

In the Court of Labour Court, Kancheepuram

**Present: Tmt.S.Sujatha, M.A., M.L.,
Presiding Officer,
Kanchipuram.**

Monday, the 12th day of August 2024

**I.A.No. 10/2024 and 11/2024
in
I.D.No.13/2021**

D.Gnanasekar,
S/o.Damodharan,
No.243, 6th Block, 9th Main Road,
Kannadasan Nagar,
Chennai 600 118.

--- Petitioner/Petitioner

//vs//

Management,
Perfect Electric & Electronics,
No.408, 17 th street, Viduthalai Nagar,
S-Kolathur,
Chennai- 600 129

--- Respondent / Respondent

This petition came up on 05.08.2024 this day for final hearing before this court in the presence of M/s.D.Ramesh Advocate for Petitioner/ Petitioner and M/s.T.Easwaradhas, P.Joseph 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. Petition filed by the petitioner U/sec.11(3)(D)of ID Act, praying to reopen the evidence WW1 and to receive additional documents on the side of the WW1 and pass such further orders.

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

Petitioner is petitioner in main Industrial dispute. The petitioner was examined as WW1 on 27.04.2022 by filling proof affidavit and had marked 8 documents on his side and petitioner had been cross examined by respondent also. The petitioner possess 9 documents related to this Industrial Dispute. Those documents to be marked on the side of the petitioner to establish his case. Hence these petitions are filed to reopen the evidence WW1 and to receive additional documents on the side of the WW1. Unless the petitions are allowed he will be put to great loss and hardship. Hence these petitions.

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

Petition is filed with malafide intention to drag on the proceedings. The documents now sought to be marked are much earlier to date of the filing of Industrial dispute. The reason for non-filing of the same at the time of filing complaint or at the time of filing of Proof affidavit is not stated. Without giving any reason for delay, petition is filed to receive additional documents. The respondent is not any way connected with alleged perfect petrol engineering service. It is some 3rd party organisation, with malicious motive, to drag on the proceedings sort to mark documents not related to respondent organisation. The documents sought to be marked are much earlier to incorporation of respondent company. There is no possibility of issuance of said documents and at the time of issuance of said documents respondent company is not in existence. It is

admitted by the petitioner before Deputy Commissioner Conciliation-1 Sriperumpudur that petitioner was working in respondent company for 3 years from 2016 to 2019. But in the Affidavit it is stated he is working since 2004. Respondent company was formed and registered on 26.05.2015 as per certificate of incorporation issued by the authority. Documents sought to be marked are not related to respondent company and there is no purpose to be solved in allowing these petitions. Hence these petitions to be dismissed with exemplary cost.

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

5. Petitioner has stated that he was examined as WW1 and had been cross examined and had marked 8 exhibits on his side and the identification card issued by perfect petro engineering service and salary slip, leave salary, Form D, Leave Card and Tin number allotted to respondent management are to be marked on their side to establish their case and hence petitions are filed to reopen the evidence of WW1 and to receive the said documents as additional evidence on their side.

6. On the other side the management has stated that respondent management was incorporated only in the year 2015 but the documents sought to be marked are much earlier to the date of filing of this Industrial dispute and no reason is stated for nonfiling of the same at the time of filing complaint or adducing evidence and further has stated that those documents are in no way

connected with the respondents management and not related to the respondent organisation and there is no possibility for the issuance of the said documents as at the time of issuance of said documents respondent company was not in existence and the petitioner himself before conciliation officer has stated that he is working with respondent from 2016 to 2019 but in his evidence has stated that working since 2004 and hence the petition will not solve the purpose in the dispute and hence to be dismissed with cost.

7. Perusal of records shows that the case is in the stage of arguments and at this stage these petitions are filed. The contention of the respondent is that the documents sought to be marked on the side of the petitioner is not related to the respondents organisation and the respondent organisation was incorporated only in the year 2015 and those documents are not related to this Industrial Dispute and hence petitions are not maintainable whereas petitioner has stated that pay slip, leave Card ,leave salary issued by respondent /management are to be marked on their side. Though petitioner has not stated any reason for non filing of the same at the time of filing complaint or adducing evidence, the court is of opinion that document can be received subject to its admissibility, reliability, relevancy and genuineness of the document can be questioned by the respondent at the time of cross examination, these petitions are to be allowed to decide the case on merits, and to meet the ends of justice.

I.A.10/2024

In the result petition is allowed.

I.A.11/2024

In the result petition is allowed. Subject to admissibility, reliability and relevancy of documents.

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 12th August 2024.

Presiding Officer,
Labour Court,
Kancheepuram

List of exhibits: NIL.

Presiding Officer,
Labour Court,
Kancheepuram