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WP No. 36929 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-10-2025

CORAM

THE HONOURABLE MRS.JUSTICE N. MALA

**WP No. 36929 of 2025
and WMP.No.41315 of 2025**

S.Neelagandan

Petitioner(s)

Vs

The Management
Flowserve India Controls Pvt Ltd.,
A Subsidiary of Flowserve Corporaton, USA
B-8, Cmda Industrial Area,
Maraimalai Nagar,
Tamil Nadu, India-603 209.

Registered Office at:
Plot No.4, 1-A, Road No.8
Export Promotion INDL Park
Whitefield Bangalore
Karnataka 560 066 IN

Respondent(s)

PRAYER

calling for records relating to the impugned order dated 5.08.2025 made in ID No. 74 of 2022 passed by the Labour Court, Kancheepuram and to quash the same consequently direct the respondent to set aside the dismissal order dated 2.04.2021 and to conduct fresh enquiry.

For Petitioner(s): Mr.K.V. Dhanapalan

For Respondent(s): Mr.S.Ravindran, Senior Counsel
for Mr.G.B.Pranav Sriram

**ORDER**

This Writ Petition has been filed challenging the impugned preliminary order dated 05.08.2025 made in I.D.No. 74 of 2022.

2. The petitioner joined the services of M/s.Audco India Limited, as an Operator-Trainee, on 05.04.1993 and thereafter, he was confirmed as Operator on 11.07.1995. On 27.03.2013, the respondent/Management took over the Management of M/s.Audco India Limited, and a fresh appointment letter dated 27.03.2013, was issued to the petitioner. While so, on 28.09.2020, the petitioner was issued with a charge memo for certain misconducts committed by him as stated in the charge memo. The petitioner replied to the said charge memo on 21.10.2020. Thereafter, enquiry was conducted and the petitioner was dismissed from service by order dated 02.04.2021. The petitioner challenged the dismissal order before the Labour Court in I.D.No.74 of 2022. During the pendency of the I.D., the petitioner filed I.A.No.6 of 2023 to permit him to mark 4 documents at the preliminary enquiry stage. The said I.A. was allowed on 30.11.2023, on condition that the documents will not be marked at the preliminary enquiry stage, but would be marked in the main I.D. The petitioner challenged the said order before this Court in WP.No.1133 of 2024 and this Court disposed of the said Writ Petition by order dated 29.11.2024, permitting the petitioner to produce and mark the said documents in the enquiry.



Thereafter, the Labour court marked the documents as Exs.P54 to P57 and decided the preliminary issue in favour of the respondent/Management, holding that the departmental enquiry was conducted fairly and in consonance with the principles of natural justice. The Labour Court further held that the issue as to whether the charges levelled against the petitioner would amount to misconduct in terms of the certified standing orders or not, whether the findings of the enquiry officer were valid or not, and whether the petitioner was entitled to any relief, were to be answered in terms of Section 11A of the I.D. Act. Aggrieved by the order passed in the preliminary enquiry, the petitioner filed the above Writ Petition for the aforesaid relief.

3. The respondent filed a detailed counter affidavit raising several issues, including the maintainability of the Writ Petition. The respondent submitted that it was settled legal position in industrial jurisprudence that the order on preliminary issue with regard to domestic enquiry could not be challenged in writ proceedings, unless the order was passed in violation of the principles of natural justice.

4. The respondent further submitted that it was well settled that an aggrieved party, either the Workman or the Management, could always



challenge the preliminary order along with final order. The respondent referring to the facts and the merits of the case contended that the Writ Petition lacked merit and hence, it deserved to be dismissed.

5. The learned counsel for the petitioner submitted that this was a second round of litigation and that when the petitioner approached this Court in WP.No.1133 of 2024, challenging the order in I.A.No.6 of 2023, this Court set aside the order of the Labour Court in the said I.A. and consequentially, directed the Labour Court to mark the documents in the preliminary enquiry.

6. The learned counsel for the petitioner submitted that despite the order of this Court, the Labour Court while passing the impugned proceedings, did not consider the additional documents marked as Exs. P54 to P57 and decided the preliminary issue in favour of the Management. The learned counsel submitted that the Labour Court was bound to consider the additional documents at the preliminary enquiry stage since the documents were relevant to the consideration of the preliminary issue.

7. The learned Senior Counsel appearing for the respondent on the other hand contended that this Court as well as the Hon'ble Supreme Court have deprecated the practice of rushing to the High Court against preliminary



orders. The learned Senior Counsel relied on the judgment of the Division Bench of this Court in *N.Gurumurthy vs. Second Additonal Labour Court* reported in 1995 – 1 L.L.N. 1022 in support of his contention.

8. The learned Senior Counsel, referring to the order passed in WP.No.1133 of 2024, submitted that no specific direction was issued to the Labour Court, to consider the additional documents while deciding the preliminary issue. The learned Senior Counsel submitted that in any event no prejudiced is caused to the petitioner as the documents would be considered while deciding the main dispute.

