



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 05.11.2019
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P. (MD) .No.5845 of 2011
and
M.P. (MD) Nos.1 and 2 of 2011

The Management,
Kurumboor Primary Agricultural
Cooperative Bank,
Kurumboor Post,
Tiruchendur Taluk,
Tuticorin District,
Rep. by its Secretary
J.Devaraj.

.. Petitioner

Vs.

1. The Presiding Officer,
The Hon'ble Labour Court,
Tirunelveli.

2.P.Kathirvel

.. Respondents

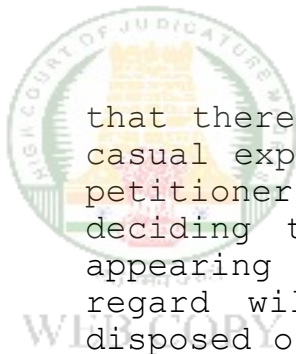
PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the impugned preliminary award dated 18.04.2011 passed by the first respondent Labour Court in I.D.No.127 of 1997 and quash the same.

For Petitioner : Mr.M.E.Ilango
For Respondent 1 : Mr.M.Jeyakumar
Additional Government Pleader
For Respondent 2 : Mr.T.Murugan

O R D E R

This Writ Petition is filed by the Management of Kurumboor Primary Agricultural Cooperative Bank, Tuticorin District as against the preliminary award dated 18.04.2011 passed by the Labour Court, Tirunelveli in I.D.No.122 of 1997.

2.By the impugned order, the labour Court has held that domestic enquiry was not conducted by following principles of natural justice and that there was no show cause notice issued to the delinquent. The learned Counsel appearing for the petitioner submitted that the Labour Court, apart from holding that the enquiry was not properly conducted, has also rendered findings on merits and



that therefore, the preliminary order is liable to be quashed. The casual expression of opinion based on the procedure followed by the petitioner during the enquiry may not have any relevance while deciding the dispute on merits. Further, the learned Counsel appearing for the petitioner states that a clarification in this regard will be sufficient. Accordingly, the Writ Petition is disposed of upholding the preliminary order with an observation that the Labour Court shall consider and dispose of the industrial dispute in I.D.No.127 of 1997 on merits and in accordance with law uninfluenced by any of the observations and findings in the preliminary order on merits. The Labour Court shall pass final order within a period of six weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

Sub Assistant Registrar(CS)

To

The Presiding Officer,
The Hon'ble Labour Court,
Tirunelveli.

+1 CC to Mr.M.E.ILANGO, Advocate (SR-96300[F] dated 06/11/2019)
+1 CC to Mr.T. MURUGAN, Advocate (SR-96379[F] dated 06/11/2019)

ORDER MADE IN
W.P. (MD) .No.5845 of 2011
05.11.2019

SRM

MK (18.11.2019) 2P 4C