



W.P.No.28587 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2025

CORAM

THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P Nos.28587 and 28593 of 2023
and W.M.P. Nos.28138, 28139 & 28140 of 2023

1. G. Nehru

....Petitioner
(in W.P. No.28587 of 2023)

1. M. Subramaniyan
2. D. Krishnaveni,
3. D. Richkumar

... Petitioners
(in W.P. No.28593 of

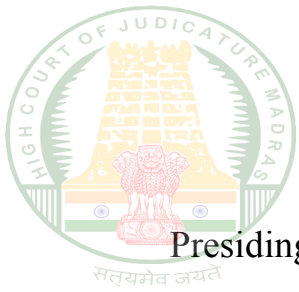
2023)

..Vs..

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

... Respondent

PRAYER: These Writ petitions filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus calling for the records from the Industrial Tribunal, Tamil Nadu, Chennai, quash the order dated 03.01.2022 in Approval Petition Nos.36 and 40 of 2013 passed by the



W.P.No.28587 of 2023

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 Nos.36 and 40 of 2013 as illegal, arbitrary and contrary to law and consequently direct the respondent to reinstate the petitioners with continuity of service, full backwages and all other attendant benefits.

For Petitioners : Mr.Balan Haridas

For Respondent : Mr.R. Jayaprakash

ORDER

These Writ petitions have been filed by the petitioners to quash the order passed by the Presiding Officer, Industrial Tribunal, Tamil Nadu, Chennai in Approval Petition No.36 and 40 of 2013 dated 03.01.2022 and consequently, to direct the respondent to reinstate the petitioners with continuity of services with full backwages and all other attendant benefits.

2. The learned counsel appearing for the petitioners would submit that the respondent is engaged in manufacture of Valves and the petitioners were employed in the respondent company and they were the members of



W.P.No.28587 of 2023

Bharathiya Kovai Mavatta Podhu Thozhilalar Sangam and the said Union had

submitted charter of demand 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 punish the employees who wanted the demands to be conciliated. In such backdrop, the petitioners were charge sheeted by foisting false charges. The charge against the petitioners was that on 29.06.2012, they did not report for work and they were part of illegal strike and prevented other employees, who were working and also used abusive language against the employees. Thereby, a Show Cause Notice was issued and the petitioners were suspended on 10.08.2012. Thereafter, a domestic enquiry was conducted and the Enquiry Officer rendered his findings that the charges against the petitioners 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.36 and 40 of 2013 and the same was allowed by the Tribunal and the same



W.P.No.28587 of 2023

is now under challenge before this Court.

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3. After filing of these Writ petitions, the petitioners have 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 petitioners have raised an industrial dispute before the competent Labour Court, in the Approval Petition, the Tribunal has rendered findings as against the petitioners, which affects the rights of the petitioners in the industrial dispute raised by them as against the dismissal order passed by the Management. Therefore, he prayed to allow this Writ petition.

4. The learned counsel appearing for the respondent would submit that the petitioners faced charges for their misconduct and they committed serious mistakes and they did not report for work and they were part of the illegal strike and threatened the employees and used abusive language against the employees who were working in the company and therefore, they were 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.



W.P.No.28587 of 2023

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 petitioners have raised an industrial dispute and the same is pending before the competent Forum. Therefore, the present Writ petition is liable to be dismissed.

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 petitioners for the alleged allegations that they did not report for work and they were part of illegal strike and prevented other employees, who were working and also used abusive language against the employees. Before that, a Show Cause Notice was issued on the petitioners and they also submitted their explanation. Not being satisfied with the explanation offered by the petitioners, 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 petitioners



W.P.No.28587 of 2023

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 which, the present petition is filed.

7. During the pendency of the Writ petition, the petitioners have filed an industrial dispute and the same is now pending before the competent Forum. Since the petitioners raised an industrial dispute in regard to the dismissal order passed against them in the Disciplinary proceedings, the present Writ petition challenging the Approval petitions are liable to be disposed of. According to the petitioners, the Industrial Tribunal rendered adverse remarks against the petitioners 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 petitioners challenged the dismissal order by raising an industrial dispute, if any adverse remarks recorded in the approval petitions, they cannot have any impact on the industrial dispute raised by the petitioners for the dismissal of the punishment



W.P.No.28587 of 2023

awarded in the disciplinary proceedings.

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8. In the above said circumstances, it is appropriate to direct the Labour Court to pass an appropriate order when the industrial dispute is raised by the workmen / petitioners without any influence of the adverse remarks rendered in the approval petitions and dispose of the industrial dispute purely on merits, based on the available records and evidences. Accordingly ordered.

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

11.07.2025

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

Lbm

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



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W.P.No.28587 of 2023

P. DHANABAL. J.,

Lbm

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W.P.No.28587 of 2023

11.07.2025