



W.P.No.14471 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.14471 of 2018

and

W.M.P.No.17083 of 2018

Hindustan Unilever Limited, Tea Factory
Represented by its Factory Managing Director,
No.3, Cuddalore main road,
Kirumampakkam, Puducherry – 607 402. ...Petitioner

Vs.

- 1.HLL Tea Workers Welfare Union,
Rep by its Secretary,
Reg.No.1483/RTU/2007,
No.34, Madha Koil Street,
Korkkumedu, Thavalakuppam,
Kattupalayam Post,
Puducherry – 605 007.
2. Hindustan Unilever Tea Unit Employees Union,
Rep by its President,
Reg. No.1648/RTU/2010,
Reg. office at No.44, Ellaiamman Kovil Street,
Korkadu and Post, Villianur,
Puducherry – 605 110.
- 3.The Presiding Officer,
Industrial Tribunal cum Labour Court,
Puducherry. ... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India



W.P.No.14471 of 2018

for issuance of a Writ of Certiorari, to call for the records connected with ID number I.D(T)No.25/2012 and quash the impugned award dated 26.03.2018 made therein insofar as reference concerning the suspension of Mr.Rajendirane and his charge sheet dated 29.05.2011 alone is concerned.

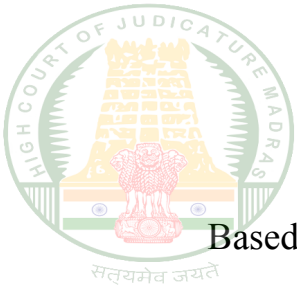
For Petitioner : Mr.Sanjay Mohan
for Mr.S.Ramasubramaniam &
Associates

For Respondents : M/s.P.R.Thiruneelakandan [R1]
No appearance [R2]
Court [R3]

ORDER

The short point to be addressed in this writ petition is whether the suspension order or charge memo could be challenged before the 3rd respondent by raising an industrial dispute.

2. The short facts are that the respondents 1 and 2/workers union raised an industrial dispute before the 3rd respondent in I.D.(T).No.25 of 2012 interalia to declare that the suspension order and charge memo issued against the fellow worker S.Rajendirane was illegal and to declare the procurement of blended tea outside the factory; to direct the management not to alter the weight of blended tea bag from 300 kgs to 550 kgs as illegal; to pass necessary order to lift the illegal lock out.



W.P.No.14471 of 2018

WEB COPY

Based on the above dispute raised by the workers union, the labour court adjudicated the issue and on perusing the oral and documentary evidence let in by both sides, passed an award in favour of the management and found that the order of suspension of worker Rajendirane was illegal and set aside the same. Challenging that part of the award, the present writ petition is filed.

3. The respondents 1 and 2/workers union have not filed any writ petition challenging the rejection of their prayers. Therefore, this Court is not going into the merits or otherwise of the order passed by the labour court in respect of those issues.

4. The issue before this Court, as quoted above, is only to decide whether the labour court was justified in setting aside the suspension order and charge memo issued to a worker Rajendirane.

5. As rightly contended by the learned counsel for the petitioner, the respondents 1 and 2/union should have waited for the outcome of the domestic enquiry initiated against Rajendirane. There is every chance that the decision might go either way i.e., the petitioner management could



W.P.No.14471 of 2018

WEB COPY

drop the proceedings or impose a punishment. If any punishment was imposed, then the union would have had the cause of action to challenge the same before the labour court. Without even waiting for the domestic enquiry to reach its logical conclusion, the union has rushed to the labour court. As rightly pointed out by the learned counsel for the petitioner because of the award passed by the labour court, the petitioner management is unable to conclude the domestic enquiry initiated against the said Rajendirane. Hence, the impugned order passed by the labour court is liable to be set aside.

6. In the result, this Writ Petition is allowed and the impugned award passed by the labour court in I.D.(T)No.25 of 2012 dated 26.03.2018 is set aside. The petitioner is at liberty to proceed with the domestic enquiry on the basis of the charge memo issued to the worker Rajendirane. The worker shall be given all opportunities to defend his case. In short, the petitioner management should follow the principles of natural justice at every stage of the proceedings and arrive at a decision and since the domestic enquiry is pending from the year 2012, the petitioner is directed to expedite the domestic enquiry proceedings and conclude the same, within a period of two (2) months from the date of



W.P.No.14471 of 2018

receipt of a copy of this order. No costs. Consequently, the connected

writ miscellaneous petition is closed.

WEB COPY

27.03.2025

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

sp

To

The Presiding Officer,
Industrial Tribunal cum Labour Court,
Puducherry.



WEB COPY



W.P.No.14471 of 2018

M.DHANDAPANI, J.

sp

W.P.No.14471 of 2018

27.03.2025