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W.P.(MD)Nos.20555 and 20556 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.03.2023

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THE HONOURABLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)Nos.20555 and 20556 of 2019
and
W.M.P.(MD)Nos.17194 and 17195 of 2019

W.P.(MD)Nos.20555 of 2019:

E.I.D Parry (India) Limited,
represented by its Authorised Signatory,
Pettavaithalai,
Tiruchirappalli.

... Petitioner

vs.

The Secretary,
EID Parry Sugar Factory,
(Pettavaithalai) Employees Union (AITUC),
No.2A, Periyamilagu Parai,
Tiruchirappalli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the Labour Court, Tiruchirappalli, in Interlocutory Application No.1 of 2019



W.P.(MD)Nos.20555 and 20556 of 2019

WEB COPY

in I.D.No.19 of 2012 and to quash its order, dated 28.08.2019.

W.P.(MD)Nos.20556 of 2019:

E.I.D Parry (India) Limited,
represented by its Authorised Signatory,
Pettavaithalai,
Tiruchirappalli.

... Petitioner

vs.

The Secretary,
EID Parry Surar Factory,
(Pettavaithalai) Employees Union (AITUC),
No.2A, Periyamilagu Parai,
Tiruchirappalli.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, to call for the records of the Labour Court, Tiruchirappalli, in Interlocutory Application No.2 of 2019 in I.D.No.19 of 2012 and to quash its order, dated 28.08.2019.

In both cases:

For Petitioner : Mr.Anand Gopalan
for M/s.T.S.Gopalan and Co.
For Respondent : Mr.S.P.Vijay Nivas



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W.P.(MD)Nos.20555 and 20556 of 2019

COMMON ORDER

The petitioner namely E.I.D Parry (India) Limited had filed an Interlocutory Application No.2 of 2019, seeking to reopen the main petition filed in I.D.No.19 of 2012 in order to adduce further evidence.

2.The Labour Court had declined the same for the reason that the deponent of the affidavit is not a party in the main petition. Moreover, the petitioner was granted several opportunities to adduce evidences and file documents. The arguments of both the sides were already over. The Labour Court had come to the conclusion that in order to prolong the case, the above said petition was filed. However, the contention of the petitioner is that the Pettavaithalai Employees Union was already closed and there were several workmen who were transferred from one place to another place. The petitioner wants to adduce evidence to this effect. The Labour Court declined to entertain this plea and has stated that the



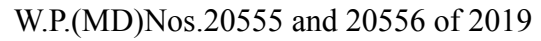
W.P.(MD)Nos.20555 and 20556 of 2019

WEB COPY

subsequent events cannot be entertained.

3. The Labour Court further held that the petitioner had filed another Interlocutory Application No.1 of 2019, to receive the documents and the same was also dismissed, against which W.P.(MD)No.20555 of 2019, is filed. Challenging the both the orders passed by the Labour Court in Interlocutory Application Nos.1 and 2 of 2019, the present writ petitions in W.P.(MD)No.20555 of 2019 and in W.P.(MD)No.20556 of 2019 are filed.

4. This Court is of the considered opinion that opportunity should be granted to the contesting parties, if the same is denied then it will be violative of principles of natural justice. In the present case, the factory is having more than 190 workmen and several deputation orders were passed in the interest of the party as well as the factory. More so, when



5. With the above said observation, the writ petitions are allowed.

Index : Yes / No

24.03.2023

Internet : Yes

NCC : Yes / No

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W.P.(MD)Nos.20555 and 20556 of 2019

S.SRIMATHY, J

Tmg

W.P.(MD)Nos.20555 and 20556 of 2019

24.03.2023