



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.NO.32428 OF 2017

AND

W.M.P.NO.35717 OF 2017

R.Rajasekeran

... Petitioner

.Vs.

1. The Presiding Officer
Cum III Additional Labour Court,
Chennai.
2. The Management,
Hyundai Motors India Ltd.,
Regd. Office and Factory,
at Plot No.H-1, SIPCOT Industrial Park,
Irungattukottai, Sriperumbudur Taluk,
Kancheepuram District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the records of I.A.No.241/15 in I.D.No.204/09, dated 24/05/2016 pending on the file of the III Additional Labour Court, Chennai and quash the same.

For Petitioner : Mr.N.Umapathi

For Respondents : Mr.Abdulla (for R2)

ORDER

The petitioner aggrieved against the order, dated 24.05.2016 passed in the interim application, whereby W.W.1 was permitted for further cross examination.

2. According to the petitioner, the order is a nonspeaking order. Apparently, the petitioner herein had not filed the



counter affidavit in the application filed by the respondent Management under Section 11 of the Industrial Dispute Act, which had prompted the Labour Court to allow the petition.

3. The grounds raised in this writ petition is that the respondent is attempting to fill the lacuna by seeking further cross examination of W.W.1. The provisions of the Industrial Dispute Act does not debar any of the parties to file such an application for recalling the witnesses, till the final award is passed. If at all the petitioner had any objections, he ought to have raised the same at the relevant point of time. Nevertheless, this Court is of the view that the impugned order permitting further cross examination of W.W.1 may not cause any prejudice to the petitioner. It is also seen that along with the present application, the Management has filed another application seeking for recalling M.W.1 which was also allowed and which has not been challenged. The very purpose of recalling W.W.1 could have been for cross examining him on certain documents which were sought to be marked. Such a cross examination of W.W.1 on this aspect would also assist the court to effectively adjudicate on the issue on the authorities' power to issue a dismissal order.

4. Since the order has been passed way back in the year 2016 and the Industrial Dispute is pending from 2009 onwards, it would be appropriate to fix a time limit for disposal of the main dispute.

5. In the light of the above observations, the impugned order dated 24.05.2016 is sustained. The Labour Court shall endeavour to complete the cross examination of W.W.1 as expeditiously as possible and further complete the main Industrial Dispute in I.D.No.204 of 2009 on the file of the Labour Court, Chennai (now transferred to Labour Court, Kancheepuram and renumbered as I.D.No.410 of 2018) within a period of three months from the date of receipt of a copy of this order.

6. The Writ Petition stands disposed of accordingly. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

vum



To

1. The Presiding Officer,
III Additional Labour Court,
Chennai.

WEB COPY

Copy To:-

The Presiding Officer,
Labour Court,
Kancheepuram.

+1cc to Mr.N.Umapathi, Advocate, S.R.No.50400
+1cc to Mr.Abdulla, Advocate, S.R.No.50802

W.P.NO.32428 OF 2017 AND
W.M.P.NO.35717 OF 2017

MG(CO)
PBS/25/10/2021