

In the High Court of Judicature at Madras

Dated: 30.01.2015

Coram:

The Honourable Mr. SANJAY KISHAN KAUL, Chief Justice

Original Petition No. 609 of 2014

M/s. Palfinger Cranes India Pvt. Ltd.
Rep. by its Managing Director
Mr. Santhosh
No.37, Varadarajapuram, Nazarathpet
Poonamallee, Chennai 602 103.

.. Petitioner

vs.

Mr. Obaidur Rahman

.. Respondent

PRAYER : *Petition filed under Section 11 of the Arbitration and Conciliation Act, 1996, for appointment of an Arbitrator to resolve the dispute between the parties arising out of Employment Agreement dated 19.08.2010.*

For Petitioner : Mr. P.V. Balasubramaniam
For Respondent : Mr. D. Baskar

ORDER

The dispute inter se the petitioner/employer and the respondent/ex-employee arises on account of the actions and inactions attributed to the respondent by the petitioner which resulted in an enquiry proceedings and the subsequent termination of the respondent on the basis of the enquiry report.

2. The respondent has preferred a suit for damages arising from such termination and other incidental reliefs before the Delhi High Court, impleading the petitioner as well as its Managing Director individually, as parties in those proceedings. The petitioner has filed an application under Section 8 of the Arbitration and Conciliation Act, 1996. That application is pending consideration and listed on 15.07.2015.

3. The petitioner has filed the present petition under Section 11 of the said Act, raising claims against the respondent to be adjudicated through the process of arbitration.

4. The concern of this Court is that the two parallel proceedings may produce different opinions on the enquiry report, as the same enquiry report forms the basis of the claims of the parties - one before the Delhi High Court and one sought to be raised in the present proceedings, for which reference is sought in the present matter. The fate of the application under Section 8 of the said Act, as also the rationale of the same would have to be examined, before the present proceedings can be adjudicated upon.

5. In view of the aforesaid, it is considered appropriate to dispose of this petition with a right to revive the same after adjudication of the application under Section 8 of the said Act pending before the Delhi High Court, if so advised.

ATR

(S.K.K., C.J.)
30.01.2015

THE HON'BLE THE CHIEF JUSTICE

ATR

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