



W.P.No.33550 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.33550 of 2022

And

W.M.P.Nos.33010 of 2022 and 6163 of 2023

The Management of
New Woodlands Hotel Private Limited
Rep. by its Managing Director

... Petitioner

Vs.

- 1.G.Radhakrishnan
- 2.M.Ravi
- 3.A.Marimuthu
- 4.A.Gunasekaran
- 5.S.Sampath
- 6.K.G.Chandrasekar
- 7.R.Jeyaraman
- 8.A.Dhanapal
- 9.D.Gubendradoss
- 10.G.Madhan
- 11.A.Ganeshram
- 12.V.Varatharajan
- 13.M.Elangovan
- 14.S.Rajini
- 15.S.Sundaramoorthy
- 16.M.Selvaraj
- 17.P.Nagarajan
- 18.Bishnu Bahadur
- 19.R.Sivakumar
- 20.M.Paramasivam
- 21.K.Rajendran
- 22.T.Kabali
- 23.D.Vijaya
- 24.R.Marimuthu (House Keeping)



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25.N.Anandan
26.P.Govindan
27.P.Selvaraj
28.C.Krishnan
29.M.Duraisamy

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the records of the II Additional Labour Court, Chennai in I.A. Nos.4, 5 and 6 of 2022 in C.P. No.63 of 2021 and quash its common order dated 02.12.2022.

For Petitioner : Mr.S.Ravindran
Senior Counsel
for M/s.S.Bazeerahamed
For Respondents : Mr.K.Sudalaikannu

ORDER

The petitioner has filed this writ petition seeking issuance of Writ of Certiorari calling for the records of the II Additional Labour Court, Chennai in I.A. Nos.4, 5 and 6 of 2022 in C.P. No.63 of 2021 and quash its common order dated 02.12.2022.

2.The case of the petitioner is that the petitioner and substantial number of workmen who represented New Woodlands Hotel Thozhilalar Munetra Sangam and Five Men Committee entered into a settlement dated 28.09.2016 under Section 18(1) of the



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Industrial Disputes Act, 1947. The respondents did not accept the terms of the settlement dated 28.09.2016 but they filed claim petition in C.P. No.63 of 2021 before the II Additional Labour Court, Chennai, claiming monetary benefits of the settlement dated 28.09.2016. During the pendency of the claim petition, the respondents filed I.A. Nos.4, 5 and 6 of 2022 in C.P. No.63 of 2021 to reopen the evidence, to produce documents of the salary receipts from 01.07.2016 to 31.03.2021 and to allow them to examine HR of the petitioner Management namely, S.Mookambikai and the said petitions were allowed by the II Additional Labour Court, Chennai, vide common order dated 02.12.2022. Challenging the same, the petitioner has filed this writ petition.

3.The learned Senior Counsel appearing for the petitioner submitted that the respondents filed claim petition in C.P. No.63 of 2021 before the II Additional Labour Court, Chennai, claiming monetary benefits of the settlement dated 28.09.2016, without accepting the terms of the settlement by giving letter of undertaking as mentioned therein and after completion of both side evidence the respondents filed I.A. Nos.4, 5 and 6 of 2022 in C.P. No.63 of 2021 to reopen the evidence, to produce documents of the salary receipts

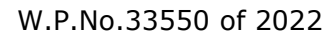


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from 01.07.2016 to 31.03.2021 and to allow them to examine HR of the petitioner Management namely, S.Mookambikai and the said petitions were allowed by the II Additional Labour Court, Chennai, vide common order dated 02.12.2022.

4.The learned Senior Counsel appearing for the petitioner further submitted that the petitioner Management have no grievance for the Labour Court allowing the interlocutory applications, however, the Labour Court have no power to summon the HR of the petitioner Management to give evidence. Further, already all the available documents were marked by the Management before the Labour Court and the salary slips were marked as Ex.R20 and Ex.R21. While such being the position, the Labour Court have no power to issue direction to the Management to produce the documents of the salary receipts from 01.07.2016 to 31.03.2021. In support of his contentions, the learned Senior Counsel relied upon the decision of this Court reported in 2013 (3) LLJ 306 (C.Krishnamurthy and others Vs. The Management of Vibromech Engineers Limited and another).

5.The learned counsel appearing for the respondents submitted that the Labour Court after elaborately considering the factual





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respondents workmen have power to force the Management witness to give evidence. The issue is no longer *res integra*. This Court has held that no one can compel anybody to give witness. In the present case the HR of the petitioner Management has not come forward to examine herself. At the instigation of the respondents workmen, the Labour Court has compelled her to appear before Court and to give evidence. Further, the Management claim that they have marked all the documents available with them. Hence, compelling the Management to produce documents of the salary receipts from 01.07.2016 to 31.03.2021 is also not sustainable one.

9.In view of the above, the common order dated 02.12.2022 in respect of I.A. No.4 of 2022 in C.P. No.63 of 2021 is confirmed and the common order dated 02.12.2022 in respect of I.A. Nos.5 and 6 of 2022 in C.P. No.63 of 2021 is set aside.

10.In fine, this writ petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

17.07.2023

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Speaking Order/ Non Speaking Order

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M.DHANDAPANI,J.
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