



W.P.Nos.26768 & 26770 of 2023
W.M.P.Nos.26204, 26206 to 26208 of 2023

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2023

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

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W.M.P.Nos.26204, 26206 to 26208 of 2023

M/s.Jaishini Packs Private Ltd.,
Represented by its Managing Director,
N.Sivanathan,
No.21/1, Ukkadam-Selvapuram Bye Pass Road,
Palaniyappa Nagar,
Coimbatore-641 026. ... Petitioner in both WPs
Vs.

R.Senthil Kumar ... Respondent in both WPs

Common Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, to call for the entire records pertaining to the orders passed in I.A.Nos.6 & 7 of 2023 in C.P.No.59 of 2019 dated 02.08.2023 on the file of the Additional Labour Court, Coimbatore and quash the same.

In both WPs:

For Petitioner : Mr.A.Deivasigamani
For Respondent : Ms.S.Abhinaya Shree
for M/s.A.Parthasarathy & Associates



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COMMON ORDER

The present writ petitioner is M/s.Jaishini Packs Private Limited, Represented by its Managing Director, N.Sivanathan. The respondent / workman filed a computation petition in C.P.No.59/2019 under Section 33 C (2) of the Industrial Disputes Act, before the Labour Court, Coimbatore, claiming a sum of Rs.2,14,601/- from the writ petitioner Management.

2.The workman examined witnesses on his side and when the matter was posted for arguments the writ petitioner Management filed I.A.Nos.2 & 3 of 2021 in C.P.No.59/2019 praying to reopen the evidence on their side and to send the signature of the respondent herein in Ex.M9 to a handwriting expert for comparing the same along with his admitted signature. The said petition was allowed by the Presiding Officer, Additional Labour Court, Coimbatore and the following documents were sent to forensic department through an Advocate Commissioner Ms.Rashmi Shetty (Roll.No.MAH/5701/2006) for handing over the same



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to the handwriting expert.

"2) The following documents are produced on the side of the petitioner for comparison under consent :

- 1) Passport of the petitioner dated 27.09.2006. (1 signature)*
- 2) Hospital bill relating to Kongunadu Hospital, Tatabad, coimbatore. (1 signature)*
- 3) Certificate issued by the department of Health and Family Welfare, Government of Tamilnadu dated 14.10.2019, signed by the petitioner. (1 signature)*
- 3) Documents produced by the respondents for the purpose of comparison under consent :*

- 1) Vakalath filed in this case by the petitioner on the date of 25.03.2019. (1 signature)*
- 2) Petition in C.P.No.59/2019 dated 25.03.2019. (5 signatures)*
- 3) The deposition signed by the petitioner as WW1 (10 signatures)*
- 4) Bilateral agreement signed by the petitioner and the respondent dated 14.11.2016. (4 signatures)."*

Subsequently, the handwriting expert requested the Court to send contemporaneous documents for comparing the signature found in



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Ex.M9 and accordingly, the Court called for certain documents from the respondent herein. Accordingly, the respondent filed the following documents:

- "3(1). Payslip of Canara Bank dated 12.07.2018*
- 3(2). Cash receipt received by Lotus agency in the year 2015.*
- 3(3). School Fee receipt issued by the Catholic Syrian Bank dated 18.05.2018*
- 3(4). Hospital Bill of Kongunadu Hospital, Coimbatore signed by the respondent / worker."*

In addition to that, six specimen signature of the respondent/workman were also obtained separately by the Presiding Officer, Additional Labour Court, Coimbatore and all the documents were sent to the forensic lab through an Advocate Commissioner. The handwriting expert after analysing the signature had opined that the disputed signature is not that of the respondent / workman. Subsequently, the expert's opinion was marked as Ex.X1 series on 21.04.2023. Subsequently, the writ petitioner Management filed I.A.No.5/2023 seeking to summon the handwriting expert for examination and the same was dismissed by the



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Presiding Officer, Additional Labour Court, Coimbatore. The Management did not advance their arguments. Thereafter, the petitioner Management filed I.A.Nos.6 & 7/2023 in C.P.No.59/2019, before the Presiding Officer, Additional Labour Court, Coimbatore, to reopen the evidence on their side and to send the documents once again to the handwriting expert. The said petitions were dismissed vide orders dated 02.08.2023. The said orders are under challenge in the present writ petitions.

3. Mr.A.Deivasigamani, learned counsel for the writ petitioner would contend that the Presiding Officer, Additional Labour Court, Coimbatore had passed a cryptic order without taking into consideration the objections raised by the writ petitioner. According to him, the Presiding Officer even without the knowledge of the Management obtained certain documents from the respondent/workman and sent the same to the handwriting expert. It is also his contention that unless documents are sent once again to the handwriting expert, the Court cannot come to a just conclusion.



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4. Per contra, Ms.S.Abhinaya Shree, learned counsel for the respondent contended that the Presiding Officer had passed a well considered order after analysing all the aspects of the case and therefore, no interference is warranted.

5. The main contention of the writ petitioner is that the Presiding Officer on its own had obtained certain documents from the respondent/workman without the knowledge of the petitioner Management and sent the same to the handwriting expert. This has not been mentioned in the petition in I.A.Nos.6 & 7/2023. In fact, their only contention in I.A.Nos.6 & 7/2023 is that they have been denied the opportunity of examining the handwriting expert who had sent his opinion.

6. It is seen from the records that the petitioner Management did not raise any objection at the time of sending all the documents through an Advocate Commissioner to the handwriting expert. At the fag



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end of the trial, they have been filing petitions after petitions in order to prolong the case. This has been clearly indicated in the orders passed by the Presiding Officer, Additional Labour Court, Coimbatore. The orders passed by the Presiding Officer, Additional Labour Court, Coimbatore, cannot be said to be cryptic in dismissing the petitions filed by the petitioner Management and I do not see any infirmity in the orders passed by the Labour Court.

7. Accordingly, these Writ Petitions are dismissed. No costs.
Consequently, connected Writ Miscellaneous Petitions are closed.

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

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