



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.14415 of 2021

The Management
Govindanur Primary Agri
Co-op Credit Society,
rep. by its Secretary,
M.Jeeyautheen
No.K-1751, Govindanur Primary
Agri Co-op. Credit Society,
Govindanur,
Puravipalayam (PO),
Pollachi T.K. - 642 110.

... Petitioner

vs.

A.Mahalakshmi

... Respondent

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 relating to the order dated 16.02.2021 passed in I.D.No.15/2018 on the file of the Additional Labour Court, Coimbatore, to quash the same.

For Petitioner : M/s.N.Ramamani
for M/s.Kanimozhi Mathi

O R D E R

Petitioner has come up with the present Writ Petition seeking to quash the order dated 16.02.2021 passed in I.D.No.15/2018 on the file of the Additional Labour Court, Coimbatore, wherein, it is held that, the Enquiry Officer has not conducted the enquiry in a fair and proper manner and that, the findings of the Enquiry Officer is biased, perverse and not valid under law. The Labour Court adjourned the matter to 02.03.2021 for adducing fresh evidence on the side of the Management.

2. Heard the learned counsel for the Petitioner. This matter is taken up for disposal at the admission stage itself.



3. Taking note of the judgments rendered by the Apex Court in the case of the Workmen of M/s Firestone Tyre & Rubber Co. of India (P) Ltd., vs. The Management, reported in 1973 (1) LLJ 278 and in the case of Cooper Engineering Ltd. Vs. P.P.Mundhe reported in 1975 (2) SCC 661, this Court is not inclined to entertain this Writ Petition.

4. In the judgments cited supra, the Apex Court has categorically held that, there is no need to entertain a Writ Petition questioning the preliminary orders, which could be adjudicated at a later point of time, when the final Award is questioned.

5. Hence, without going into the merits of the case including the plea raised in case of any adverse finding that may affect the Petitioner/Management, this Court dismisses the Writ Petition with liberty to the Petitioner to lead fresh evidence before the Additional Labour Court, Coimbatore, as, has been held in the Award dated 16.02.2021 and prove the charges before the Labour Court, as the Labour Court steps into the shoes of the Disciplinary Authority to decide about the veracity and merits of the charges and the evidence that may be let in by the parties concerned.

6. Once the Petitioner/Management lets in evidence, it is open to the Respondent/employee to lead counter evidence, if she has to say on her side.

7. The Additional Labour Court, Coimbatore is expected to take up the Industrial Dispute for hearing on a day-to-day basis, without adjourning the matter beyond seven working days at any point of time, by following the procedures contemplated under Rule 34(9) of the Tamil Nadu Industrial Disputes Rules, 1948, and pass orders on merits and in accordance with law.

8. It is needless to mention that, it is open to the Petitioner/Management to question the preliminary order, after the final Award is passed. No costs. Consequently, connected W.M.P.No.15317 of 2021 is closed.

Sd/-
Assistant Registrar (CS-III)

// True Copy//

Sub Assistant Registrar

(aeb)



To:

The Additional Labour Court,
Coimbatore.

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+1cc to M/s.Kanimozhi Mathi, Advocated, S.R.No.33772

W.P.No.14415 of 2021

KV (CO)
SU (16/08/2021)