

In the Court of Labour Court, Kancheepuram

**Present: Tmt.S.Sujatha, M.A., M.L.,
Presiding Officer, Labour Court,
Kancheepuram.**

Wednesday, the 20th day of May 2026

**I.A.No.6/2026
in
I.D.No.62/2020**

General Secretary,
Chengai Anna Mavatta Jananayaga
Thozhilalar Sangam,
4/172, National Highway, Ottery,
Vandalur,
Chennai 600 048.

--- Petitioner/Petitioner

//vs//

The Management,
Alchymars ICMSM Private Limited,
A-14 & 20, Sidco Pharmaceutical Complex,
Alathur,
Kancheepuram District - 603 110.
(present Chengalpattu District)

--- Respondent / Respondent

This petition came up on 14.05.2026 this day for final hearing before this court in the presence of M/s.S.Kumarasamy, K.Bharathi, K.Suresh, M.K.Nivetha and J.Mohanraj Authorised representative for Petitioner/petitioner and M/s.P.Nehru, G.K.Kalidasan and P.Ashokkumar Advocates for Respondent/ Respondent and upon perusal of records and having stood over for consideration till this day, this court delivered the following:

ORDER

1. Petition filed by the petitioner u/s.11 r/w 39 of the ID Act praying to reopen the petitioner side evidence.

2. The averments in the petition filed by the Petitioner is as follows:

The Government has made this reference to the court regarding the transfer order issued to the members of the trade union. Petitioner has filed claim statement and management has filed their written statement. Due to maintenance work in the petitioner's trade union, the documents related to the case were misplaced and thereby, Petitioner was not able to let in evidence on 08.01.2026. Hence the court has suomoto closed to the petitioner's side evidence. On 08.01.2026 the relative of the petitioner had expired and the authorized representative of the trade union was also not well and hence, could not take part in the court proceedings on 08.01.2026. The said act is not wanton and willfull. The court has suomoto closed evidence of petitioner on 08.01.2026, thereafter the case had been posted for respondent side evidence and on the side of respondent, evidence had been let in both oral and documentary. To let in evidence on the side of the petitioner is essential. If an opportunity is not granted to the petitioner, it will cause great hardship to the petitioner. Hence this petition is filed to reopen the case on the side of the petitioner to let in evidence on their side. Hence this petition.

3. The averments in the counter filed by the respondent is as follows:

Respondent is an organisation in manufacturing Pharmaceutical bulk drugs. Based on the audit conducted in the year 2017,2018 and 2019. 4 chemists who were working in the Alathur unit were transferred to Ranipet till the permanent solution is explored. The transfer order issued by the respondent is only based on appointment letter as well as provisions of Certified Standing Orders. Fourth employees failed to join at the transfer place also initiated strike along with other employees. Government has referred this dispute to this court for adjudication. Though several opportunities were given to the petitioner, he failed to file the claim statement, was set exparte and as per directions respondent filed written statement. Then petitioner came forward with an application to set aside the exparte order and the same had been allowed. Thereafter, the petitioner filed the claim statement. Respondent also filed amended written statement. Thereafter the case was posted for evidence on the side of the petitioner. Petitioner failed to examine any witness on their side. Hence the court suomoto closed the petitioner side evidence on 08.01.2026 and thereafter respondent had let in oral and documentary evidence and at that time petitioner has come forward with this application to reopen evidence of the petitioner. Several opportunities were given to petitioner in conducting the case, but by way of habitual practice of filing petitions one after another to drag on the proceedings, they have come forward with this application. There is no valuable reason to reopen the case. There is no merits in the application and

hence liable to be dismissed.

4. The point for consideration is whether this petition has to be allowed or not?

5. The fact that the case has been referred by Government for adjudication and petitioner after filling an application to set aside the exparte order passed against him had come forward to file the claim statement and the respondent had filed their written statement. Petitioner had since failed to let in evidence, the court has suomoto closed the petitioner side evidence on 08.01.2026 and thereafter respondent had let in both oral and documentary evidence and on this stage, the petitioner has come forward with this application to reopen the case to let in evidence on his side are all admitted facts.

6. The petitioner has stated that the documents were misplaced at the time of maintenance work carried out in the union and hence they were not able to come before this court on 08.01.2026 to let in evidence and further has stated that the relative of the petitioner has died on that day and the authorised representative of the petitioner was unwell and hence they could not appear on 08.01.2026 to let in evidence and as such the evidence on the petitioner side had been suomoto closed and it has become necessary to let in evidence on the side and hence come forward with this application. The fact that has to be pertinently noted in this case is that petitioner herein is not the individual person whereas it is the trade union. In such circumstances the contention of the

petitioner that relative of the petitioner had expired and hence they could not come and make their appearance on 08.01.2026 are untenable and unacceptable.

7. Further there is no proof file to show that the authorised representative of the petitioner trade union were unwell on 08.01.2026. Apart from that petitioner has come forward of the application only on 05.05.2026. When they have knowledge that the court has suomoto closed the evidence even on 08.01.2026. In such circumstances the contention of the petitioner that the relative of the petitioner had expired and the authorised representative of the petitioner was unwell hence they could not appear on 08.01.2026, to let in evidence on the side is untenable. Further respondent himself also has stated that it is the habit of the petitioner to file application after applications in order to protract the proceedings and since they have come forward with this application on belated time, the same should not be entertained and it is liable to be dismissed.

8. Perusal of the record shows that due to absence of the petitioner, due to the failure on the petitioner to let in evidence on their side the court has suomoto closed the evidence on 08.01.2026. Thereafter the respondent had let in oral and documentary evidence and the case was stands posted for further management side evidence and at this juncture has come forward with this application to reopen the case to let in evidence on their side. Though the reason assigned by the petitioner is not acceptable, this court finds that in order to decide the case on merits and in order to have fair decision and to give fair

opportunity to the petitioner, the petitioner may be permitted to let in oral and documentary evidence, on their side, but at the same time the application to be allowed only on imposing cost.

In the result the petition is allowed on cost of Rs.1000/- to be paid to DLSA Kancheepuram on or before 25.05.2026 failing which petition stands for dismissed and on further condition that petitioner has to come forward to let in evidence on their side on 25.05.2026. Accordingly the petition is allowed.

This order has been dictated by me to the Steno-Typist, typed by her in the computer, corrected and pronounced by me in the Court on this 20th May 2026.

Presiding Officer,
Labour Court,
Kancheepuram.