



WP.No.40902/2025 etc batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 26.11.2025

CORAM

THE HONOURABLE MRS. JUSTICE N.MALA

WP.Nos.40902, 40906, 41627, 41634, 41641, 41648, 41683, 42077,
42118, 42160, 42165, 42189, 42191, 42215, 43117, 43123, 43126,
43131, 43136, 43544, 43548, 43555, 43561, 43562, 43968, 43970, 43973,
43977, 43985, 43671, 43675, 43983, 43897, 43901, 44149, 44152, 44154,
44178 and 44180 of 2025

and

WMP.Nos.45851, 45855, 46652, 46663, 46669, 46677, 46721, 47123,
47169, 47210, 47214, 47239, 47247, 47268, 48275, 48279, 48284, 48286,
48288, 48680, 48684, 48688, 48692, 48694, 49078, 49081, 49087, 49091 &
49099, 48778, 48784, 49096, 49003, 49008, 49271, 49275, 49282, 49302
and 49304 of 2025

M/s.Woosu Automotive India Private
Limited, rep.by its Authorised
Signatory Mr.Arun Kumar,
No.130, Narasingapuram Village
Perambakkam Post, Tiruvallur
631 402.

.. Petitioner in all the
Writ Petitions

Versus

G.Santhanakrishnan

.. Respondent in
WP.No.40902/2025

S.Kanniyappan

.. Respondent in
WP.No.40906/2025



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K.Umapathi

.. Respondent in
WP.No.41627/2025

J.Mohan

.. Respondent in
WP.No.41634/2025

Ekambaram

.. Respondent in
WP.No.41641/2025

A.John Robert Raj

.. Respondent in
WP.No.41648/2025

S.Suresh

.. Respondent in
WP.No.41683/2025

M.Anitha

.. Respondent in
WP.No.42077/2025

M.Gnandeepan

.. Respondent in
WP.No.42118/2025

S.P.Ramesh

.. Respondent in
WP.No.42160/2025

N.Thangaraj

.. Respondent in
WP.No.42165/2025

S.Kumar

.. Respondent in
WP.No.42189/2025

K.Ramraj

.. Respondent in
WP.No.42191/2025

A.Manikandan

.. Respondent in
WP.No.42215/2025

E.Yuvarani

.. Respondent in
WP.No.43117/2025

M.Senthil

.. Respondent in
WP.No.43123/2025

A.Habeeb

.. Respondent in
WP.No.43126/2025

S.Sumathi

.. Respondent in
WP.No.43131/2025

J.Umadevi

.. Respondent in
WP.No.43136/2025

G.Jagan

.. Respondent in



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WEB COPY S.Vijayakumar

G.Gowtham

M.Thangaraj

J.Jayapal

M.Arulkumar

A.Thanigaivel

M.Rajeshkumar

A.Shivakumar

V.A.Parthiban

R.Murugan

A.Jeevitha

P.Archana

R.Parthiban

P.Senthamizh

S.Masthan

P.Ajeethprasath

J.Swamynathan

WP.No.43544/2025
.. Respondent in
WP.No.43548/2025
.. Respondent in
WP.No.43555/2025
.. Respondent in
WP.No.43561/2025
.. Respondent in
WP.No.43562/2025
.. Respondent in
WP.No.43968/2025
.. Respondent in
WP.No.43970/2025
.. Respondent in
WP.No.43973/2025
.. Respondent in
WP.No.43977/2025
.. Respondent in
WP.No.43985/2025
.. Respondent in
WP.No.43671/2025
.. Respondent in
WP.No.43675/2025
.. Respondent in
WP.No.43983/2025
.. Respondent in
WP.No.43897/2025
.. Respondent in
WP.No.43901/2025
.. Respondent in
WP.No.44149/2025
.. Respondent in
WP.No.44152/2025
.. Respondent in
WP.No.44154/2025



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S.Ramesh

..

Respondent in

WP.No.44178/2025

K.Mohan Babu

..

Respondent in

WP.No.44180/2025

COMMON PRAYER:-

Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorari calling for the records of the impugned order dated 16.09.2025, in ID.Nos.175/2015, 195/2015, 187/2015, 169/2015, 183/2015, 168/2015, 189/2015, 165/2015, 219/2015, 222/2015, 163/2015, 197/2015, 170/2015, 213/2015, 192/2015, 191/2015, 202/2015, 190/2015, 201/2015, 193/2015, 185/2015, 188/2015, 196/2025, 203/2015, 220/2015, 199/2015, 206/2015, 174/2015, 182/2015, 216/2015, 214/2015, 211/2015, 212/2015, 215/2015, 200/2015, 166/2015, 194/2015, 167/2015 and 164/2015 passed by the learned II Additional Judge, Labour Court, Chennai, and quash the same.

For Petitioner in
all the Writ Petitions :

Mr.M.L.Joseph

For Respondent in
all the Writ Petitions :

Mr.V.Prakash, Senior counsel
for Mr.S.Karupasamy



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COMMON ORDER

As the facts and issues involved in the present writ petitions are common, with the consent of the learned counsels on either side, the batch of writ petitions are disposed of by this common order.

2.For the sake of convenience, the petitioner will be referred to as "the Company" and the respondents as "the workmen".

