

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2017

CORAM

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

WRIT PETITION No. 3393 of 2017

and

W.M.P.No. 3376 of 2017

The Management of Nilgiris
District Co-operative,
Milk Producers Union Ltd.,
Udhagamandalam.

...Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Coimbatore.

2.T.H.Balaraman

...Respondents

Prayer: This writ petition is filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records pertaining to the impugned order in I.D.No.75 of 2004 on the file of the Labour Court, Coimbatore/1st Respondent dated 04.10.2016 and to quash the same.

For Petitioner : Mr.S.Gunalan

For Respondents : R1 - Court

Mr.V.Ajoy Khose, for R2.

सत्यमेव जयते
O R D E R

This writ petition has been filed by the petitioner against the preliminary issue with respect to the enquiry conducted.

2.Law is quite on this issue. It being an order on a preliminary issue no writ would lie as held by this Court in the scase of the Shree Kumar Textiles (Private) Limited vs. Labour Court and another reported in 1997 (3) L.L.N. 376, wherein it has been held as follows:

"Para No.5: In any case, if the enquiry does not conform to the principles of natural justice, it would be a case for interference. The order passed by the Labour Court satisfies the requirements that it is a

speaking order and it has been passed after hearing both sides on the basis of the evidence by the parties. That the conclusions arrived at by the Labour Court are correct or not, is not a matter for examination at this stage. Therefore, we do not see that there is any case for reconsidering the view taken by this Court in Agro Cargo Transport, Ltd. v. E.Murugan (vide supra). We may also point out that the appellant-management is not in any way prejudiced, because it has an opportunity to adduce evidence. In the event, the award goes against the management, it will be open to the management not only to challenge the ultimate award, but also the order passed by the Labour Court, directing the management to adduce evidence on the ground that the domestic inquiry was not fair and proper."

3. Thus, in the light of the said decision, the writ petition stands dismissed giving liberty to the petitioner to raise the objections, if any, at the time of final adjudication. However, taking into consideration of pendency of the dispute for more than 12 years, a direction is issued to the first respondent to conclude the I.D.No. 75 of 2004 within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petition is closed.

-s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

The Presiding Officer,
Labour Court,
Coimbatore.

+1 CC to Mr.V. Ajoykhose, sr 25866
+1 Cc to Mr.S. Gunalan, sr 25508

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