



WEB COPY



W.P.No.1133 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.1133 of 2024
and W.M.P.No.1182 of 2024

S.Neelagandan

.. Petitioner

Versus

Flowserve India Controls Pvt. Ltd.,
a subsidiary of Flowserve Corporation, USA
B-8, CMDA Industrial Area, Maraimalai Nagar,
Tamil Nadu, India - 603 209.

Registered Office at:

Plot No.4, 1-A, Road No.8,
Export Promotion Indl Park,
Whitefield, Bangalore, KA-560 066 IN

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari to call for the records and quash the order, dated 30.11.2023 passed by the Labour Court at Kancheepuram in I.A.No.6 of 2023 in I.D.No.74 of 2022.

For Petitioner : Mr.P.Jesus Moris Ravi

For Respondent : Mr.S.Bazeer Ahamed

ORDER

This Writ Petition is filed challenging the order passed by the Labour Court, Kancheepuram in I.A.No.6 of 2013 in I.D.No.74 of 2022.



W.P.No.1133 of 2024

WEB COPY

2. The brief facts leading to the filing of the Writ Petition are that an industrial dispute was raised by the workman aggrieved by the punishment imposed on him. In the said industrial dispute, the issue, whether the enquiry is fair and proper and whether it has been conducted as per the certified standing orders or not, seems to have been termed as preliminary issue. While so, the present Interlocutory Application is filed by the workman to produce four documents in support of his claim in the preliminary issue. The Labour Court dismissed the said Interlocutory Application finding, in paragraph No.9 of the order, that the four documents are not necessary and relevant for the enquiry with reference to the preliminary issue.

3. The proceedings before the Labour Court are summary in nature. Both parties can produce and mark documents in support of their claim either in the preliminary issue or in the main issue. The question of reception of documents is totally different from relevancy and proof of documents. When the petitioner wants to produce the four documents and mark the same, the relevancy of the said documents need not be gone into at this stage. The documents can be received and marked. If anything is there relating to the



W.P.No.1133 of 2024

preliminary issue, the same can be considered.

WEB COPY

4. It is trite that when an application is filed for receiving documents, the documents need not be rejected in limini by considering the relevancy or proof. Therefore, I am of the view that the order, dated 30.11.2023 passed in I.A.No.6 of 2023 in I.D.No.74 of 2022 is unsustainable.

5. In view of the same, keeping all the contentions of both the parties open to be considered at the time of passing of the final order in the preliminary issue, this Writ Petition is disposed of by setting aside the order of the Labour Court, Kancheepuram in I.A.No.6 of 2023 in I.D.No.74 of 2022, dated 30.11.2023 and consequently allowing I.A.No.6 of 2023 by permitting the petitioner/workman to produce and mark the said documents in the enquiry. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

29.11.2024

Neutral Citation : no
grs

To

3/8



The Labour Court,
Kancheepuram.

WEB COPY



W.P.No.1133 of 2024



WEB COPY



W.P.No.1133 of 2024

D.BHARATHA CHAKRAVARTHY, J.

grs

W.P.No.1133 of 2024
and W.M.P.No.1182 of 2024

29.11.2024



WEB COPY



W.P.No.1133 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.1133 of 2024
and W.M.P.No.1182 of 2024

S.Neelagandan

.. Petitioner

Versus

Flowserve India Controls Pvt. Ltd.,
a subsidiary of Flowserve Corporation, USA
B-8, CMDA Industrial Area, Maraimalai Nagar,
Tamil Nadu, India - 603 209.

Registered Office at:
Plot No.4, 1-A, Road No.8,
Export Promotion Indl Park,
Whitefield, Bangalore, KA-560 066 IN

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari to call for the records and quash the order, dated 30.11.2023 passed by the Labour Court at Kancheepuram in I.A.No.6 of 2023 in I.D.No.74 of 2022.

For Petitioner : Mr.P.Jesus Moris Ravi

For Respondent : Mr.S.Bazeer Ahamed

ORDER



W.P.No.1133 of 2024

WEB COPY

This matter is posted under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2. When the matter was taken up for hearing, the learned counsel for the petitioner brought to the notice of this Court that there is an error in Paragraph No. 1.

3. Accordingly, in Paragraph No.1, the year of the Interlocutory Application is mentioned as “2013” and the same shall be replaced with the year “**2023**”

4. The Registry is directed to issue a fresh order copy by carrying out the said correction in Paragraph No. 1.

08.01.2025

nsI

To
The Labour Court, Kancheepuram.

7/8



WEB COPY



W.P.No.1133 of 2024

D.BHARATHA CHAKRAVARTHY, J.

ns1

W.P.No.1133 of 2024
and W.M.P.No.1182 of 2024

08.01.2025