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W.P. No.24216 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.06.2025

CORAM

THE HONOURABLE Mr. JUSTICE P.DHANABAL

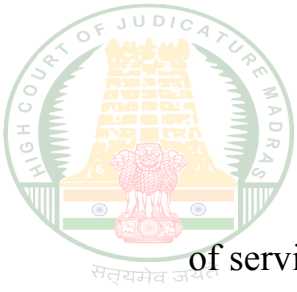
W.P. No.24216 of 2023
and W.M.P. No.23676 of 2023

C. Senthil Kumar S/o. Chinnasami .. Petitioner

vs.

M/s. Flow Link System Private Limited
represented by its Authorized Signatory,
Managing Director,
Uthupalayam Road, Arasur,
Coimbatore - 641 407. .. Respondent

PRAYER: The Writ petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus calling for the records Industrial Tribunal, Tamil Nadu, Chennai, quash the order dated 03.01.2022 in Approval Petition No.44 of 2013 passed by the Presiding Officer, Industrial Tribunal, Tamil Nadu, Chennai holding that the domestic enquiry conducted by the respondent as fair and reasonable and the order of the Industrial Tribunal, Tamil Nadu, Chennai dated 20.02.2023 in Approval Petition No.44 of 2013 as illegal, arbitrary and contrary to law and consequently direct the respondent to reinstate the petitioners with continuity



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of service, full backwages and all other attendant benefits.

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For Petitioners : Mr.Balan Haridas

For Respondent : Mr.R. Jayaprakash

ORDER

This Writ petition has been filed by the petitioner to quash the order passed by the Presiding Officer, Industrial Tribunal, Tamil Nadu, Chennai in Approval Petition No.44 of 2013 dated 03.01.2022 and consequently, to direct the respondent to reinstate the petitioner with continuity of services with full backwages and all other attendant benefits.

2. The learned counsel appearing for the petitioner would submit that the respondent is engaged in manufacture of Valves and the petitioner was employed in the respondent company and he was the member of Bharathiya Kovai Mavatta Podhu Thozhilalar Sangam. While so, the petitioner submitted a charter of demands with regard to work load and wage revision etc., The respondent failed to initiate negotiation. Therefore, in order to bring the Management to negotiation table, a Strike Notice was issued. In order to dilute the demands and to divert the issue, the Management entered into a Settlement under Section 18(1) of the Industrial Disputes Act with the minority unions. Thereafter, the Management engaged in victimizing spree to



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punish the employees who wanted the demands to be conciliated. In such backdrop, the petitioner was charge sheeted by foisting false charges. The charge against the petitioner was that on 29.06.2012, he did not report for work, he was part of illegal strike and prevented other employees from working and also threatened the employees, who were working and also used abusive language against the employees. Thereby, a Show Cause Notice was issued and the petitioner was suspended on 10.08.2012. Thereafter, a domestic enquiry was conducted and the Enquiry Officer rendered his findings that the charges against the petitioner were proved. Thereafter, the Management issued a 2nd Show Cause Notice and thereafter, passed a dismissal order against the petitioners. The Management filed an Approval Petition before the Industrial Tribunal in A.P. No.44 of 2013 and the same was allowed by the Tribunal and the same is now under challenge before this Court.

3. After filing of this Writ petition, the petitioner has raised an industrial dispute before the Labour Court as against the dismissal order awarded by the Disciplinary Authority and the same is pending. Though the petitioner has raised an industrial dispute before the competent Labour Court,



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in the Approval Petition, the Tribunal has rendered findings as against the petitioner, which affects the rights of the petitioner in the industrial dispute raised by him as against the dismissal order passed by the Management. Therefore, prayed to allow this Writ petition.

4. The learned counsel appearing for the respondent would submit that the petitioner faced charges for his misconduct and he committed serious mistakes and on 29.06.2012, he did not report for work, he was part of illegal strike and prevented other employees from working and also threatened the employees, who were working and also used abusive language against the employees and therefore, he was charge sheeted for the said misconduct. Thereafter, a domestic enquiry was conducted and the Enquiry Officer rendered his findings that the charges were proved and the Disciplinary Authority awarded punishment of dismissal from service. After passing the dismissal order, the Management has filed an Approval Petition before the Industrial Tribunal and the same was allowed by granting approval of the dismissal after elaborate discussion. Thereafter, the petitioner has raised an industrial dispute and the same is pending before the competent Forum. Therefore, the present Writ petition is liable to be dismissed.

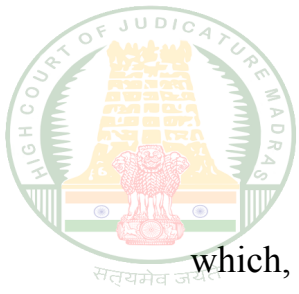


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5. Heard both sides' and perused the entire materials available on record.

6. In this case, it is an admitted fact that a Charge Memo was served on the petitioner for the allegation that on 29.06.2012, he did not report for work, he was part of illegal strike and prevented other employees from working and also threatened the employees, who were working and also used abusive language against the employees. Before that, a Show Cause Notice was issued on the petitioner and he also submitted his explanation. Not being satisfied with the explanation offered by the petitioner, charges were framed and a domestic enquiry was conducted. In the domestic enquiry, principle of natural justice were followed and thereafter, the Enquiry Officer submitted his findings that the charges against the petitioner were proved and thereafter, a 2nd Show Cause Notice was also issued by the Management and thereafter only, the Management passed an order of dismissal from service. Therefore, there is no violation of principles of natural justice in the enquiry proceedings. Thereafter, the respondent Management filed an Approval Petition before the Industrial Tribunal and the same was allowed. Against



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which, the present petition is filed.

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7. During the pendency of the Writ petition, the petitioner has filed an industrial dispute and the same is now pending before the competent Forum. Since the petitioner raised an industrial dispute in regard to the dismissal order passed against him in the Disciplinary proceedings, the present Writ petition challenging the Approval petition is liable to be disposed of. According to the petitioner, the Industrial Tribunal rendered adverse remarks against the petitioner in the approval petition, therefore, the said observations have to be set aside. According to the respondent, the Industrial Tribunal has passed a reasoned order. Since the Writ petitioner challenged the dismissal order by raising an industrial dispute, if any adverse remarks recorded in the approval petition, they cannot have any impact on the industrial dispute raised by the petitioner for the dismissal of the punishment awarded in the disciplinary proceedings.

8. In the above said circumstances, it is appropriate to direct the Industrial Tribunal to pass an appropriate order in the industrial dispute raised by the workman / petitioner without any influence of the adverse remarks



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rendered in the approval petition and dispose of the industrial dispute purely on merits, based on the available records and evidences. Accordingly ordered.

9. With the above said directions, the Writ petition is disposed of. There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Index : Yes/No
Speaking order/non-speaking order
mjs

To

The Presiding Officer,
Industrial Tribunal, Tamil Nadu, Chennai.

P. DHANABAL, J.,



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