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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2025

PRESENT:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. Nos.5848 & 5850 of 2020
and
W.M.P. Nos. 6856 & 6857 of 2020

The Principal
Alpha Matriculation Hr.Sec.School,
No.32, 2nd Cross, Kanagalakshmi Nagar,
Puducherry. ... Petitioner in both W.P.s

Versus

S.Vijayakumari
Wife of Sakthivel
No.12A, Thottakal Street,
Karamanikuppam
Puducherry. ... Respondent in both W.P.s

COMMON PRAYER in W.P.s:

To issue a writ order or direction, more specifically a Writ of Certiorari calling for the records on the file of the learned Presiding Officer, Industrial Tribunal at Puducherry relating to the impugned order dated 29.01.2020 in I.A.No.3 of 2019 in C.P.No.14 of 2015(W.P.No.5848 of 2020) and in I.A.No.4 of 2019 in C.P.No.14 of 2015(W.P.No.5850 of 2020)and quash the same.

COMMON PRAYER in W.M.P.s:

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To stay the operation of the order of the learned Presiding Officer, Industrial Tribunal at Puducherry dated 29.01.2020 in I.A.No.3 of 2019 in C.P.No.14 of 2015 (W.P.No.5848 of 2020) and in I.A.No.4 of 2019 in C.P.No.14 of 2015(W.P.No.5850 of 2020) and all further proceedings pursuant thereto pending disposal of the main writ petition.

APPEARANCE OF PARTIES:

For Petitioner : Mr. T. Saikrishnan.

For Respondent : No appearance.

J U D G M E N T

Heard.

2.The petitioner institutions has filed the present writ petitions challenging the common order dated 29.01.2020 passed by the Labourt Court-cum-Industrial Tribunal, Puducherry in I.A.Nos.3 and 4 of 2019 in C.P.No.14 of 2015. In W.P.No.5848 of 2020, the challenge is to the order allowing I.A.No.3 of 2019 seeking reopening of the case. In W.P.No.5850 of 2020, the challenge is to the order allowing I.A.No.4 of 2019 seeking production of documents.

3.The facts giving rise to these proceedings are as follows;The respondent S.Vijayakumari, was initially appointed by the petitioner

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management in 1999 on a daily wage basis and later absorbed on consolidated salary. She resigned from the service of the school on 31.07.2012 and according to the petitioner, she was paid all dues, including Provident Fund benefits. A Form 10-C under the Employees' Pension Scheme was signed by the respondent indicating the date of resignation as 31.07.2012 and affirming that there was no further claim. Later, in 2013, she was re-engaged in a non-teaching capacity under a written agreement dated 29.04.2013 and posted at the Trust Office of the school. The agreement clearly stipulated that she would report at the Trust Office and included clauses on resignation notice, prohibition on taking up other employment and other service conditions. However, the petitioner states that she failed to report for duty, whereupon her re-engagement came to an end.

4.In 2015, the respondent filed C.P.No.14 of 2015 before the Industrial Tribunal under Section 33-C(2) of the Industrial Disputes Act, claiming a sum of Rs.9,74,960/- towards accumulated statutory and contractual service benefits. The breakup of the amount included claims under earned leave, sick leave, casual leave, leave salary and bonus for

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the period between 1999 and 2012. In support of her claim, the respondent submitted a computation chart across multiple years showing different salary slabs ranging from Rs.1,800 to Rs.15,000 and corresponding leave entitlements and bonus.

5.The petitioner management filed a detailed counter affidavit denying the maintainability of the claim and asserting that the respondent was not in continuous employment for 16 years as claimed. They contended that the claim was wholly speculative and not supported by any records. The claim was also stated to be barred by limitation. According to the petitioner, the respondent was employed until 31.07.2012, resigned voluntarily and received all dues. The re-engagement under the 2013 agreement was short-lived due to her absence from duty.

