



W.P.No.10993 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.10993 of 2017
and W.M.P.No.11962 of 2017

The Management,
Shardlow India Limited,
SIPCOT Industrial Complex,
Hosur – 635 125,
Krishnagiri District.

... Petitioner

Vs.

1.T.P.Selvaraj

2.The Presiding Officer,
Labour Court,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records on the file of the 2nd respondent and quash the order dated 16.11.2016 made in I.D.No.190 of 2014 (Preliminary issue).

For Petitioner : Mr.C.Mohan
for M/s.King and Partridge

For Respondents : Mr.K.V.Shanmuganathan [R1]

ORDER

This Writ Petition has been filed seeking for a Writ of Certiorari, to call for the records on the file of the second respondent and quash the order dated 16.11.2016 made in I.D.No.190 of 2014 (Preliminary issue).



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2. The petitioner has filed the present writ petition challenging the preliminary award passed by the second respondent/Labour Court on the ground that the second respondent/Labour Court arrived a conclusion that no fair and proper enquiry was conducted by the petitioner Management and no document was furnished to the delinquent. On the sole ground, the preliminary award was passed by the second respondent/Labour Court.

3. The learned counsel for the petitioner submits that, there are umpteen number of proof is available to show that the entire documents was furnished to the delinquent. However, without considering the same, the second respondent/Labour Court has passed the preliminary award, which is not sustainable. Therefore, he submits that, it would suffice, if this Court grants liberty to the petitioner Management as well as the first respondent/workmen to re-adjudicate the issue before the second respondent/Labour Court and direct the second respondent/Labour Court to decide the issue including the fairness of the enquiry conducted by the petitioner Management by setting aside the preliminary award impugned in the present writ petition.

4. The learned counsel appearing for the first respondent has no objection for the said order being passed.



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5. Heard the learned counsel for the petitioner as well as the learned counsel appearing for the first respondent and perused the materials available on record.

6. In view of the fair submissions made by the learned counsel for the petitioner Management as well as the first respondent/workmen, this Court, set aside the impugned preliminary award passed by the second respondent/Labour Court in I.D.No.190 of 2014, dated 16.11.2016 and grants liberty to the petitioner Management as well as the first respondent/workmen to re-adjudicate the issue including the fairness of the enquiry, before the second respondent/Labour Court and the second respondent/Labour Court is directed to consider the materials and pleadings available on record and decide the Industrial Dispute in I.D.No.190 of 2014, within a period of six (6) months from the date of receipt of a copy of this order.

7. Accordingly, the writ petition stands disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

14.08.2023

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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M.DHANDAPANI, J.

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To

The Presiding Officer,
Labour Court,
Salem.

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