

HON' BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.A. No. 2019 of 2017

JUDGMENT:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ appeal is filed seeking to set aside the order dated 14.12.2017 in W.P.M.P.No. 52785 of 2017 in W.P.No. 42576 of 2017 passed by learned Single Judge of this Court.

As per the record, the appellant filed a Memo before the Industrial Tribunal-cum-Labour Court, Anantapuramu questioning the validity of the Domestic Enquiry. In response to that Memo, the employer filed an objection petition stating that domestic enquiry was conducted properly, however the appellant refrained from participating in the domestic enquiry, therefore, *ex parte* enquiry was held. Hence, the Labour Court, by docket order dated 13.02.2017, closed the Memo observing that the validity of the domestic enquiry is to be adjudicated at an appropriate stage. Thereafter, the appellant filed I.A.No. 341 of 2017 in I.D.No. 37 of 2014 seeking to adjudicate the issue of validity of the *ex parte* domestic enquiry as a preliminary issue before hearing the case on merits, and the Labour Court, vide order dated 14.11.2017, dismissed the I.A. holding that subsequent to the closure of the Memo, arguments were heard on both sides, therefore, the plea to decide the validity of the domestic enquiry as a preliminary issue, cannot be accepted.

It also observed that the only remedy left to the appellant is to challenge the docket order dated 13.02.2017 before the Hon'ble High Court. Then, the appellant filed W.P.M.P.No. 52785 of 2017 seeking stay of all further proceedings of the Labour Court in the docket order dated 13.02.2017 including the order dated 14.11.2017 in I.A.No. 341 of 2017 in I.D.No. 37 of 2014 passed by the Labour Court, and the learned Single Judge, by the impugned order dated 14.12.2017, while dismissing the W.P.M.P., observed that the I.A. was filed at the stage of reply arguments on behalf of the respondents and the learned senior counsel also fortifies the observation made by the Labour Court, but the docket order dated 13.02.2017, as directed by the Labour Court, was not challenged by the appellant before this Court.

Since the appellant has failed to challenge the docket order dated 13.02.2017, we find no illegality or perversity in the impugned order dated 14.12.2017 in W.P.M.P.No. 52785 of 2017 in W.P.No. 42576 of 2017 passed by learned Single Judge of this Court.

Hence, the writ appeal is devoid of merit and the same is accordingly, dismissed. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

08.08.2018

ABHINAND KUMAR SHAVILI, J

bcj