9. Heard the learned counsel appearing on either side and perused the materials placed on record.

10. It is seen that though the petitioner sought to produce additional documents in I.A.No.6 of 2023, the affidavit filed in support of thereof did not elaborate on the relevancy of such documents for deciding the preliminary issue. From the averments in the affidavit and the prayer therein, it is evident that the petitioner merely intended to place certain additional documents on record. The Labour Court in its order dated 30.11.2023, observed that the petitioner's request pertained only to production of additional evidence in the



main Industrial Dispute. The Labour Court recorded that the said documents were not necessary to consider the preliminary issue of fairness or validity of the domestic enquiry. However, when the aforesaid order was challenged before this Court in WP.No.1133 of 2024, this Court set aside the order of the Labour Court, but only to the limited extent of permitting the petitioner to produce and mark the documents in the enquiry. This Court did not issue any specific direction to the Labour Court to take those documents into consideration while deciding the preliminary issue. For better appreciation, the relevant portion of the order in the Writ Petition is extracted:

“4. It is trite that when an application is filed for receiving documents, the documents need not be rejected in limini by considering the relevancy or proof. Therefore, I am of the view that the order, dated 30.11.2023 passed in I.A.No.6 of 2023 in I.D.No.74 of 2002 is unsustainable.

5. In view of the same, keeping all the contentions of both the parties open to be considered at the time of passing of the final order in the preliminary issue, this Writ Petition is disposed of by setting aside the order of the Labour Court, Kancheepuram in I.A.No.6 of 2023 in I.D.No.74 of 2022, dated 30.11.2023 and consequently allowing I.A.No.6 of 2023 by permitting the petitioner/workman to produce and mark the said documents in the enquiry. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.”



11. It is pertinent to note here that the preliminary issue before the Labour Court was confined to examining the fairness of the domestic enquiry conducted by the respondent-Management. On facts, the Labour Court found that the petitioner participated in the domestic enquiry, cross-examined the Management witnesses, and was afforded adequate opportunity to defend himself. Based on such findings, the Labour Court held that the domestic enquiry was conducted in accordance with the principles of natural justice and, therefore, found in favour of the respondent-Management.

12. The Labour Court further observed that at the stage of the preliminary issue, it was neither necessary nor appropriate to enter into the questions regarding the validity of the findings of the enquiry officer, validity of the charges and the relief to be granted, which could be examined under Section 11A of I.D. Act.

13. This Court upon perusal of the records, finds that the Labour Court has exercised its discretion properly and judiciously. Hence, this Court finds no valid ground to interfere with the order of the Labour Court, as no patent illegality is made out.

14. It is also relevant to note that the documents sought to be produced by the petitioner were admittedly generated subsequent to the conclusion of the



domestic enquiry. The fairness of such domestic enquiry can be adjudged only on the basis of the materials placed before the enquiry officer at the relevant time and not on subsequent documents. Consequently, the Labour Court cannot be faulted for reserving for consideration such documents at the stage of final adjudication.

15. At this juncture, reference may be made to the judgment of the Hon'ble Division Bench of this Court, in ***N.Gurumurthy vs. Second Additonal Labour Court*** relied on by the learned Senior Counsel for respondent. The Hon'ble Division Bench, while considering whether the High Court under Article 226 of the Constitution of India, could interfere with the preliminary order passed by the Labour Court, either on the fairness of the domestic enquiry or otherwise, held as follows:

“8. Taking into consideration all these aspects we are of the view that the findings recorded by the Labour Court on preliminary issues such as whether the domestic enquiry has been fair or proper or the Labour Court has jurisdiction to entertain the dispute or whether the person claiming the status as a workman is a workman or not, should not be interfered with, unless such findings are recorded without notice to any one of the parties or recorded without any reason. The point raised by the for determination is answered accordingly. The preliminary order challenged in the writ petition does not fall in any one of the



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aforesaid exceptions. Therefore, we see no ground to interfere with the order passed by the learned Single Judge. Accordingly, the writ appeal is rejected. The parties are directed to appear before the Labour Court on 3 January 1995 and from that date, within three months, the Labour Court shall decide the case. The civil miscellaneous petition is rejected. However, there will be no order as to costs.”

The Division Bench has categorically held that the findings recorded by the Labour Court in preliminary issues should not be interfered with, unless its findings are recorded without notice to anyone of the parties or without any reason and not as a matter of routine supervisory jurisdiction. In the present case, it is not the case of the petitioner that the order was passed without notice to him or that the Labour Court did not record any reasons. In the case on hand, the Labour Court has observed that the question as to whether the charges levelled against the petitioner constitute a misconduct within the meaning of the certified standing orders, could appropriately be determined at the stage of final adjudication. Hence, this Court finds that no prejudice has been caused to the petitioner on that account.

16. Here, useful reference is also made to the judgment of the Hon'ble Supreme Court in ***D.P.Maheswari vs. Delhi Administration and others*** reported in 1984 1 L.L.N. 1, wherein the Hon'ble Supreme Court, deprecated



the practice of challenging the orders of the Special Tribunals at interlocutory stage and preliminary issues. The relevant portion of the said order reads as follows:

“7.It is also worthwhile remembering that the nature of the jurisdiction under Art. 226 is supervisory and not appellate while that under Art.136 is primarily supervisory but the Court may exercise all necessary appellate powers to do substantial justice. In the exercise of such jurisdiction neither the High Court nor this Court is required to be too astute to interfere with the exercise of jurisdiction by Special Tribunals at interlocutory stages and on preliminary issues.”

17. In view of the above discussions and considering that this is a second round of litigation at the preliminary issue stage, this Court finds no merit in the Writ Petition. Accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

24-10-2025

pvs

Index:Yes/No

Speaking/Non-speaking order

Internet:Yes

Neutral Citation:Yes/No



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To
The Labour Court,
Kancheepuram



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N.MALA J.
pvs

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