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W.A.No.1475 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.06.2025

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**
AND
THE HONOURABLE MR.JUSTICE **K.SURENDER**

Writ Appeal No. 1475 of 2025
and CMP No.14218 of 2025

The Management of
India Nippon Electricals Ltd
Hosur – Thalli Road, Uliveeranapalli
Hosur 635 114.
Rep. By its Head – Corporate HR

... Appellant

Vs.

1. The Presiding Officer,
Labour Court, Salem.

2. N. Ayyappa Raju

... Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, to set aside
the common order passed in WP No. 4024 of 2015 dated 13.12.2024.

For Appellant : Mr.G.Masilamani, Senior counsel
For Mr.P.Raghunathan
M/s. T.S.Gopalan and Co.



WEB COPY

W.A.No.1475 of 2



JUDGMENT

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

The challenge is to the order of the learned Single Judge made in WP Nos.10211 of 2017 and 4024 of 2015 dated 13.12.2024.

2.The above Writ Petitions were filed by the workman and the Management, challenging the award of the Labour Court made in ID No.86 of 2012 dated 11.09.2014. The proceedings before the Labour Court arose in view of the disciplinary action initiated by the Management against the workman on the ground that he had committed certain misconducts which run counter to Clause 19 of the certified Standing Orders of the Company.

3. The imputation that was made against the workman was that he had written two letters which contain highly defamatory language against the Management and the Union. An inhouse enquiry was conducted and the Enquiry Officer concluded that the conduct of the workman in writing such letters amounted to misconduct within the meaning Clause 19 of the Standing Orders. Consequently the workman was dismissed from service.

2/6



This led to the I.D. before the Labour Court.

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4. The Labour Court after examining the crucial cause viz. the two letters concluded that it cannot be said that two letters are *per se* defamatory and the provisions of Standing Order 19 cannot be said to have been violated. On the said conclusion, the Labour Court set aside the order of dismissal and removal from service and directed reinstatement with 40% back wages. The award was challenged by both the Management and the workman, the Writ Court dismissed both the Writ Petitions by a common order.

5. Mr.G.Masilamani, learned Senior Counsel appearing for the appellant/Management would vehemently contend that time was come for this Court to step in to put an end to such derogatory communications being made under the guise of freedom of expression. While acknowledging the fact that the workman also have freedom of expression, Mr.G.Masilamani, Learned Senior Counsel would submit that the letters which are marked as Management Exhibits 10 and 11 wherein the workman had imputed corruption against the Management would definitely give a cause of action

3/6



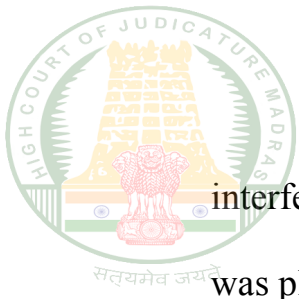
for the Management to proceed against him under Standing Order 19.

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6. The learned Senior Counsel would also implore us to examine the issue in the light of the intemperate language that has been used in the said documents. Both the Labour Court and the learned Single Judge have gone into these issues and they have concluded that the language used does not amount to a misconduct. In fact, the Labour Court has even pointed out that the workman did not resort to any publication of these letters or indulge in any action that would affect the industrial climate. He had only straightaway written to the Management as well as the Conciliation Officer expressing his perception of the happenings in the factory and the actions of the Union.

7. When both the Labour Court as well as the learned Single Judge have come to a conclusion that the conduct of the workman cannot be termed as something which violates Standing Order 19, we do not think we can, sitting in a Clause 15 Appeal, substitute our opinion for the opinion of the Writ Court and the Labour Court. The law relating to the scope of proceedings under Article 226 of the Constitution of India, in matters relating to awards of the Labour Courts is well settled to the effect that

4/6



interference should be minimal when the award is based on material that was placed before the Labour Court.

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8. Hence we do not think the order of the learned Single Judge calls for interference, the Appeal fails and it is accordingly dismissed. There shall be no order as to costs. Consequently, the connected miscellaneous petitions are closed.

(R.SUBRAMANIAN, J.) (K.SURENDER, J.)
30.06.2025

jv

Internet : Yes
Index : No
Neutral Citation : No
Speaking order

To

1. The Presiding Officer,
Labour Court, Salem.

R.SUBRAMANIAN, J.
and
K.SURENDER, J.

jv



WEB COPY

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