



W.P(MD)No.12800 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.12800 of 2023

The Management,
Represented by the Superintending Engineer,
Thoothukudi Electricity Distribution Circle,
TANGEDCO,
131, Ettayapuram Road,
Tuticorin – 628 002.

... Petitioner

Vs

The Secretary,
Tamil Nadu Electricity Employees Central
Organization (CITU),
145/1A, Ettayapuram Road,
Thoothukudi.
(For the employee N.Sankar)

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned award passed by the Labour Court, Tirunelveli in I.D.No.87 of 2015 dated 30.12.2016 and quash the same as illegal.



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For Petitioner : Mr.S.Arivalagan

For Respondent : Mr.Karthick
for M/s.T.Lajapathy Roy & Associates

ORDER

This Writ Petition has been filed challenging the award passed by the Labour Court, Tirunelveli, in I.D. No.87 of 2015, dated 30.12.2016, and to quash the same.

2.Learned counsel appearing for the petitioner submitted that the respondent Union had raised an industrial dispute under Section 2(k) of the Industrial Disputes Act on behalf of its member, Sankar, claiming seniority on par with one Ganesan. It is contended that the Labour Court, without impleading the said Ganesan as a party to the proceedings, granted relief by directing that Sankar be placed on par with Ganesan in the matter of seniority. According to the learned counsel, the award passed by the Labour Court would adversely affect the rights and seniority of Ganesan, who is a necessary and proper party to the dispute. Therefore, the impugned award is



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liable to be set aside and the matter remanded to the Labour Court for fresh adjudication after impleading Ganesan as a party to the proceedings.

3.The learned counsel appearing for the respondent fairly submitted that the respondent has no serious objection if the matter is remanded to the Labour Court for fresh consideration after impleading Ganesan as a party.

4.This Court has carefully considered the submissions made on either side and perused the materials available on record.

5.Admittedly, the relief granted by the Labour Court has a direct bearing on the seniority and service rights of Ganesan. Any adjudication affecting the rights of a person cannot be sustained in the absence of such person being impleaded as a party to the proceedings. Since Ganesan is a necessary party, the Labour Court ought to have afforded him an opportunity of hearing before passing the impugned award. Failure to do so amounts to a



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violation of the principles of natural justice.

6.In view of the above, the impugned award passed by the Labour Court, Tirunelveli, in I.D. No.87 of 2015, dated 30.12.2016, is set aside. The matter is remanded to the Labour Court, Tirunelveli, for fresh adjudication. The Labour Court shall implead Ganesan as a party to the proceedings, afford sufficient opportunity to all the parties concerned, and thereafter dispose of the industrial dispute afresh on its own merits and in accordance with law, as expeditiously as possible.

7.With the above directions, this Writ Petition stands allowed.

There shall be no order as to costs.

14.07.2026

NCC : Yes / No
Index : Yes / No
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To

The Secretary,
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M.DHANDAPANI, J.

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