



W.M.P.No.29424 of 2022
in W.P.No.27712 of 2017

S.VAIDYANATHAN,J.

It is represented that the Court below has misunderstood the order of this Court, dated 16.06.2021, passed in the Writ Petition, that all the issues touching the merits of the matter need to be adjudicated, which is inclusive of the fairness in the domestic inquiry.

2. This Court makes it clear that in case the fairness of the domestic inquiry or the validity of the settlement under Section 18 (1) of the Industrial Disputes Act, 1947, is questioned, those two issues need to be addressed first and thereafter only the other issues can be gone into. Whether the person is a workman or not or whether the employer is an industry or not need not be gone into as a preliminary issue, as it is touching the merits of the matter. In case the Management has taken a plea that the domestic inquiry, if held, is not fair and proper, the employer shall be given an opportunity to let in evidence to establish the charges, provided there was a plea taken at the earliest point of time.

3. Writ Miscellaneous Petition is disposed of accordingly.

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