



W.P.No.17091 of 2020
and W.M.P.No.21157 of 2020

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2023

CORAM

THE HONOURABLE MRS. JUSTICE **R. HEMALATHA**

W.P.No.17091 of 2020
and W.M.P.No.21157 of 2020

The Management of Parry Agro Industries Ltd.,
Sykes Division,
Murugalli Estate,
Valparai, Coimbatore District,
Represented by its Deputy Manager (P & I R) ... Petitioner

Vs.

S.Mani ... Respondent

Prayer : Writ Petition 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 orders dated 29.09.2020 in I.A.No.1/2020 in I.D.No.11/2017 passed by the Additional Labour Court, Coimbatore and quash the same.

For Petitioner : Mr.P.Raghunathan
for M/s.T.S.Gopalan & Co.
For Respondent : Mr.S.Saravanan



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ORDER

Challenge in this writ petition is made to the orders dated 29.09.2020 in I.A.No.1/2020 in I.D.No.11/2017 passed by the Presiding Officer Additional Labour Court, Coimbatore.

2. The respondent raised an Industrial Dispute under Section 2A(2) of the Industrial Disputes Act in I.D.No.11/2017. The Presiding Officer Additional Labour Court framed an issue as to whether the domestic enquiry was conducted fairly and in accordance with law and whether it took up the said issue as a preliminary issue. During the pendency of enquiry the respondent wanted to mark certain documents and therefore, he filed a petition in I.A.No.1/2020 under Section 11(3) of the Industrial Disputes Act and Rule 39 of Tamilnadu Industrial Disputes Rules 1958, to permit him to file the said documents. The learned Presiding Officer, Additional Labour Court vide his orders dated 29.02.2020 allowed the said petition with the following observations:

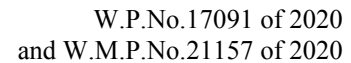


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"18.In catena of decisions, the Hon'ble Supreme Court and the Hon'ble High Courts have laid down a procedure that during the evidence collecting stage if any objection is raised by the opposite party, the Court can mark the document as Exhibit tentatively subject to the said objection and such objection shall be decided at the last stage in the final judgment. Following the said principles, this Court is of the view that the petitioner can be permitted to file the document and the relevancy, admissibility and reliability of the proposed documents can be decided at the last stage. The petitioner cannot be denied permission to produce the documents only for the reason that the documents have not been filed in the domestic enquiry. Mere production or receiving of documents would not amount to proof of the document. The burden is only upon the petitioner to prove the documents. By allowing this petition at this stage, no prejudice would be caused to the opposite party, because the respondent is entitled to put forth his objections to the proposed documents at the time of marking the same. As such, this Court comes to the conclusion that the petitioner is entitled to produce the petition mentioned documents on



3. Mr.P.Raghunathan, learned counsel for the writ petitioner would contend that the documents sought to be filed by the respondent are not relevant to the present case and moreover the request had been brought at a belated stage. Therefore, he prayed for dismissal of the present writ petition.

4. Per contra, Mr.S.Saravanan, learned counsel for the respondent would contend that the documents sought to be marked are communication between the petitioner and the respondent and therefore, as rightly observed by the learned Presiding Officer, Additional Labour Court, there is no impediment in marking all these documents.

5. The respondent was working as a Supervisor in the writer's Management and since he did not attend duty from 27.12.2010



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to 11.02.2015 without prior intimation, a domestic enquiry was conducted and the Enquiry Officer held that the charges framed against the respondent were proved. Subsequently, the Disciplinary Authority dismissed him from service, as against which the Industrial Dispute was raised by the employee before the Conciliation Officer. The Conciliation Officer filed his failure report. Subsequently, the employee filed a petition in I.D.No.11/2017 under Section 2A(2) of the Industrial Disputes Act before the Presiding Officer, Additional Labour Court, Coimbatore. When the case was posted for deciding the preliminary issue with regard to the conduct of domestic enquiry by the Management, the respondent wanted to mark certain documents and in this regard he filed I.A.No.1/2020 along with a list of documents.

6. A perusal of these documents shows that there are communication between the employee and employer prior and after the domestic enquiry proceedings and therefore it cannot be said that the writ petitioner Management would be prejudiced by marking these documents. Moreover, the Presiding Officer, Additional Labour Court,



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Coimbatore has also observed that the relevancy and admissibility of these documents would be decided at the time of marking the documents and that the writ petitioner is entitled to raise their objections in this regard. Hence, I do not see any reason to interfere with the orders passed by the Labour Court.

7. Accordingly, this Writ Petition is dismissed. No costs.
Consequently, connected Writ Miscellaneous Petition is closed.

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Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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R. HEMALATHA, J.

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