

In the Court of Labour Court, Kancheepuram

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

Wednesday, the 11th day of December 2024

**I.A.No. 14/2024
in
I.D.No.13/2021**

Administration
Perfect Electric & Electronics,
No.4408, 17th street, Viduthalai Nagar,
S-Kolathur,
Chennai- 600 129

--- Petitioner/Respondent

//vs//

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

--- Respondent / Petitioner

This petition came up on 04.12.2024 this day for final hearing before this court in the presence of M/s.T.Easwaradhas and P.Joseph Advocates for Petitioner/ Respondent and M/s.D.Ramesh Advocate for Respondent/ Petitioner 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/sec.11(3) of I.D.Act, R/w u/o.18 Rule 17 of C.P.C & sec.151 CPC praying to recall MW1 (Mrs.R.Arul Latha) to mark the Original documents 1) Office staff visit entry register, 2) Salary slip for the month of September 2016 3) Salary slip for the month of November

2016 4) Salary slip for the month of January 2017, as management side exhibits in ID.No.13/2021 and pass such further orders.

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

Petitioner is respondent in main Industrial dispute. The respondent/petitioner filed the I.D.No.13/2021 on the ground that he was terminated by the administration without due process. The respondent/petitioner himself stopped to work from 01.03.2019 and given his resignation letter dated 01.03.2019. At the time of cross examination of the respondent/petitioner he denied his signature in resignation letter dated 01.03.2019 and hence filed an application for the appointment of an advocate commissioner for sending the resignation letter dated 01.03.2019 which has been marked as Ex.M6 along with his admitted signature in Ex.M7 the payment slip for the month of February 2017 for comparison of disputed signature. For getting expert opinion minimum 5 admitted signature is necessary for comparing the same with disputed signature. Already petitioner had marked one admitted signature Ex.M7, now we found register in which the respondent/complainant signed during his visit to head office and also got the 3 months salary slip. To receive the above said documents and to mark the same as management side exhibits for the specific reason for sending the documents to the handwriting expert along with the disputed documents dated 01.03.2019 which is already marked as Ex.M6 this petition is filed. Petitioner was able to

trace out the above documents after filing I.A.No.12/2014. The same could not be marked at the earlier point of time. Unless the petition is allowed to recall MW1 to mark the original documents of Office staff visit entry register, salary slip for the month of September 2016, November 2016 and January 2017. Petitioner will be put to great loss and hardship. Hence this petition.

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

Petition is filed by the petitioner praying to recall MW1 to mark the original documents, Office staff visit entry register, salary slip for the month of September 2016, November 2016, January 2017 as management side exhibits in this case. The petitioner has approached this court with unclean hands and with an ulterior motive to elaborate the proceedings and Interlocutory application was filed only for the sake of dragging the proceedings. The petition filed in I.A.5/2024 and I.A.12/2024 are already dismissed. The respondent has been already cross examined on 27.04.2022 and 09.10.2022 and the petitioner had not produced any type of documentary evidence on such hearings. After the denial made by the petitioner the respondent in this petition had sought for an expert opinion for deciding the genuineness of the signature made by the petitioner is alleged resignation letter dated 01.03.2019. They have been framing a content issue that there should be minimum 5 numbers of admitted signature in deciding or comparing the disputed signature. Hence there is no specific condition in comparing the disputed signature, there is no need in filing

this IA. Only to protract and prolong the proceedings the petitioner has come forward with an ulterior motive and with a malafide intention and there is no merit in the above said matter and there is no need for recalling the MW1 for marking of Additional Documents in the above said matter and it is pertinent to mention that the documents contained in this IA is an unnecessary one and there are more several numbers of interlocutory application filed for the same relief and they have also been disposed of in the above matter hence this petition to be dismissed.

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

5. Petitioner has stated that he was examined as MW1 and had been cross examined and had marked 7 exhibits on his side and they got salary slip for the month of September 2016, November 2016 and January 2017. It is necessary to receive the documents and mark the same as management side exhibits for the specific reason for sending the documents for the handwriting experts opinion along with disputed documents dated 01.03.2019 which is already marked as Ex.M6 and hence petition is filed to recall MW1 to mark the original documents as management side exhibits in I.D.No.13/2021.

6. On the other side the management has stated that respondent/petitioner was already cross examined on two hearings and the petitioner had not produced any type of documentary evidence on such hearings, After the denial made by the complainant the respondent in this petition had sought for an expert

opinion in deciding the genuineness of the signature made by the respondent, Further they have stated 5 numbers of admitted signature in comparing the disputed signature are mandatory for comparison, there is no need for recalling the MW1 for marking of Additional Documents in this matter and there are more several numbers of petitions filed for the same relief and they were disposed off and hence this petition to be dismissed with cost.

7. Records perused. This petition is filed to recall MW1 to mark certain documents which are to be sent for experts opinion. The respondent in their counter have raised the objections stating, petition is filed to drag on the proceedings. This court is of opinion in order to send the documents for experts opinion, there is no necessity to mark those documents as Exhibits by examining MW1. The said documents on receipt by court can be sent directly to Forensic Department. Hence the petition is not necessary and thereby dismissed.

In the result petition is dismissed.

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 11th December 2024.

Presiding Officer,
Labour Court,
Kancheepuram

List of exhibits: NIL.

P.O.,
L.C.,KPM.