



W.A(MD)No.269 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.03.2023

CORAM:

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
and
THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI**

**W.A(MD)No.269 of 2023
and
C.M.P(MD)No.3225 of 2023**

The Chairman and Managing Director,
(S.Mohammad Ismail Umar – age 67),
Hajee Moosa Fabrics Limited,
15-20, East Chitrai Street,
Madurai – 1.

... Appellant/Writ petitioner

-VS-

D.Rathina Pandi

... Respondent/Respondent

PRAYER: Appeal filed under Clause 15 of Letters Patent, against the order dated 20.01.2023 passed in W.P(MD)No.11764 of 2020.

For Appellant : Mr.T.Ravichandran

JUDGMENT

[Judgment of the Court was made by R.SUBRAMANIAN, J.]

Being aggrieved by the order of the Writ Court, dated 20.01.2023 made in W.P(MD)No.11764 of 2020, the appellant/writ petitioner has filed this writ appeal.



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2. Admittedly, the respondent was employed by the appellant.

The Labour Court has found that the dismissal order, dated 17.07.2015, is not backed by an enquiry.

3. Though the learned counsel for the appellant would vehemently contend that the proceedings, dated 17.07.2015, is not an order of dismissal, the Labour Court has on evidence come to the conclusion that it is a proceeding for dismissal without conducting an enquiry.

4. The Labour Court has chosen to accept the evidence of the employee in support of its conclusion. The Writ Court has also acceded with the conclusions of the Labour Court. Sitting in an appeal under Clause 15 of the Letters Patent arising out of the order passed in exercise of the jurisdiction under Article 226 of the Constitution of India, we do not think that we could interfere with the conclusions of the Labour Court or the Writ Court. The jurisdiction of the Writ Court under Article 226 of the Constitution of India to interfere with the orders of the Labour Court is very very limited and this Court cannot reappraise the evidence or deal with the merits of the matter. Hence, we do not see any reason to entertain this writ appeal.



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5. The writ appeal fails and it is accordingly dismissed.

No Costs. Consequently, connected miscellaneous petition is closed.

[R.S.M., J.]

[L.V.G., J.]

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NCC :Yes/No

Index :Yes/No

PM



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