



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.07.2021

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CORAM :
THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.44446 of 2006

The Management,
PSG Coimbatore Urban Leprosy Eradication Scheme,
(P.S.G. Cules), Project Office,
24 & 25, Rajalakshmi Colony,
T.V.S. Nagar, Thadagam Road,
Edaiyarpalayam Post,
Coimbatore - 641 025.

... Petitioner

vs.

1. The Presiding Officer,
Labour Court,
Coimbatore.

2. K.Marimuthu

3. A.A.Suresh Kumar

4. K.Ajith Kumar

5. P.Bhaskaran

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorari, to call for the records of the 1st Respondent/Labour Court, Coimbatore made in its common interim order in I.D.Nos.241/2000, 242/2000, 243/2000 and 245/2000, dated 13.07.2006, and quash the same.

For Petitioner : Mr.S.Silambanan, Senior Counsel
for M/s.Silambanan Associates

For Respondents 2, 3 & 5 : Mr.M.Christopher

For 4th Respondent : Dismissed vide order
dated 30.09.2011

O R D E R

Petitioner/Management has come up with this Writ Petition challenging the preliminary order dated 13.07.2006 passed by the 1st Respondent/Labour Court in I.D.Nos.241/2000, 242/2000, 243/2000 and 245/2000.



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2. In the light of the judgment of the Apex Court in the case of Cooper Engineering Ltd. Vs. P.P.Mundhe reported in 1975 (2) SCC 661, the employer can question the preliminary Award along with the final Award and that, the proceedings cannot be stalled.

3. In the case of Shankar Chakravarti vs. Britannia Biscuit Co. Ltd. reported in 1979 SCC (3) 371, the Apex Court has held that, there is no need to remind an employer to let in evidence. That is, in the absence of plea that, in case, the domestic enquiry is not fair and proper, the employer must be permitted to lead evidence to establish the charges and there is no need to permit the employer to lead fresh evidence.

4. As there is no interim order in the case on hand and as the Industrial Dispute is of the year 2000, the Labour Court would have decided the matter by this time.

5. In view of the above, no further order is required in this matter. Hence, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

(aeb)

To:

The Presiding Officer,
Labour Court,
Coimbatore.

W.P.No.44446 of 2006

PCH (CO)
GN(18/08/2021)