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W.P.No.20442 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.3.2022

CORAM

THE HONOURABLE Mr.JUSTICE D.KRISHNAKUMAR

W.P.No.20442 of 2021
and W.M.P.No.21703 of 2021

South Handlooms

Rep by its Authorised Signatory

D.Sunil Kumar

...

Petitioner

Vs.

E.Arumugham

C/o.President, General Employees Union,

No.17, Narayanappan Street, Mannadi,

Chennai- 600 001.

...

Respondents

Prayer: The Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorari, calling for records pertaining to the order dated 04.08.2021 in I.A.No.5 of 2021 in I.D.No.100 of 2016 pending on the file of the 1st Additional Labour Court Chennai quash the same thereby direct the admitted contemporary signatures of respondent in affidavits petitions evidence made before the courts to forensic examinations and obtain a report.

For Petitioner

: Mr.T.Sri Krishna Bhagavat

For Respondent

: Mr.R.Karunakaran

ORDER

According to the petitioner, the respondent has filed I.D.No.100 of 2016 against the petitioner for terminating the service of the respondent on 31.8.2015 and an exparte award has been passed by the Labour Court. The petitioner has filed an application to set aside the exparte award and



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the same was allowed and the aforesid I.D.No.100 of 2016 was taken on file for trial. At this stage, the petitioner has filed an application in I.A.No.5 of 2021 to send for the documents mentioned in the application to Forensic Science Laboratory to obtain expert opinion since the petitioner Management has raised doubt regarding genuineness of the signature of the respondent/employee in the aforesaid documents. However, the Court below has not consider the said prayer in proper perspective, rejected the application by stating that the doubt raised by the petitioner is untenable and the same is liable to be set aside.

2. The learned counsel appearing for the respondent/employee would submit that the respondent/employee is not disputing the signature made in the documents cited in the application. The instant application is filed only to drag on the proceedings before the Labour Court.

3. Heard the rival submissions of the parties and perused the materials available on record.

4. On perusal of the order passed by the Court below, it is the specific case of the petitioner that the respondent/employee during trial has marked certain documents as W.1 to W.8. According to the petitioner,



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the signature made in the aforesaid documents and other documents are forged signature. Therefore, the petitioner seeks to refer the aforesaid documents to the Forensic Science Laboratory to get expert opinion regarding the genuineness of the signature of the respondent/employee in the said documents. Therefore, there is some force in the contention of the learned counsel appearing for the petitioner.

5. In order to meet the ends of justice and in order to settle the dispute between the parties, this Court is of the view that no prejudice would be caused to the respondent/employee in sending the aforesaid documents to the Forensic Science laboratory to obtain expert opinion on the signature of the respondent/employee.

6. In the facts and circumstances of the case, the order passed by the Court below in I.A.No.5 of 2022 is set aside. The I Additional Labour Court, Chennai is directed to pass appropriate order within a period of 4 weeks from the date of receipt of copy of the order, to refer the contemporary documents which are relevant to decide the dispute between the petitioner, to the Government Forensic Science Laboratory or private Forensic Science Laboratory. The cost involved in the said exercise shall be borne by the petitioner Management.



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7. Accordingly, the writ petition stands disposed of with the

above directions. No Costs. Connected miscellaneous petition is closed.

10.3.2022

Speaking / Non-Speaking order

Internet:Yes/No

Index:Yes/No

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D.KRISHNAKUMAR,J.

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