



W.P. No.5860 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.08.2025

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THE HONOURABLE Mr. JUSTICE P.DHANABAL

W.P. No.5860 of 2022

The Management,
Coimbatore District Consumers
Co-operative Wholesale Stores Ltd.,
Coimbatore
Represented by its General Manager. Petitioner
Vs.

A.P. Manimegalai W/o. Thiagarajan ... Respondent
PRAYER: The Writ petition is filed under Article 226 of Constitution of
India praying to issue a Writ of Certiorari calling for the records of the
Principal Labour Court, Coimbatore in I.D. No.163 of 2025 dated 27.11.2020
and to quash the same.

For Petitioner : Mr. Anand Gopalan for
Mr. Leeban Arivalagan

For Respondent : Served – No appearance.

ORDER

The Writ petition has been preferred as against the Preliminary Award
passed by the Labour Court, Coimbatore in I.D. No.163 of 2025 dated
27.11.2020, wherein the respondent herein has raised an industrial dispute
before the Labour Court and the Labour Court passed a Preliminary Award by



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holding that the domestic enquiry conducted by the respondent is not proper and valid. As against the same, the present Writ petition has been filed.

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2. The learned counsel appearing for the petitioner Management would submit that the petitioner is a Co-operative Wholesale Stores registered under the Tamil Nadu Co-operative Societies Act and it is engaged in the business of distributing essential commodities at subsidised rates under the Public Distribution System. It has got several branches at various places at Coimbatore. The respondent joined the service of the petitioner in the year 1973. During 2003, when the respondent was employed as a Clerk / Branch Manager at Valparai, there was a shortage of Rs.70,550.70 of daily sale amount which has not been credited in the petitioner's bank account and the same was found during the Audit inspection. The respondent misappropriated the above said amount for her personal gain. Thereafter, she was suspended through an order dated 08.07.2003 and she was issued a detailed Charge Memo dated 28.10.2003. The respondent also submitted her explanation. Being not satisfied with the explanation, a domestic enquiry was conducted and as per the domestic enquiry report, charges against the respondent were proved. Thereafter, a second Show Cause Notice was issued to the respondent and after obtaining her explanation, she was terminated from service through an order dated 31.08.2004. Due to the financial position of the petitioner, the



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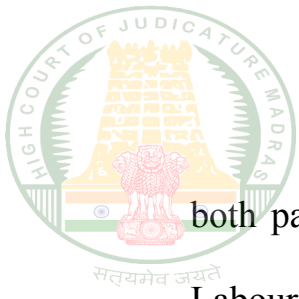
respondent was not paid with subsistence allowance during the period of October 2002 to July 2003. Thereafter, she was paid subsistence allowance.

As against the dismissal order passed against the respondent, she raised an industrial dispute before the Labour Court in I.D. No.163 of 2005. Initially, the fairness of the domestic enquiry was tested by the Labour Court and thereafter, the Labour Court erroneously decided that the domestic enquiry conducted by the Management is not proper and valid. The order of the Labour Court is not in consonance of the pleadings and evidences adduced by the parties. The respondent has fully participated in the enquiry without raising any objection. However, the Labour Court failed to consider the same and erroneously held that the Management has not conducted the enquiry fairly. Therefore, the Preliminary Award passed by the Labour Court is liable to be set aside.

3. There is no appearance on the side of the respondent.

4. Heard petitioner's side and perused the entire materials available on record.

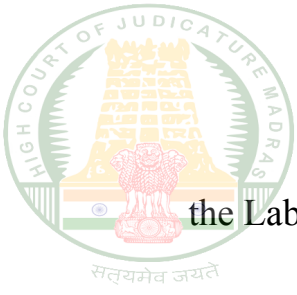
5. The Writ petition has been filed by the petitioner Management challenging the Preliminary Award passed by the Labour Court. The Labour Court passed the Award after hearing both sides and before the Labour Court,



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both parties have produced the documents and based on the documents, the Labour Court passed a Preliminary Award by holding that domestic enquiry conducted by the respondent is not proper and posted the case for further proceedings. Therefore, Writ petitioner still have a chance to adduce evidence before the Labour Court to establish the charges. But without doing the same, the Management filed this Writ petition. Without adducing evidence to prove the charges, the petitioner has straight away approached this Court. When there is chance to prove the charges levelled against the respondent before the Labour Court by adducing evidence, the petitioner cannot approach this Court. Therefore, there is no merits in this petition and the petitioner can approach the Labour Court for adducing proper evidence in accordance with law.

6. At this juncture, the learned counsel appearing for the petitioner would submit that the Labour Court has rendered unnecessary findings in respect of the merits of the case while deciding preliminary issue. Therefore, the observations made by the Labour Court in the Preliminary Award may affect the merits of the case. Since the Labour Court passed the Award only in respect of the domestic enquiry conducted by the respondent and if any observations made by the Labour Court in the Preliminary Award will not affect the case of the respondent in the main Award to be passed by the Labour Court. Therefore, the petitioner is at liberty to adduce evidence before



the Labour Court.

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7. With the above observations, this Writ petition is dismissed. There shall be no order as to costs.

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Index : Yes/No
Speaking order/non-speaking order
mjs

To

The Presiding Officer,
The Principal Labour Court,
Coimbatore.

P.DHANABAL, J.,

mjs

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