



W.P. No.8591 of 2021

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM

THE HON'BLE Ms. JUSTICE P.T.ASHA

**W.P. No.8591 of 2021 and
W.M.P.No.9144 of 2021**

C.Karunakaran

... Petitioner

Vs.

Salam Mavata Sarvodaya Sangam,
Thandavarayapuram Post,
Bharathipuram Post,
Salem District.

... Respondent

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to the order passed in I.A.No.24 of 2021 in I.D.No.98 of 2013 dated 10.03.2021 on the file of the Hon'ble Presiding Officer, Labour Court, Salem and quash the same by allowing this Writ Petition.

For Petitioner : Mr.R.Marudhachalamurthy

For Respondent : No appearance

ORDER

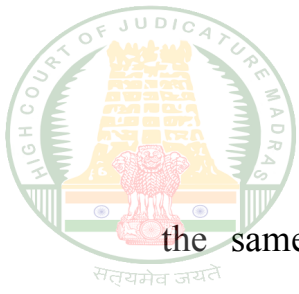


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This Writ Petition has been filed to call for the records pertaining to the order passed in I.A.No.24 of 2021 in I.D.No.98 of 2013 dated 10.03.2021 on the file of the Presiding Officer, Labour Court, Salem and quash the same.

2. The case of the petitioner is that he had joined the service of the respondent Society in April 1985 as Assistant / Salesman and he had rendered blemishless service throughout his tenure. While so, he was suspended from service on 14.08.2012 with an intimation that the charge memo would be issued shortly. However, the charge memo came to be issued only on 04.12.2012 and a detailed explanation was given by the petitioner on 07.12.2012. The petitioner would state that despite his request, he was not given the records and by correspondence dated 13.12.2012 he was informed about the appointment of the Enquiry Officer. The petitioner had objected to the same through his reply dated 18.12.2012. Without considering the same, the enquiry was conducted *exparte* against the petitioner and an *exparte* enquiry report was submitted by the Enquiry Officer.

2.1. On 19.01.2013, the respondent had issued a show cause notice stating as to why the petitioner's service should not be terminated. To this, the petitioner had submitted a detailed reply on 24.01.2013 and without considering

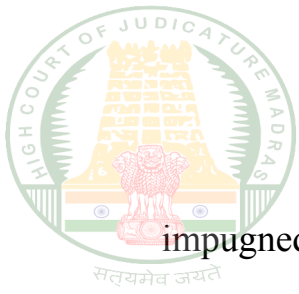


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the same, he was terminated from service on 13.02.2013. The order of

termination was challenged by the petitioner in I.D.No.98 of 2013 before the Labour Court, Salem.

2.2. The learned counsel for the respondent had entered appearance and filed his counter on 22.02.2014 and an additional counter on 08.10.2018. The petitioner had filed his reply to the additional counter on 07.12.2018. Thereafter, the enquiry was commenced in the above referred Industrial Dispute and the petitioner had completed his side of enquiry and the respondent's enquiry was commenced on 10.12.2018 and concluded on 04.07.2019. Thereafter, the matter was posted for arguments. At this juncture, the respondent had taken out an application to reopen and recall R.W.1. The same was allowed by the Presiding Officer. However, the respondent did not examine R.W.1 but proceeded to file an another application in I.D.No.24 of 2021 to receive 9 additional documents on their side. The said application was resisted by the petitioner herein by contending that the documents do not find mention either in the charge memo or in the order of termination. The charge memo related to the period from 01.04.2011 to 31.03.2012 whereas the documents that are sought to be produced relate to the year 2008 and are totally irrelevant to the period of charge. Though the said application was resisted by the petitioner, the same was allowed by the



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impugned order dated 10.03.2021 and challenging the same, the petitioner is before this Court.

3. Mr.R.Marudhachalamurthy, learned counsel appeared on behalf of the petitioner would contend that the application filed by the respondent is nothing but an attempt to protract the proceedings. The earlier application for reopening and recalling of R.W.1 had been allowed. However, the respondent had not chosen to recall R.W.1 and thereafter, when the matter was once again posted for arguments and at that juncture, the present application came to be filed. The documents that are sought to be produced relate to the year 2008 to 2010, whereas the charge against the petitioner is for the period from 01.04.2011 to 31.03.2012.

4. The respondent has not made a mention about the earlier application filed by him and no reasons have been given for producing the said documents at this later stage. Further, these documents had not been referred to either in the counter statement or in the additional written statement. There is absolutely no discussion in the impugned order as to why these documents which are totally unrelated to the charge memo, have to be marked.



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WEB COPY 5. The respondent was served and entered appearance through counsel.

Thereafter, it appears that the learned counsel has given change of vakalat and handed over the bundle to the Secretary of the respondent Society on 08.07.2024. However, he has not taken any steps to represent the case. A memo to that effect has been filed by the erstwhile counsel on 07.06.2025. Therefore, this Court directed the matter to be listed today displaying the name of the respondent alone. However, there is no representation for the respondent and the matter is heard and orders passed on merits.

6. The Industrial Dispute has been filed as early as in the year 2013. The petitioner had been terminated from service on 13.02.2013. The respondent had earlier taken out an application for recalling R.W.1 and for reopening the evidence. It is seen that the respondent had commenced their enquiry on 10.12.2018 and had concluded the same only on 04.07.2019. Despite the fact that the application for reopening and recalling R.W.1 had been allowed, the respondent has not taken any steps to recall R.W.1. Once again, when the matter has been posted for arguments, the impugned application has been filed in the year 2021, nearly eight years after the filing of the industrial dispute.



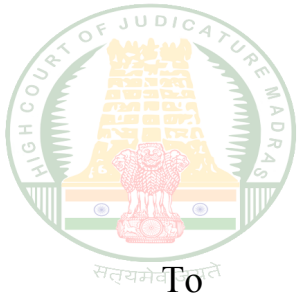
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WEB COPY 7. The reading of the petition filed in support of this application does not give any reasons as to why the documents are required to be filed. That apart, these documents do not find any reference in the counter filed by the respondent to the industrial dispute and they pertain to a period prior to the period set out in the charge memo. Therefore, in the absence of any relevance of the documents to the issue on hand being pleaded and taking note of the delay, it is a clear case of the respondent attempting to protract the proceedings. Therefore, the order allowing the I.A.No.24 of 2021 in I.D.No.98 of 2013 by the Labour Court, Salem has to be set aside.

8. Accordingly, this Writ Petition is allowed and the impugned order in I.A.No.24 of 2021 in I.D.No.98 of 2013 dated 10.03.2021 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet: Yes
Speaking /Non-speaking order
Neutral Citation : Yes / No
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To
Salam Mavata Sarvodaya Sangam,
Thandavarayapuram Post,
Bharathipuram Post,
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P.T.ASHA, J.

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