



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.36676 of 2016

The Management of Tenneco

Automotive India Pvt. Ltd.,

(Formerly known as Renowned Auto Products Mfts.Ltd)

Rep. by its Head HR-South, Louis Ambrose

No.122, Sipcot Industrial Complex,

Hosur - 635 126

...Petitioner

vs.

1. The Presiding Officer,
Labour Court, Salem.

2. J.Manoharan

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the first respondent in I.D.No.288 of 2005, its preliminary order dated 25.09.2013 in I.D.No.288 of 2005 and consequential final award dated 30.12.2015 in I.D.No.288 of 2005 and quash the same.

For Petitioner : Mr.S.Ravindran, Senior Counsel

For Mr.S.Bazeer Ahmed

For R-1 : Court

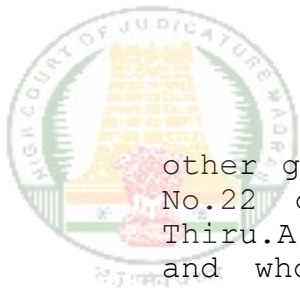
For R-2 : Mr.R.Bharathkumar

O R D E R

The Award of the Labour Court dated 30.12.2015 directing the reinstatement of the workmen in service with continuity of service and 10 % of backwages, is put under challenge in the present Writ Petition.

2. Heard Mr.S.Ravindran, learned Senior Counsel appearing on behalf of Mr.S.Bazeer Ahmed, learned counsel on record for the Management.

3. A factual error in the Award, as pointed out by the learned Senior Counsel for the petitioner, is one among the



other grounds raised in the present writ petition. In paragraph No.22 of the Award, the Labour Court had opined that one Thiru.A.Murugan, Shift Supervisor, who was also the complainant and who was present at the place of incident, would be a competent witness to depose, but was not examined as witness on the side of the workmen Management.

4. On the contrary, the fact remains that the said Thiru.A.Murugan was examined as R.W.2 and his deposition dated 17.03.2014 has been produced before this Court. Apparently, the evidence of R.W.2 has been over-looked by inadvertence by the Labour Court. While that being so, the appropriate remedy would be to call upon the Labour Court to reconsider the entire evidence on record, including the evidence of R.W.2 and then come to a fresh conclusion.

5. In this background, the impugned final Award dated 30.12.2015 passed in I.D.No.288 of 2005, is set aside and the matter is remanded back to the Labour Court, Salem for reconsideration. The Labour Court shall reopen the dispute at the stage of final arguments and after giving due opportunity to both the petitioner as well as the respondent Management or their counsels, and on due consideration of the evidences, shall pass an Award, preferably within a period of three (03) months from today.

6. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by either of the parties. This Writ Petition is disposed of accordingly. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

sts/ ata

To:

The Presiding Officer,
Labour Court, Salem.

+1cc to Mr.R.Bharathkumar, Advocate, S.R.No.65078

W.P.No.36676 of 2016

NR[co]
NSK 09/12/2021