

In the Court of Labour Court, Kancheepuram

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

Tuesday, the 20th day of January 2026

**I.A.No.01/2025 & 2/2025
in
C.P.No.11/2023**

M.Balu,
S/o.Munusamy,
No.5/1 Kaspas,
Vellore,
Vellore District.

--- Petitioner / Petitioner

//vs//

The Management,
Tamil Nadu Telecommunications Limited,
E18 & B24, CMDA Industrial Complex,
Maraimalai Nagar - 603 209,
Kancheepuram District.

--- Respondent / Respondent

These petitions came up on 09.01.2026 for final hearing before this court in the presence of M/s.J.Prathaban and S.Rudhranath Advocates for Petitioner/Petitioner and M/s.P.Balasubramanian, T.Selvaraju and K.Sona Advocates for Respondent/Respondent and hearing the both side arguments and upon perusal of records and having stood over for consideration till this day, this court delivered the following

COMMON ORDER

1. These Petitions are filed by the Petitioner/ Petitioner U/sec.11 and R/W Rule 39 of the I.D.Act praying to reopen the case and to recall the petitioner to let in further evidence.

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

In order to prove that petitioner is a workman, and to prove the nature of work performed by petitioner under respondent/management, further evidence has to be let in on the side of the petitioner. Hence it has become necessary to reopen the case, and recall PW1.

Respondent has filed counter stating petitioner will not come under the category of workman as defined u/s.2(s) of ID Act. To prove their contention oral or documentary evidence not produced. Petitioner was for name sake designated as Supervisor, but in reality was operating the machines. In respondent/management there are employees under the cadre of Operators, Junior Technicians, Technicians, Assistant Supervisor, Supervisor. No one were working under the petitioner and petitioner was not vested with any power of a supervisor. In order to prove the above contentions it has become necessary to direct the respondent/management to produce the 1) Quality Control testing of the Quality Control Section log book 2015-2018 2) 1. Muster Roll (Form 25), 2.Service Card of the petitioner 3. Factory License 4. Form-15-Register of Leave with wages 5.Combined Annual return-Form 22 for the years 2015-2024.

The above documents are necessary to decide the issues in these petitions, on production of the above documents, petitioner has to let in further evidence. Hence these petitions to reopen the case and to recall PW1 to let in further evidence.

3. The averments in the counter filed by the Respondent in IA.1/2025 is as follows:

Respondent will appear as witness. Hence court to order reopen of witness.

The averments in the counter filed by the Respondent in IA.2/2025 is as follows:

Respondent will appear as witness. Hence court to order recall of witness.

4. The points for consideration ? whether the petitions have to be allowed or not?

5. Petitioner has stated that he is petitioner in C.P.11/2023 as well as in these petitions and stated that he was a workman though for namesake designated as Supervisor and was operating the machines and in order to disprove the contention of the respondent that petitioner not a workman it has become necessary to reopen the case and to recall PW1 to let in further evidence in this regard and to direct the respondent/management to produce the documents as mentioned in the petitions.

6. Though the respondent in the counter filed to reopen the case and to

recall PW1 has stated that he will appear as witness and to allow reopen and recall PW1 this court is under impression that respondent/management has not clearly understood the purpose of the petitions to reopen and recall PW1. Apart from that respondent has also stated that the documents sought for by petitioner are immaterial to the case.

7. Though respondent has not raised any serious objections in the counter, this court is of considered view that, claim petition can be entertained only if there is a pre-existing right or Award or Settlement. In the absence of any of the same, petition u/s.33(c)(2) cannot be entertained.

8. The section stipulates that where any workman is entitled to receive from the employer any money or any benefit which is capable of being computed in terms of money and if any question arises as to the amount of money due or as to the amount at which such benefit should be computed, then the question may subject to any rules, that may be made under this Act, be decided by such Labour Court or may be specified in this behalf by the appropriate Government.

9. Therefore there must be an entitlement before filing a petitions U/s.33(c)(2) of ID Act.

By way of fresh adjudication, monetary benefits cannot be computed. Whether petitioner is entitled or not for the amount to be computed cannot be adjudicated in a petition u/s.33(c)(2) of the Act.

All such points to be adjudicated in the manner prescribed, before the

competent Court, and the petition u/s.33(c)(2) of ID Act is like that of an Execution petition and the petition u/s.33(c)(2) of ID Act cannot be entertained to the purpose of adjudication of all issues.

10. It has been held in state of U.P. and another /Vs/ Brijpal Singh 2005 111 LLJ 1003 that, It is not competent to the Labour Court exercising jurisdiction u/s.33(c)(2) of ID Act to arrogate to itself the function of an Industrial tribunal, and entertain as claim which is not based on an Existing right but which may appropriately be made the subject matter of an Industrial dispute in a reference u/s.10 of ID Act.

11. Hence it is well established in catena of cases that under a petitions u/s. u/s.33(c)(2) of ID Act, Labour Court cannot adjudicate and give fresh findings to the core issue, Whether petitioner is a workman or not. Petitions u/s.33(c)(2) of ID Act which is in the nature of execution proceedings cannot be utilised for the purpose of adjudicating the disputed rights or issues raised between the parties. Thereby labour court cannot adjudicate the rights of petitioner or workman in the claim petition. Hence the prayer of the petitioner that in order to prove that he is a workman not a Supervisor, respondent to be directed to produce certain documents mentioned in the petition and for the purpose of marking those documents on production by respondent, Petitioner has to be recalled to let in further evidence and for the said purpose case has to be reopened are all unsustainable and the petitions are liable to be dismissed. In the result these petitions are dismissed.

I.A.No.1 / 2025

In the result petition is dismissed. No Cost.

I.A.No.2 / 2025

In the result petition is dismissed. No Cost.

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

Presiding Officer,
Labour Court,
Kancheepuram