

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.3/2026
in
I.D.No.8/2021**

K.Shanmugam,
No.259/8, Rice Mill Street,
Echur Village & Post,
Sriperumbudur,
Kancheepuram District .

--- Petitioner/Petitioner

//vs//

The Management,
Foxconn Technology India Private Limited,
Sipcot Hi-Tech SEZ, Sipcot Industrial Part,
Phase-II, Sunkuvarchathiram,
Kancheepuram District.

--- Respondent / Respondent

This petition came up on 08.05.2026 this day for final hearing before this court in the presence of M/s.T.Ramkumar, K.Sudalaikannu, A.Rekha, and M.Suresh Advocates for Petitioner/petitioner and M/s. S.Makesh 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 receive the documents in order to mark the document by letting evidence in the interest of justice.

List of documents

1.	14.03.2016	Communication letter sent by the petitioner's trade union to the respondent/management.
2.	31.03.2016	Copy of the letter sent to the respondent/management requesting protected workman status for the petitioner and union's office bearer.
3.	04.08.2016	Industrial dispute raised by the petitioner's trade union regarding wage revision.
4.	19.08.2016	Copy of the letter sent by the petitioner'
5.	13.10.2016	Industrial dispute raised by the petitioner's union u/s.9A regarding the management's unilateral increase of workload from one tool to two tools.
6.	11.01.2017	Counter statement filed by the respondent management regarding the Industrial dispute over wage revision and other demands.
7.	28.04.2017	Conciliation Failure Report issued by the Conciliation Officer regarding the Industrial Dispute over wage revision.
8.	09.08.2017	Copy of the letter sent by the petitioner's union regarding the increment amount unilaterally provided by the management, received without prejudice to their rights.
9.	25.09.2017	Copy of the letter sent by the petitioner's union regarding the increment amount unilaterally provided by the management, received without prejudice to their rights.
10.	01.11.2018	G.O.(D)No.619 issued regarding the Industrial dispute over wage revision and other demands.
11.	06.03.2020	G.O.(D)No.619 issued regarding the Industrial dispute over wage revision and other demands.
12	22.11.2022	Award passed by the Honble Labour Court, Kancheepuram, regarding the Industrial dispute raised by the petitioner's union challenging the management's unilateral action of increasing the workload from one tool to two tools.

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

The Industrial dispute is raised as against illegal termination of petitioner by respondent/management by order dated 20.11.2017. The court has decided that domestic enquiry had been conducted in a fair and proper manner, and then the case was posted for arguments under 11A of the ID Act. Petition was filed by petitioner to reopen the petitioner side evidence to mark certain documents. The court directed to file an affidavit and petitioner seeking leave to receive the documents. Hence the documents to be filed on the side of the petitioner are essential to prove the charges levelled against the petitioner and to prove victimisation, which is crucial part of the Industrial dispute. The petitioner has enclosed the necessary documents along with the proof affidavit. Petitioner has got good case, and if the petition is not allowed, petitioner will be put to great irreparable loss and hardship. Hence, this petition to receive the documents by letting evidence on the side of the petitioner in the interest of justice.

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

Previously petitioner had filed I.A.2/2026 to reopen the case to mark certain documents currently part of the COD. Management filed detailed counter and the case has been posted for orders on 12.09.2026. The court had suomotu reopened for clarification regarding the list of documents intended to mark in IA.No.2/2026. Petitioner filed this present application which are contrary to relief sought for in the earlier application. Petitioner previously sought to mark documents pertaining to charter of demands in respect of case

pending before Industrial Tribunal, Chennai. The documents enclosed in this present application is entirely different and contradictory. It is pertinent to note that the management has already filed a detailed counter and the present dispute is solely from the petitioner's termination through due process of law. The matter is distinct from the proceedings before the Industrial Tribunal, Chennai, which involves a charter of demands. The documents pertaining to the charter of demands are irrelevant to the merits of the current dispute. Petitioner has failed to establish any nexus or relevance between the documents marked in the COD case and present proceedings. No specific grounds have been pleaded to show how these documents assist in adjudicating the current dispute. The affidavit is vague citing oversight or further forgiveness in marking them. In the absence of clear showing of relevancy, the management is deprived of fair opportunity to defend against such evidence. Dispute is pending for 2 years and already undergone 38 hearings. The order passed on the preliminary issue on 04.10.2024, the case is specifically posted for final arguments u/s.11A. The petitioner is filing successive applications at the advanced stage in a transparent attempt to delay the proceedings. Petitioner has demonstrated no genuine interest in resolving the matter. The petition is devoid of merits and is liable to be dismissed. The two applications reveal blankant contradictions not only between respective affidavits but also with the petitioner's main claim in I.A.2/2026. The petition to reopen the case rely on documents already marked in the COD case before Industrial Tribunal. The present application is entirely

different and none of those documents are even marked in the COD case. Petitioner has sought to mislead the court by filing false affidavits that is both impermissible and legally untenable. Petitioner is attempting to improve the case by filing false affidavits, has already been countered and refuted. The petitioner's conduct makes it apparent that their sole intent is to delay the proceedings. When the case was posted for final arguments u/s.11A the petitioner filed I.A.No.2/2026 and the present application is filed. Rather than adjudicating the case on its merits, petitioner is seeking to prolong the matter that is irrelevant to the determination of the main dispute. The case is in the stage of final arguments. The petition is not maintainable. It is clear abuse of process of law and hence liable to be dismissed with the cost.

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

5. The case of the petitioner is that in order to prove victimization, it has become necessary to reopen the case to let in further evidence on the side of the petitioner under 11A enquiry and as such they have filed an application in I.A. 2/26 to reopen the case, to let in further evidence to mark certain documents and the court has directed the petitioner to file an affidavit with the details of documents to be filed and marked on their side and hence they have come forward with the application to receive the documents.

6. On the other side it was contented by the respondent that the documents now enclosed with the affidavit are entirely different from that of the

averments in the I.A.No.2/2026 to reopen the case and when the case is in the stage of 11A enquiry, in order to prolong the matter, the petitioner has come forward with this application and the documents that are enclosed with this application are in no way related to the issues involved in this dispute and they are totally irrelevant and untenable and as the petition is filed only to prolong the proceedings, the same should not be entertained and it is liable to be dismissed.

7. Perusal of record shows that petitioner had filed an I.A.2/26 to reopen the case stating that he has let in further oral evidence on his side u/s.11A of the ID Act after hearing both side arguments the said application was reserved for orders. At the time this court came to know that the application has been filed in I.A.2/2026 to mark certain documents on the side of the petitioner but they have not filed an application to receive the documents. As such the court has directed to file a necessary application to receive the documents to be marked on the side of the petitioner. In consequence of the said clarification sought for by the court, the petitioner had come forward with this application. whether it as a stated by the respondent, the documents that are to be marked on the side of the petitioner are relevant and reliable can be decided at the time of deciding the main issue in the dispute. The respondent will be given fair opportunity to cross examine regarding the genuiness and reliability of the documents that are intended to be marked on the side of the petitioner. This court is of considered

opinion that by giving an opportunity to the petitioner to prove the claim of his victimization, this petition can be allowed in the interest of justice.

In the result, this 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.