the reason that the Management will adduce evidence at the time of examination as to how much was paid to the co-employee, this Court is of the view that the petitioner need not have any apprehension as though, he will be rendered helpless without filing any material documents. Needless to state that it is for the Management to adduce the evidence with material documents as to how much was paid to the co-employee. Since such course of action is yet to commence and be over, this Court is of the view that this writ petition can be closed by recording the above submission made by the learned counsel for the respondent-Management, which in the considered view of this Court would protect the interest of the petitioner as well.

9. Accordingly, this Writ Petition is closed by recording the above said submissions. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

The Principal Labour Court, Chennai.

+1cc to Mr.Balan Haridass , Advocate SR.No.3452

+1cc to Mr.T.S.Gopaln and co , Advocate SR.No.3403

W.P.No.31840 of 2019

A.SK(17/02/2020)

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