



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.11.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P. (MD)Nos.4939 and 4958 of 2010

and

M.P. (MD)Nos.1 of 2010 and 1 of 2010, 2 of 2010, 1 of 2012

W.P. (MD)No.4939 of 2010:-

The Management,
Dohnavur Fellowship,
Dohnavur Post,
Nanguneri Taluk, Tirunelveli District. ... Petitioner
vs.

1.The Presiding Officer,
Labour Court, Tirunelveli.

2.R.Soundira Rajan ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified, to call for the records in relating to the order passed by the first respondent in I.D.No.59 of 2006, dated 23.11.2009 and to quash the same.

For Petitioner : Mr.P.Chandra Bose
For R2 : Mr.P.Subbiah

W.P. (MD)No.4958 of 2010:-

The Management,
Dohnavur Fellowship,
Dohnavur Post,
Nanguneri Taluk, Tirunelveli District. ... Petitioner
vs.

1.The Presiding Officer,
Labour Court, Tirunelveli.

2.P.Jeyapaul ... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified, to call for the records in relating to the order passed by the first respondent in I.D.No.60 of 2006, dated 23.11.2009 and to quash the same.



For Petitioner : Mr.P.Chandra Bose
For R2 : Mr.P.Subbiah

COMMON ORDER

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These two Writ Petitions have been filed by the Management, Dohnavur Fellowship Trust, as against the preliminary order passed by the Labour Court, Tirunelveli in I.D.Nos.59 and 60 of 2006 by the second respondent in these writ petitions.

2.By preliminary order, the Labour Court, Tirunelveli, found that the domestic enquiry is vitiated for violation of principles of natural justice. The Labour Court further held that further opportunity should be given to the petitioner Management to prove the charges against the second respondent in these writ petitions.

3.The preliminary order regarding non-observance of principles of natural justice do not suffer from any irregularity or perversity, having regard to the admitted facts and circumstances of the case. Having regard to the fact that the petitioner is not seriously prejudiced, in the sense that the petitioner had been given further opportunity to prove charges against the second respondent in main petition before the Tribunal, this Court has no reason to interfere with the order passed by the Labour Court.

4.Accordingly, these Writ Petitions are dismissed and the preliminary order passed by the Labour Court, Tirunelveli, in I.D.Nos.59 and 60 of 2006, dated 23.11.2009, is confirmed. The Labour Court shall decide the matter on merits after giving adequate opportunity to the petitioner and the second respondent in both cases within a period of four months from the date of receipt of a copy of this order. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

Sub Assistant Registrar (CS)



To

The Presiding Officer,
Labour Court, Tiruenlveli.

+2 CC to Mr.P. SUBBIAH, Advocate (SR-100126[F] dated 21/11/2019)

+1 CC to Mr.P.CHANDRABOSE, Advocate (SR-100533[F] dated
22/11/2019)

W.P. (MD) Nos. 4939 and 4958 of 2010

21.11.2019

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