6.During the pendency of the computation petition, the respondent filed I.A.Nos.157 and 158 of 2016 seeking reopening of the case and for production of service records such as wage register, attendance register, leave register and bonus details. Those applications were dismissed by the Tribunal on 09.06.2017 and not pursued further.

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7.Final arguments in the main computation petition were concluded and written submissions were filed. The matter stood posted for judgment on 02.03.2020. At that stage, the first respondent again filed I.A.Nos.3 and 4 of 2019 seeking the very same relief- reopening of the case and production of records – which had already been rejected.

8.The Tribunal, by a common order dated 29.01.2020, allowed both applications. It held that the grounds urged in the present applications were different from those in the earlier ones and hence the principle of res judicata would not apply. The Tribunal further observed that neither side had marked documentary evidence to substantiate their claims and that the production of relevant documents was essential for fair adjudication. The explanation of the petitioner that the documents had been destroyed in 2012 following resignation was rejected as unacceptable.

9.Aggrieved by this order, the petitioner filed the present writ petitions. The learned counsel for the petitioner submitted that the applications were barred by res judicata since identical relieves had earlier been sought and refused and no new circumstances warranted a

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second round of applications. It was argued that the Tribunal committed a jurisdictional error in reopening a matter that had been heard in full and reserved for orders. The explanation of destruction of documents in the regular course of administrataion after the respondent's resignation was unreasonably brushed aside without proof of suppression.

10.While the petitioners have attacked this reasoning and sought to quash the orders, this Court is of the view that such a challenge is not maintainable.

11.This Court has already dealt with a similar question in W.P.No.5766 of 2020, in its judgment dated 17.03.2025 wherein it was held as follows;

> *"13.With respect to interference under Article 226 against interlocutory orders, the Supreme Court, in its decision in D.P. Maheshwari v. Delhi Administration, reported in 1983 (4) SCC 293, cautioned courts against engaging in unnecessary litigation. The Court held as follows:*

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".....We think it is better that tribunals, particularly those entrusted with the task of adjudicating labour disputes where delay may lead to misery and jeopardise industrial peace, should decide all issues in dispute at the same time without trying some of them as preliminary issues. Nor should High Courts in the exercise of their jurisdiction under Art. 226 of the Constitution stop proceedings before a Tribunal so that a preliminary issue may be decided by them. Neither the jurisdiction of the High Court under Art. 226 of the Constitution nor the jurisdiction of this Court under Art. 136 may be allowed to be exploited by those who can well afford to wait to the detriment of those who can ill afford to wait by dragging the latter from Court to Court for adjudication of peripheral issues, avoiding decision on issues more vital to them. Art. 226 and Art. 136 are not meant to be used to break the resistance of workmen in this fashion....."

".....In light of the above, the writ petition should not have been entertained at the outset. Although no interim stay was granted, the issuance of Rule Nisi effectively restrained the authority from proceeding with the main appeal. As a result, the matter has remained pending for the past five years, serving no benefit to any party."

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12.That reasoning squarely applies to the present case. The impugned order is an interlocutory procedural direction issued to facilitate adjudication of a pending claim. Whether the records exist or whether any adverse inference can be drawn – all these are matters that can be appropriately dealt with at the time of final adjudication. Permitting writ petitions at this stage would derail the entire process and delay resolution of a claim pending since 2015.

13.This Court is therefore not inclined to interfere with the Tribunal's interlocutory discretion. The petitioner has ample opportunity to raise all legal contentions, including the impact of res judicate and the adequacy of the workman's proof, before the Tribunal during final hearing.

14.Accordingly, both writ petitions in W.P.Nos.5848 & 5850 of 2020 are dismissed as not maintainable. The petitioner is at liberty to raise all contentions in the main computation petition. No costs. Consequently, the connected miscellaneous petitions are closed.

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Index: Yes / No

Speaking Order / Non-speaking Order

Neutral Citation : Yes / No

To

The Labour Court-cum-Industrial Tribunal
Puducherry.

DR. A.D. MARIA CLETE, J

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