

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2018

CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P. Nos.1181 to 1183 of 2018 &
W.M.P. Nos.1480 to 1482 of 2018

Shobana Kirubakaran

Lab Technician

K.M.F.Hospital Quarters,

Kotagiri Medical Fellowship Hospital

Kotagiri Post, Kotagiri Taluk,

Nilgiris District

Petitioner in W.P.No.1181 of 2018

A.Kirubakaran

Radiographer,

K.M.F.Hospital Quarters,

K.M.F. Hospital,

Kotagiri - 643 217

Nilgiris District

Petitioner in W.P.No.1182 of 2018

Kamala Samson

Stenographer,

17/221-B, Alports, Ramchand,

Kotagiri Post, Kotagiri Taluk,

Nilgiris District

Petitioner in W.P.No.1183 of 2018

सत्यमेव जयते
Vs.

1 The Presiding Officer,
The Additional Labour Court,
Coimbatore

2. The Management of Kotagiri Fellowship Trust,
Kotagiri Medical Fellowship Hospital,
Kotagiri Post, Kotagiri Taluk,
Nilgiris.

Respondents in all petitions

Writ Petitions filed under Article 226 of the Constitution of India seeking a Writ of Certiorarified Mandamus to call for records relating to the preliminary award dated 13.11.2017 made

in I.D.Nos.202, 199 and 203 of 2010 respectively on the file of Additional Labour Court, Coimbatore, the 1st respondent herein and quash the same and consequently direct the 2nd respondent to reinstate the petitioner with continuity of service with full back-wages.

For Petitioners : Mrs.DR.R.Gouri

C O M M O N O R D E R

These Writ Petitions have been filed challenging the correctness of the impugned Preliminary Award dated 13.11.2017 passed by the Additional Labour Court, Coimbatore in I.D.Nos.202, 199 and 203 of 2010 respectively.

2. The Labour Court, while examining the industrial disputes filed by the petitioners, challenging the dismissal order under Section 2(A) 2 of the Industrial Disputes Act, 1947, framed two preliminary issues, which are given as under:-

"1. Whether the enquiry officer has conducted the enquiry in a fair and proper manner?

2. Whether the enquiry report is valid under law?"

and has come to the conclusion that the enquiry officer has clearly discussed the evidence produced on either side and also given his finding on the basis of relevant materials produced. Further, the Labour Court also has held that there is no evidence to show any bias on the part of the enquiry officer. Adding further, it is mentioned that even though there was some internal issues between the trustees and medical Superintendent of the respondent-Trust, the petitioner cannot take advantage of the same and finally concluding its finding held that in the absence of any acceptable contra evidence by the petitioner, the enquiry conducted by the enquiry officer was fair and proper.

3. Heard the learned counsel for the petitioner and perused the documents available on record.

4. On a perusal of the facts and the conclusion given by the Labour Court, this Court is of the view that the same does not warrant any interference by this Court. However, learned counsel appearing for the petitioner submitted that the finding given by the Labour Court supporting the conclusion and the report reached by the enquiry officer, need to be examined, but, this Court, does not find any favour. Therefore, the Writ Petitions

fail and the same stand dismissed. Further, the Labour Court is directed to proceed further and dispose of the I.D.Nos.199, 202 and 203 of 2010, as expeditiously as possible on merits and in accordance with law. Consequently, connected miscellaneous petitions are closed. No costs.

s/d-
Assistant Registrar(CS IX)

True Copy

Sub-Assistant Registrar

ssd

To

1. The Presiding Officer,
The Additional Labour Court,
Coimbatore
2. The Management of Kotagiri Fellowship Trust,
Kotagiri Medical Fellowship Hospital,
Kotagiri Post, Kotagiri Taluk,
Nilgiris.

W.P. Nos.1181 to 1183 of 2018 &
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SSD(CO)
SP(15/02/2018)

सत्यमेव जयते

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