



W.P.No.38428 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2024

CORAM:

THE HONOURABLE MR. JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.38428 of 2024

and

WMP.No.41624 of 2024

The Management
Avathar Jewellers
No.500, Periakadai Street
Coimbatore
Represented by its Managing Partner
Balaji Manikandan

... Petitioner

Vs.

T.Thanislass

...Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records of the Principal Labour Court, Coimbatore, in IA.No.4 of 2024 in I.D.No.2 of 2023 and quash its order dated 15.10.2024.



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For Petitioner : Mr.Haroon AL Rasheed
for M/s.AGAM LEGAL

ORDER

This Writ Petition is filed challenging the order of the Labour Court made in I.A.No.4 of 2024 in I.D.No.2 of 2023 and to quash the order dated 15.10.2024.

2. With reference to the claim petition filed by the Workman claiming reinstatement and backwages, it is the stand taken by the management in the counter that the Workman is only the personal employee of the managing partner and not the employee of the firm Avatar Jewellers. When the issue as to whether he is a personal employee of the managing partner or whether he is the employee of the firm, the Workman filed the present Interlocutory application in IA.No.4 of 2024 to produce six documents. The documents, are attendance registers from 2011 to 2020 in respect of the management, similarly the attendance register which is maintained in respect of the personal employees of the managing partner. Similarly, the bonus register, salary register of both the persons working at



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home as well as in the Management. While rejecting the claim of the Workman to produce the registers with reference to the home employees, the registers, namely the attendance register and salary register with reference to the firm/management were ordered to be produced.

3. The learned counsel appearing on behalf of the petitioner Management would submit that, in the counter affidavit, when it has been pleaded that the said documents are also not available from the year 2011, the Labour Court ought not to have directed them to produce the entire documents and also observed that in the event of non production, adverse inference be taken.

4. I have considered the said submissions. The Labour Court rejected the contention of the management on the ground that *M.W.I* in the box has admitted that the attendance register and salary register are maintained with reference to the employees functioning in the management. When that be the case, now by way of the counter affidavit in the Interlocutory Application, it is sought to be clarified that the same would not



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be from the year 2011 but only for one year. The management, if at all, has the documents, it has to produce before the Labour Court for trial. In respect of the documents which it does not have, if it is the contention that it is not the specific admission of *M.W.I* etc., those are matters for the appreciation of evidence by the trial Court and this Court cannot interdict when the trial is proceeding by entertaining this Writ Petition arising out of the Interlocutory Application.

5. Therefore, this Court refrains from making any observation with regard to the same and leaving it open for the parties to make such arguments during the course of the arguments, this Writ Petition is not entertained.

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

18.12.2024

Neutral Citation : No
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D.BHARATHA CHAKRAVARTHY, J.
dna

To

The Principal Labour Court,
Coimbatore.

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