

In the Court of Labour Court, Kancheepuram

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

Friday, the 8th day of May 2026

**I.A.No.3/2026 & 4/2026
in
C.P.No.14/2023**

P.Ganesan,
S/o.C.Pitchai,
No.176/176, Plot No.18,
Pushpa Nagar,
Vadamelpakkam,
Thiruperumpudur - 603 203

--- Petitioner/Petitioner

//vs//

The Management,
TamilNadu Telecommunications Limited,
E18 & 24, CMDA Industrial Complex,
Maraimalai Nagar - 603 302.

--- Respondent / Respondent

These petitions came up on 04.05.2026 this day for final hearing before this court in the presence of M/s.J.Prathaban, S.Rudranath, K.Sankar and G.Kavya Advocates for Petitioner/petitioner and M/s.P.Balasubramanian, T.Selvaraju and K.Sona Advocates for Respondent/ Respondent 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 U/Rule 39 and r/w sec.11A of ID Act, praying to reopen the evidence of PW1 and to recall PW1 and to pass such further orders.

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

Petitioner in order to get documents from the respondent and in order to let in further evidence on his side has filed these applications to reopen the case and recall PW1. The respondent has taken a stand that petitioner will not be covered as workman as defined as u/sec.2(s) of the ID Act. To prove their contention, they have not come forward to let in either oral or documentary evidence. Though petitioner was designated as a Supervisor for namesake he was involved in operating the machines. Respondent company operators are clasified as Junior Technicians, Technicians, Assistant Supervisors Supervisors. None of them are employed under the petitioner herein. The power of supervisors is not vested with petitioner. Only for namesake he is desginated as Supervisor. Hence petitioner is workman as defined u/s.2(s) of the ID Act. In order to substantiate the said contention, respondent has to be directed to produce the documents mentioned in the application and in order to mark those documents it has become necessary to reopen the case and to recall PW1 to let in further evidence. Hence these petitions.

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

Respondent submits that Managing Director will appear as witness in the instant case and there is no necessary to recall the witness to let in evidence and hence petitions has to be dismissed.

4. The point for consideration is whether these petitions have to be allowed or not?

5. The petitioner has stated that in order to substantiate and disprove the contention of the respondent that petitioner is not a workman, it has become necessary to direct the respondent to produce certain documents and on production of the documents, petitioner must be permitted to let in further evidence and hence it has become necessary to reopen the case and recall PW1 to substantiate that petitioner is a workman. Further it is stated by petitioner that respondent has not come forward to let in either oral or documentary evidence to substantiate the contention that petitioner is not workman and hence they have come forward with these applications.

6. On the other side, the respondent has stated that the Managing Director is to be examined as witness on their side and hence there is no necessity to reopen the case and recall PW1.

7. This court is of considered view that an application u/s.33(c)(2) of ID Act is equivalent to execution proceedings and in such a proceedings, the status of workman cannot be decided.

8. Petitioner whether workman or not cannot generally be decided in a petition u/s.33(c)(2) of the Industrial Disputes Act, Proceedings u/s.33(c)(2) are in the nature of execution proceedings, limited to computing pre-existing benefits where the employer-employee relationship is already established or admitted.

- It is an execution proceeding designed for computing benefits, not a trial for initial adjudication of status.
- If an employer disputes that the petitioner is not a workman, the Labour Court cannot decide that status under this section.
- The right to the benefit must be previously adjudicated or admitted. If the entitlement itself is contested, the proper forum is a reference u/s.10 of the ID Act.
- While the court cannot decide the initial question of employment status, it can compute benefits if the employer-employee relationship was established previously.

If an employer denies the status of the workman, the Labour Court is required to dismiss the application under 33(c)(2) for lack of jurisdiction.

9. Hence considering these aspects this court decides that these petitions to reopen the case and recall PW1 in order to substantiate that petitioner is a workman on production of document by respondent is not maintainable in a petition filed u/s.33(c)(2) of ID Act and as such these petitions are not maintainable and it stands dismissed.

I.A.No.3 / 2026

In the result petition is dismissed. No cost.

I.A.No.4/ 202

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 Court on this 8th May 2026.

Presiding Officer,
Labour Court,
Kancheepuram.