

**BEFORE THE ADDITIONAL LABOUR COURT, VELLORE.  
VELLORE DISTRICT.**

**PRESENT : Tmt.S.Uma Maheswari, M.L.,  
Presiding Officer (FAC).**

**Wednesday, the 18<sup>th</sup> day of March, 2026**

**I.A. No.2/2026  
IN  
I.D. No.5/2023**

N.Ramamoorthy . . . Petitioner

Versus

M/s. Tirupattur Sarvodaya Sang,  
Tirupattur and District. . . Respondent

This Petition came up for hearing on 06.03.2026 in the presence of Thiru.A.Suresh Babu, the Authorized Representative for the Petitioner and Thiru.M.Pandiayarajan, the Advocate for the respondent. Upon hearing the arguments of both sides, upon perusing the entire material case records and having stood over for consideration till this date, this Court delivered the following:-

**ORDER**

Petitioner filed this petition under Section 11(3) of Industrial Disputes Act, 1947 praying to reopen the enquiry in preliminary issues to file the additional documents.

**1. Petition averments in-brief:-**

The petitioner averred that he raised an Industrial Dispute Petition No.5/2023 against the respondent seeking relief of reinstatement with continuity of service, full back wages and all other attendant benefits. In the above said case, the petitioner is challenging the validity of the domestic enquiry conducted by the management against the petitioner.

The petitioner further states that the management filed documents and marked with consent relating to domestic enquiry and the matter is now posted for arguments in preliminary issues. The petitioner sent one letter on 22.09.2020 to the Enquiry Officer to adjourn the enquiry and another letter on 26.09.2020 to the Secretary to furnish complaint copies and charge sheet. The respondent management purposely omitted to file these two documents which are essential to decide the preliminary issue.

Hence, to re-open the petition in order to mark the above two documents, the petitioner has filed this present application and requests this court to allow this re-open application.

**2. Counter averments in-brief :-**

The respondent in their counter stated that the petition filed by the petitioner is unsustainable either on law or on the facts.

The respondent further states that the petitioner filed the above case with an intention to cheat and deceive the respondent. The present application is nothing but a further attempt to misuse the process of law

under the pretext of receiving additional documents. The above said documents are allegedly created in the year 2020 and the above case was filed in the year 2023. If this petition is allowed it will cause grave prejudice to the respondent and amounting to fill up the lacunae of the petitioner's case.

The respondent further states that the petitioner not stated any valid reasons for non-production of the said documents in the earlier stage itself, which cause doubts on its genuineness and credibility. There are no merits in the petition and requests for the dismissal of the petition.

3. Now the point for consideration is, **‘whether this petition is liable to be allowed or not’?**

4. **POINT:-**

After hearing both the counsels, after perusing the petition and counter, this court comes to know that the present petitioner who is an employee of the respondent society has filed the above I.D. challenging the termination order passed by the management on 28.09.2020.

It is alleged by the petitioner that before issuing a termination order the management has issued a charge-memo and conducted a domestic enquiry. The petitioner further alleged that the domestic enquiry was not conducted in a fair and proper manner which should be based on the principles of natural justice. So, the petitioner has decided to challenge the validity of the domestic enquiry. Accordingly, this court has also framed the

preliminary issues and the respondent has marked nearly 31 documents on his side to prove the validity of the domestic enquiry. On the side of the petitioner, he has not marked any documents.

After perusing the documents produced by the respondent, the petitioner has come to know that the respondent wantonly failed to produce the letters dated 22.09.2020 and 26.09.2020 addressed by the petitioner to the management. The petitioner alleged that these two letters are very much essential to prove his case that the domestic enquiry has not been conducted properly. Therefore, he has come forward with this present application for re-open and to mark the above two letters which have been omitted by the management.

On the other hand, the management has strongly objected this petition and contended that there exists every possibility to manipulate the document to suit the petitioner's case. Therefore, they request this court to dismiss his petition.

This court is of the view that, the petitioner who had raised an Industrial Dispute against the management during the pendency of the petition, has intended to challenge the validity of the domestic enquiry. Under such circumstances, it is the utmost duty of the respondent to prove the validity of the domestic enquiry by producing all the relevant documents. The petitioner contended that he had purposely omitted two letters sent by him. Now the apprehension of the respondent is that the petitioner might have modified or manipulated the documents. This court finds that the above contention of the respondent is not acceptable for the

reason that the petitioner is not going to introduce any new documents and he has intended to file the copy of the letters which were already sent to the respondent management. Since the respondent has failed to file the letters, now he is intended to file the same before this court. To arrive a better conclusion and to decide the validity of the domestic enquiry, these letters may be essential. So, this court does not intend to reject the prayer of the petitioner. Whether the letters are essential and the question whether they are modified or manipulated or not? will be decided while passing orders in the preliminary issues. At this stage, this court cannot decide the genuineness of the documents at which the petitioner is relying, and at the same time this court also does not intend to reject his prayer to receive the documents. This court is intended to provide fair and sufficient opportunity to both the parties. Hence, this application for re-open to file the two letters dated 22.09.2020 and 26.09.2020 relied upon by the petitioner is allowed and there is no order as to costs.

In view of this above discussion, this petition is allowed and there is no order as to costs.

Dictated to the Steno-Typist, typed directly in the computer, corrected and pronounced by me in the Open Court, on this the 18<sup>th</sup> day of March, 2026.

**Presiding Officer (FAC),  
Additional Labour Court,  
Vellore.**