

In the Court of Labour Court, Kancheepuram

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

Wednesday, the 7th day January 2026

**I.A.No.1/2025 & I.A.No.2 /2025
in
C.P.No.115/2024**

The Management,
KB Autosys India Private Limited,
No.49, Sengadu Village,
Sriperumbudur Taluk,
Kancheepuram District -602 105.

--- Petitioner/ Respondent

//vs//

U.Manikandan,
S/o.C.Udayakumar,
No.4/35A, Mariamman Kovil Street,
Aykulathur Village,
Sriperumbudur Taluk,
Kancheepuram District -602 105.

--- Respondent / Petitioner

This petition came up on 02.01.2026 this day for final hearing before this court in the presence of M/s.G.Anandakrishnan, S.Haroon AL Rasheed Agam Legal and R.Karthik Advocates for Petitioner/Respondent and M/s.A.Rekha, D.Christopher, B.Manikavasahagam and R.Sakthivel Advocates for Respondent/ Petitioner 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.11 of ID Act, praying to reopen the evidence of PW1 and to recall PW1 for cross examination.

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

Petitioner herein is respondent in the main dispute. Respondent/petitioner has claimed difference in benefits as per sec.18(1) of settlement entered into between management and individual workers for the period from 2014 to 2022. Respondent/petitioner had let in evidence and the same was closed on 17.09.2025 and thereafter listed for petitioner's management side evidence. During preparation of evidence for management certain additional facts came to light, based on documents which were made available to the counsel for preparation of proof affidavit of the proposed witness of management. The petitioner/ workman seeks parity of pay and the consequent benefits on par with employees. It is just and essential that PW1 be confronted with those aspects. Hence it is necessary to reopen the evidence of PW1 and to recall for further cross examination. On account of sharing the crucial information without counsel, the present application is being sought for and not as a tactic abusing the due process of law. Non cross examination of PW1 at earliest stages is neither will full nor intentional. Serious prejudice will be caused if the application to reopen the evidence of PW1 and to recall is not allowed for further cross examination. Hence these petitions to reopen the evidence of PW1 and to recall PW1 for cross examination.

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

All the allegations in the Affidavit are denied as false.

Workman had been examined as WW1 and Ex.P1 to P23 had been marked and the cross examination was posted for 10.07.2025, 25.07.2025 and 12.08.2025. Petitioner/respondent counsel did not do the cross examination and got adjournments continuously and was cross examined on 01.09.2025 and during the cross examination Ex.R1 to R4 are marked on the side of the petitioner/ management and 09.09.2025 cross examination was completed and matter was posted for further evidence and on closure of respondent side evidence, the case stands posted for petitioner/management side evidence. Two adjournments were got to let in evidence on the side of the petitioner/ management. In such circumstances, interim applications to reopen the evidence of petitioner and recall PW1 for cross continuation is filed. The averments in the affidavit are not true. The court has given much time for cross examination and been cross-examined PW1 on two days. The act of the petitioner /management is nothing but to fill up the lacuna, which could not be allowed under law. The application is filed with the view to delay the proceedings and the same is not maintainable. The petitioner/ management to fill up the lacuna under the guise of reopen and recall PW1 for cross examination has filed these applications and if it is allowed, The respondent will be put to hardship, hence liable to be dismissed in limine with cost.

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

5. The petitioner /management has stated that at the time of preparing proof affidavit to let in evidence on their side, some factual aspects came to the knowledge and in respect of the same respondent /workmen /PW1 had to be further cross-examined and hence these applications are filed to reopen the case and to recall PW1 for cross examination

6. On the other side respondent has stated that the PW1 had been cross examined by the petitioner /management on two hearings and if the application to reopen the evidence of PW1 for further cross examination, is allowed the petitioner/ management will fill up the lacuna and petitioner/ management has already marked Ex.R1 to R4 through cross examination of Pw1 and as cross examination has been complete, these applications are not maintainable and the same to be dismissed.

7. The perusal of Record shows that the respondent workmen had filed this computation petition to claim the amount based on the 18(1) settlement entered into between the management and the workmen for the period from 2014 to 2022. Whether the respondent workmen are entitled for the amount claimed by them can be decided based on the settlement said to have been entered under sec.18(1) of the Act. The petitioner management has elaborately cross examined PW1 on two dates and they have also marked Ex.R1 to R4. In such circumstances if the petitioner /management needs to disprove the

contention of the claim made by the Respondent/ workmen, they can be very well disprove the same by letting in evidence both oral and documentary on their side and as already the court has granted sufficient time for cross examination of PW1 and the same had also been completed, this court is of opinion that as said by the respondent/workmen, It may pave to filling up the lacuna and the same is not admissible and thereby these petitions stands dismissed. In the result petitions are dismissed.

I.A.No.1 / 2025

In the result petition is dismissed. No Cost.

I.A.No.2 / 2025

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 7th January 2026.

Presiding Officer,
Labour Court,
Kancheepuram

List of exhibits: NIL.

P.O.
LC.Kpm.