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W.P.No.33330 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.33330 of 2015 and
M.P.No.1 of 2015**

Lotus Footwear Enterprises Limited, (Unit-1)
Rep.by its Managing Director,
P.No.3, SIPCOT I P,
Mathur Post, Mangal Village,
Cheyyar TK,
T.M District-631 701.

... Petitioner

Vs.

1.The Presiding Officer,
Principal Labour Court,
Vellore.

2.V.Muniyandi

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a writ of Certiorari, to call for the records connected with order dated 03.09.2015 passed in I.A.No.210 of 2015 in I.D.No.127 of 2015 on the file of the first respondent and quash the same.



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For Petitioner : Mr.M.Kandasamy

For Respondents : R1-Court
R2-No appearance

ORDER

This Writ Petition has been filed against the order dated 03.09.2015 passed in I.A.No.210 of 2015 in I.D.No.127 of 2015 filed under Section 11 of the Industrial Disputes Act questioning the maintainability of the main case as preliminary issue.

2. The second respondent herein filed I.D.No.127 of 2015 challenging the punishment of termination from service. The petitioner Management contested the said Industrial Dispute by filing I.A.No.210 of 2015 on the ground that any workman should file a petition before the Conciliation Officer before raising the Industrial Dispute and that the second respondent did not raise any Industrial Dispute before the Conciliation Officer and obtained any failure report. The Labour Court, after hearing both sides, dismissed the said Interlocutory application on the



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ground that during the pendency of the proceedings, the respondent/workman has produced the failure report and the Labour Court held that the said point can be substantiated during the enquiry in the main I.D.No.127 of 2015. Having said so, I.A.No.210 of 2015 regarding maintainability of the Industrial Dispute was dismissed, against which, the present writ petition has been filed by the petitioner.

3. Heard the learned counsel appearing for the petitioner. Though notice was served to the second respondent, no one appeared before this Court.

4. This Court, after carefully considering the submissions made by the learned counsel appearing for the petitioner and going through the order passed by the Labour Court, is of the view that the conclusion arrived at by the Labour Court need not be interfered with, since the said failure report was produced by the respondent/workman during the pendency of the Industrial Dispute Proceedings and therefore, the question of taking of the



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maintainability of the Industrial Dispute does not arise and that it can be dealt with during the enquiry of the main petition. Hence, this Writ Petition stands dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

11.03.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Presiding Officer,
Principal Labour Court,
Vellore.



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M.DHANDAPANI,J.

ssb

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