



W.P.No.17465 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 17.07.2026

Coram:

THE HONOURABLE MR.JUSTICE K.SURENDER

W.P.No.17465 of 2024

and

W.M.P.No.19257 of 2024

M/s.Praxair India Private Limited,
Represented by Authorised Signatory,
Ms.Sony Bhatt,
SIPCOT Industrial Park,
Plot No.F-18, Sriperumbudur,
Kancheepuram.

.. Petitioner

Vs.

A.Balasubramaniam,
S/o Agoram,
No.84, Rajeev Gandhi Nagar,
Sriperumbudur, Town - cum - Taluka,
Kancheepuram.

.. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for records pertaining to the Award, dated 05.10.2023, passed in I.D.No.711 of 2018 by the Presiding Officer, Labour Court, Kancheepuram and quash the same.

For petitioner : M/s.Hema Srinivasan

For respondent: Mr.K.K.Ram Siddhartha for Mr.S.Sivakumar

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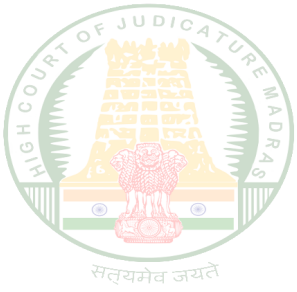
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ORDER

The petitioner-Management is before this Court questioning the order passed by the Labour Court, Kancheepuram, dated 05.10.2023.

2. The facts of the case are that the respondent-workman, namely A.Balasubramaniam was appointed by the petitioner-Management as Senior Engineer on 17.06.2013. He was made permanent and was performing his job. However, he has also got increment in the year 2017. The petitioner was terminated from service on 09.12.2017 and no reasons were mentioned in the termination letter.

3. Learned counsel appearing for the petitioner submitted that there would be performance improvement plan, whereby, the Management is monitoring and assessing the employee. In the performance improvement plan, it was found that the respondent/workman was frequently absent and not vigilant in his duties and was not collaborating with his team members. The said act of the respondent/workman was the reason for his termination.



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4. When questioned by this Court as to whether any enquiry was conducted before termination, learned counsel for the petitioner submitted that the performance improvement plan, which is the assessment made by the Management itself, would indicate that the respondent/workman was enquired into for the charges.

5. The Labour Court found that before termination of the workman, there was no enquiry conducted and the Management did not investigate into any of the allegations on the basis of the principles of natural justice.

6. The learned counsel appearing for the petitioner-Management submitted that, the performance improvement plan itself amounts to enquiry, since the respondent-workman was assessed by the Management for the purpose of performance improvement plan.

7. As seen from the termination letter, dated 09.12.2017, there is no reason given as to why the respondent/workman was terminated. Admittedly, no enquiry was conducted before termination.



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8. Further, during the course of enquiry before the Labour Court, it was

admitted by R.W.1 who is the witness for the Management , that, " I do (not) know whether the petitioner has been served with a charge memo regarding the above allegations. I do not know whether the departmental enquiry has been conducted against the petitioner. I do not know whether the report of the enquiry officer has been received. I do not know whether the allegation against the petitioner has been proved in the report ? or not ? I do not know the disciplinary action taken against the petitioner before his dismissal. I don't know the details."

9. Learned counsel appearing for the petitioner/Management raised a new argument stating that the termination of the respondent was on account of retrenchment. As such, the provisions relating to retrenchment, have to be followed by the Labour Court. As seen from the impugned order of the Labour Court, no such plea of retrenchment was raised before the Labour Court. The argument of the learned counsel for the petitioner/Management, introducing this ground of retrenchment, cannot be entertained in the Writ Petition, when no such stand was taken before the Labour Court.



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10. In view of the termination of the respondent-workman being not based on any enquiry, and no opportunity of hearing was given to defend himself, the Labour Court has rightly set aside the impugned dismissal order and directed to re-employ the respondent/workman with emoluments.

11. For the said reasons, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the stay petition in W.M.P.No.19257 of 2024 is closed.

(K. SURENDER, J)

17.07.2026

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To

The Presiding Officer, Labour Court, Kancheepuram.

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