



W.P.Nos.17080 & 17081 of 2018

WEB COPY **M.DHANDAPANI, J.**

The matters are listed today under the caption “for being mentioned” at the instance of the learned counsel for the petitioner.

2. Learned counsel for the petitioner submitted that in the order dated 22.04.2025, the name of the counsel for the petitioner has been wrongly typed as Mr.M.C.Sithirai Anandan instead of "*Mr.S.Sithirai Anandam*". and further, in the result portion (para-7), it was recorded as the writ petitions are dismissed instead of allowed.

3. On 22.04.2025, this Court after hearing bothsides and perusing the records, passed an order on merits, allowing the writ petitions. However, in advertently, in the result portion, in para -7, it has been recorded as if the writ petitions are dismissed though the petitions were allowed.

4. In the aforesaid backdrop, Registry is directed to correct the name of the learned counsel for the petitioner as "*Mr.S.Sithirai Anandam*". Further para-7 of the order shall stand modify as under:



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M.DHANDAPANI, J.

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"7. With the above directions, the writ petitions are allowed. No costs. Consequently, connected miscellaneous petitions are closed."

4. Except the above modification, remaining portion of the order dated 22.04.2025 shall stand unaltered.

29.07.2025

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Note: Registry is directed to serve fresh copy to the parties after making necessary corrections.

W.P.Nos.17080 & 17081 of 2018



WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.17080 & 17081 of 2018
and WMP.Nos.20337 & 20338 of 2018

M/s.SPEL Semiconductor Limited,
Having its Registered Office and factory at:
No.5, CMDA Industrial Estate,
Maraimalai Nagar,
Kancheepuram District – 603 209.

... Petitioner

Vs.

1. The Deputy Commissioner of Labour,
Conciliation – I, Irungattukottai,
Sriperumbudur.

... R1 in both cases

2. A.Murugan

... R2 in W.P.No.17080 of 2018

3. J.Maria Cristopher

... R2 in W.P.No.17081 of 2018

Common Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Certiorari, calling for the records relating to the order passed by the 1st respondent in Approval Petition No.1091/2014 & 1089/2014 dated 10.04.2018 and quash the above order.

In both cases

For Petitioner : Mr.M.V.Sithirai Anandan

For Respondents : Mr.M.S.Prem Kumar,
Government Advocate for R1



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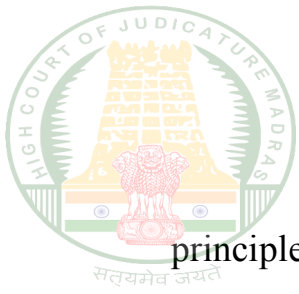
Mr.V.Ajoy Khose for R2

COMMON ORDER

These petitions have been filed to call for the records relating to the order passed by the 1st respondent in Approval Petition No.1091/2014 & 1089/2014 dated 10.04.2018 and quash the above order.

2. It is the case of the petitioner that the second respondent in both the case were employed as a Technician and they have attacked the co-employee Jayaprasad on 04.03.2014 while he was returning home from work at around 11 P.M. Therefore, the said Jayaprasad lodged a complaint with Maraimalai Nagar Police Station and also with the Management as against the second respondent in both the cases. On the basis of the said complaint, the Management issued charge memo to the second respondent. After conducting enquiry, the second respondent was dismissed from service and filed approval petition before the Labour Court and the same was rejected on the ground that there is no prima facie evidence. Hence, the petitioner Management has filed these petitions.

3. The learned counsel for the petitioner submitted that the



principles of natural justice was followed in the enquiry and based on which, the workmen was dismissed from service. However, the Labour Court has stated that no prima facie evidence available in favour of the second respondent which is not sustainable. Accordingly, the learned counsel prays to allow this petition.

4. The learned counsel for the second respondent submitted that this Court may set aside the order in the approval petition and grant liberty to the respondent to raise a industrial dispute under Section 2(a)(2) of the ID Act.

5. Heard the learned counsel for the petitioner as well as the respondents and perused the materials available on record.

6. In view of the limited request sought for by the second respondent, this Court sets aside the impugned order and permitted the second respondent to challenge the order of dismissal within a period of four weeks from the date of receipt of a copy of this order. The period pending before this court is excluded for the purpose of limitation.



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M.DHANDAPANI, J.

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7. With the above directions, the writ petitions are dismissed. No

costs.

22.04.2025

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Index : Yes / No

Speaking order / Non speaking order

Netrual Citation Case : Yes / No

To

The Deputy Commissioner of Labour,
Conciliation – I,
Irungattukottai,
Sriperumbudur.

W.P.Nos.17080 & 17081 of 2018
and WMP.Nos.20337 & 20338 of 2018

22.04.2025

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