



WEB COPY



W.P.No.3441 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 21.06.2023

CORAM:

THE HONOURABLE Mr.JUSTICE V.LAKSHMINARAYANAN

W.P.Nos.34440 and 34441 of 2013

and

M.P.Nos.1 and 1 of 2013

In W.P.No.34440 of 2013

The Management of Knitvel Needles (P) Ltd.,
rep.by its Managing Director L.K.M.Adhi
No.10, SIPCOT Industrial Complex,
Hosur – 635 126. ...Petitioner.

Vs.

1.The Presiding Officer,
Labour Court, Salem.

2.C.Chikkathayappa ...Respondents.

Prayer in W.P.No.34440 of 2013: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of certiorarified mandamus to call for the records relating to the order of the 1st respondent made in I.A.No.68/2012 in C.P.No.21/2012 dated 19.09.2013 and to quash the same and consequently direct the respondent to appoint an Advocate Commissioner as prayed in I.A.No.68/2012 in C.P.No.21/2012.



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For Petitioner : Mr.V.S.Siva Sundaram
For Respondents :
For R1 : Court
For R2 : No Appearance

In W.P.No.34441 of 2013

The Management of Knitvel Needles (P) Ltd.,
rep.by its Managing Director L.K.M.Adhi
No.10, SIPCOT Industrial Complex,
Hosur – 635 126. ...Petitioner.

Vs.

1.The Presiding Officer,
Labour Court, Salem.

2.Nagaveni. ...Respondents.

Prayer in W.P.No.34441 of 2013: Writ Petition is filed under Article 226 of the Constitution of India, to issue writ of certiorarified mandamus to call for the records relating to the order of the 1st respondent made in I.A.No.71/2012 in C.P.No.25/2012 dated 19.09.2013 and to quash the same and consequently direct the 1st respondent to appoint Advocate Commissioner as prayed in I.A.No.71/2012 in C.P.No.25/2012.

For Petitioner : Mr.V.S.Siva Sundaram



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For Respondents :
For R1 : Court
For R2 : No Appearance

COMMON ORDER

Heard, Mr.V.S.Siva Sundaram, learned Counsel for the petitioner. The grievance of the petitioner is that the respondent/workman is not reporting for duty at all, and that he is filing one computation petition after another.

2. Learned counsel for the petitioner further states that the company had sent letters to the workman calling upon him to appear and he did not do so. In order to demonstrate before the court that the workman is not coming to work, I.A.No.68 of 2012 was filed to appoint an Advocate Commissioner to verify if the respondent/workman reports for duty and to file a report before the Labour Court at Salem.

3. I am afraid that such a prayer is not maintainable. An Advocate Commissioner cannot be appointed for the purpose of generating facts and evidence for the writ petitioner. An Advocate Commissioner is appointed to assist the Court to ascertain essential facts which the Court finds necessary to render a proper decision. Appointment of an Advocate Commissioner for



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verification of attendance is unknown. The petitioner if he so advised, can produce contemporaneous records in order to substantiate this case. He cannot use a device of an Advocate Commissioner to fish out evidence in order to prove its case. Therefore, reserving the liberty of the petitioner to produce records before the Court to substantiate its plea, both the writ petitions stand dismissed with a common order. No costs. Connected miscellaneous petitions are closed.

21.06.2023

nst

Index : Yes/No
Speaking : Yes/No
Neutral Citation Case : Yes/No

To,
The Presiding Officer,
Labour Court, Salem.



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V.LAKSHMINARAYANAN,J

nst

W.P.Nos.34440 and 34441 of 2013
and
M.P.Nos.1 and 1 of 2013



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