

In the Court of Labour Court, Kancheepuram

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

Monday, the 29th day of September 2025

**I.A.No. 16/2025
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 11.09.2025 this day for final hearing before this court in the presence of M/s.T.Easwaradhas, P.Joseph Ramyashree and S.Ashok kumar 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 of ID Act praying to issue summons to Tr.G.Gnanasambandan, Assistant Director and Document Expert, Forensic Sciences Department, Mylapore, Chennai - 600 004 and to give evidence regarding his report dated 08.04.2025.

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

Petitioner is the respondent Company. The respondent/workman was terminated by the petitioner/respondent company is not true. The respondent/workman himself stopped attending the work from 01.03.2019 on giving his resignation letter. The respondent/workman during his cross examination has denied the signature in the resignation letter dated 01.03.2019 and thereby the petitioner/respondent company filed an application to send the same for experts opinion and the Forensic Science department had submitted the report dated 08.04.2025, with findings that the questioned signature differs from the admitted one on the ground Six reasons. The expert opinion is not conclusive and regarding the opinion given by expert they can be examined as a witness regarding their findings. In the report also they have given an undertaking to give evidence if they are summoned in advance. It is necessary to find out the veracity of the report by examining the expert who has given the report. This application is filed to summon Assistant director document expert

Forensic Science department, Mylapore, Chennai namely G.Gnanasambandan regarding his report dated 08.04.2025 T.No.920/2025.

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

The Petition is devoid of merits. The Petition is filed with an intention to protract and drag the proceedings and it is wholly frivolous and devoid of merits. The Respondent/ workman never threatened any one of the petitioner company or its staff members. The respondent/workman was terminated from job by the management. He had not given any resignation letter on 01.03.2019. The said document is concocted and fabricated. The Petition is only a delay tactics, and the respondent has not knocked the doors with clean hands and without any valid documents. Hence application to summon the expert to be dismissed.

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

5. The petitioner has stated that the respondent/workman herein has raised the dispute stating that he had been terminated by the petitioner/respondent company whereas he had not turned up to job after giving resignation letter dated 01.03.2019 and in such circumstances, during cross examination, the respondent/workman has denied his signature in the

resignation letter dated 01.03.2019 and in order to prove that signature had been made only by respondent/workman, Petitioner had filed an application to get the experts opinion and the same had been allowed by this court and in furtherance of order in IA.15/2024 Advocate Commissioner had been appointed and the Forensic Science department officials have filed the report dated 08.04.2025 and in the said report findings had been given stating that there are difference in the signatures and since the opinion had been given that there is difference in signature, the velocity of the said report has to be tested by examining the expert as witness and hence it has become necessary to file this application to summon the said expert.

6. On the other side respondent has stated that the application is filed with an intention to prolong the proceedings and there is no merits.

7. The learned counsel for the petitioner argued that once the petitioner/respondent company has taken a stand that the respondent/workman was not terminated from service whereas he had himself not returned to duty after giving resignation letter dated 01.03.2019, In such circumstances signatures if were not really made by the respondent/workman in the said resignation letter dated 01.03.2019, the respondent/workman to show his genuiness should have come forward to send the said document for experts opinion, to test the genuiness of signature in the resignation letter dated

01.03.2019 whereas he has not taken any steps and the petitioner/respondent company had taken steps to get the experts opinion and for the same strong objections was raised by respondent/workman and the court after allowing the application to get the experts opinion, the Forensic expert has filed report dated 08.04.2025 before this court, In the findings it is stated that there is difference in the admitted signatures and the questioned signature and the opinion of the expert is not the conclusive proof in order to test the velocity of the said document, it has become necessary to summon the said expert.

8. The perusal of documents shows that case of the petitioner/ respondent company is that respondent/workman had been relieved based on his resignation letter dated 01.03.2019. When the respondent/workman has denied the signature in the said resignation letter dated 01.03.2019 then automatically burden shifts on the petitioner / respondent company to prove the genuineness of the said resignation letter. For the same the petitioner/respondent company had taken every steps and they had also filed an application to get the experts opinion regarding the signature said to have been made by the respondent/workman in alleged resignation letter dated 01.03.2019. The only objections raised by the respondent/workman is that application is filed only to prolong the proceedings and no other objections are raised by them. As rightly said by the petitioner /respondent company opinion of the experts is not a conclusive proof, the velocity can be tested by examining the said expert who

had given the report. In order to find out the truth and in order to find out the genuineness of the alleged resignation letter dated 01.03.2019, this court is of opinion that, the expert who had given the report may be permitted to be examined by the petitioner/respondent company to prove the genuineness and veracity and for the same there is no bar. In order to reach at the right conclusion, this court is of opinion that the application to summon the expert can be allowed in order to meet the ends of justice. Accordingly the petition is maintainable.

In the result 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 29th September 2025.

Presiding Officer,
Labour Court,
Kancheepuram.