



W.P.No.736 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 30.01.2025

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.736 of 2025
and W.M.P.No.905 of 2025

1. Vice President,
Neelamalai Agro Industries Ltd.,
Panampilly Nagar Post,
Cochin District - 682 036.
2. The Neelamalai Agro Industries Ltd.,
Katary and Sutton Estate,
Katary Post,
Coonoor - 643 213, The Nilgiris,
Represented by its Vice President .. Petitioners

Versus

Baby John,
Benison Cottage,
Ambalakunnu, Peermade Estate,
Idukki District, Kerala - 685 531. .. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleaded to issue a Writ of Certiorari calling for the records of the Labour Court, Nilgiris in I.D.No.5 of 2024, quash the order, dated 04.12.2024.



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For Petitioners : Mr.E.K.Nandakumar,
Senior Counsel,
Assisted by Mr.G.Anand Gopalan,
for M/s.Agam Legal Associates

For Respondent : Mr.K.Thilageswaran

ORDER

This Writ Petition is filed aggrieved by the order, dated 04.12.2024 made in I.D.No.5 of 2024, in and by which, the Labour Court passed a preliminary award holding that the Domestic Enquiry held by the management is not fair and proper.

2. Heard *Mr.E.K.Nandakumar*, learned Senior Counsel on behalf of the management and *Mr.K.Thilageswaran*, learned Counsel for the workman.

3. The learned Senior Counsel would submit that though, in the ordinary course, Writ Petition as against the preliminary award is not



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entertainable and the management will reserve all its contentions while challenging the final award, in this case, there is an extraordinary circumstance. The circumstance that is pointed out by the learned Senior Counsel is that there are three charge memoranda and three different Domestic Enquiries were conducted by the management. While filing counter in the Industrial Dispute, the management had referred of non-supply of document with reference to the fourth enquiry which already resulted in penalty, which is not the subject matter of the Industrial Dispute at all. By referring to the erroneous pleading and without even advertng to the fact that in which of the Domestic Enquiry, the workman demanded the additional document and which of the Domestic Enquiry, the enquiry was not fair and proper, the preliminary award was passed and therefore, it would in the best interests of both the management and the workman to entertain this Writ Petition and the matter be remanded back to the Labour Court with a further direction that may be issued by this Court.



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4. The learned Counsel for the workman would submit that not only with reference to the receipt of the document, there are other grounds also which are raised with reference to the fairness and reasonable opportunity not given to the workman in the course of the enquiry. The learned Counsel would submit that it is true that the Labour Court did not specify the particulars about the three enquiries. The workman is also ready to go back and contest the matter with reference to the preliminary award on merits before the Labour Court.

5. In view of the said submissions made on behalf of both the sides, this Writ Petition is disposed of on the following terms:-

(i) The preliminary award passed by the Labour Court on 04.12.2024 made in I.D.No.5 of 2024 shall stand set aside. The matter is remanded back to the Labour Court, Nilgiris at Udhagamandalam for fresh consideration of the question as to the passing of the preliminary award;

(ii) An opportunity shall also be given to both the sides to lead such



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further evidence, both oral and documentary and both the parties, without taking much time, lead the additional evidence and co-operate in the early disposal of the Industrial Dispute;

(iii) The Labour Court is requested to take up the matter and dispose of the same as expeditiously as possible;

(iv) There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

30.01.2025

Neutral Citation : no
grs

To

The Presiding Officer,
Labour Court of Nilgiris,
Udhagamandalam.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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