3.The petitioner is the Management of M/s.Woosu Automotive India Private Limited, which is a Korean based Multi National Company. The Company is engaged in manufacturing of car accessories, air compressor etc., and in supply of the same to the leading manufacturing Companies. In June, 2011, some of the employees of the Company, nearly 70 in number, joined the Union, namely, "United Labour Federation". They indulged in criminal acts of intimidation, nuisance and threat, which resulted in huge damage and loss of several Crores of rupees to the Company. The Company therefore, conducted a domestic enquiry and on the basis of the



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Enquiry Report, dismissed the 70 workers. Some of the workers filed cases before the Labour Court seeking reinstatement of their employment. The Company filed its counter statement in the Industrial Disputes. The IDs were posted for evidence on various dates, commencing from 19.09.2024 until 02.04.2025. The Labour Court, on 06.03.2024, framed a preliminary issue regarding the fairness of the domestic enquiry conducted by the Company. In the preliminary enquiry proceedings, no documents were marked on either side and also no oral evidence was let in. The Labour Court, on 16.09.2025, answered the preliminary issue in favour of the workmen by holding that the domestic enquiry was not fairly conducted and was in violation of principles of natural justice. Aggrieved by the preliminary Award, the Company has filed the above writ petitions for the aforesaid relief.

4. When the matter was taken up for hearing, the learned Senior counsel for the workmen, raised a preliminary issue on the maintainability of the writ petitions. The learned Senior counsel relied on the judgment of the Hon'ble Supreme Court in the case of ***Cooper Engineering Limited Versus***



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Shri P.P.Mundhe, reported in **(1975) 2 SCC 661**, and submitted that the High Court has no jurisdiction to interfere with the preliminary Award. The learned counsel for the petitioner, on the other hand, relied on the judgment of a learned Single Judge of this Court in the case of ***The Management of India Pistons Ltd., Vs. Inbakumar***, reported in **MANU/TN/8025/2019**, and submitted that there is no blanket bar on the maintainability of a writ petition against preliminary Awards.

5.Heard both the learned counsels and perused the materials placed on record.

6.Firstly, the preliminary issue raised by the learned Senior counsel for the workmen is taken up for consideration.

7.The Hon'ble Supreme Court, in ***Cooper's case [cited supra]***, in paragraph No.22, held as follows:-

"22. We are, therefore, clearly of opinion that when a case of dismissal or discharge of an employee is



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referred for industrial adjudication the Labour Court should first decide as a preliminary issue whether the domestic enquiry has violated the principles of natural justice. When there is no domestic enquiry or defective enquiry is admitted by the employer, there will be no difficulty. But when the matter is in controversy between the parties that question must be decided as a preliminary issue. On that decision being pronounced it will be for the management to decide whether it will adduce any evidence before the labour court. If it chooses not to adduce any evidence, it will not be thereafter permissible in any proceeding to raise the issue. We should also make it clear that there will be no justification for any party to stall the final adjudication of the dispute by the Labour Court by questioning its decision with regard to the preliminary issue when the matter, if worthy, can be agitated even after the final award. It will be also legitimate for the High Court to refuse to intervene at this stage. We are making these observations in our anxiety that there is no undue delay in industrial adjudication.

8.The Hon'ble Supreme Court held that there would be no justification for any party to stall the final adjudication of the dispute by the Labour Court, by questioning its decision with regard to the preliminary



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issue when the matter, if worthy, can be challenged even after the final Award.

9. In the judgment relied on by the learned counsel for the workmen in ***India Pistons' case [referred to supra]***, the learned Single Judge of this Court, after referring to several judgments, including the judgment in ***Cooper's case***, held in paragraphs No.41 and 43 as follows:-

"41. Ultimately what remains to be seen is as to whether the Management could be said to have lost their right in the face of the preliminary award passed by the Labour Court. As held by the Hon'ble Supreme Court of India and this Court, the right of the Management to question the preliminary award is rather protected and such right can be enforced even after the final award is passed. Even assuming for a moment, the right of the Management suffered prejudice as a consequence of the adverse preliminary award and the Labour Court proceeding with the passing of final award, such prejudicial effect on the Management is only transitory and not irreversible, as the right to challenge both the preliminary award as well as the final award is fully preserved for the Management.



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Therefore, in that view of the matter this Court is unable to appreciate as to how the management could said to be irreparably prejudiced in the teeth of the preliminary award passed by the Labour Court.

...

43. In these circumstances, this Court is of the firm view that the writ petition filed by the Management against the preliminary conclusion is not maintainable, as the preliminary award passed by the Labour Court against the Management did not finally determine the rights of parties, which could be prejudicial to the interest of one party against the other. As narrated above, there may be some cases, as a matter of exception, where any finding of the Labour Court on a preliminary framing of issue may go to the root of the matter like whether the Management is an industry or not? Whether the workman comes within the definition of the Industrial Disputes Act or not? and any such substantive maintainability issues are raised and any adverse finding is given, the party aggrieved need not be subjected to full fledged trial towards final resolution of the dispute. In such exceptional circumstances, the preliminary awards can be a subject matter of challenge. However, this is not one such case, which can be treated as exceptional one calling for intervention at the preliminary stage."



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10.The learned Single Judge, in the aforesaid judgment, held that in exceptional cases, where the finding of the Labour Court on the preliminary issue like maintainability issues, goes to the root of the matter, the aggrieved party would be justified in challenging the same in order to avoid the ordeal of a full fledged trial. The learned Judge further held that unless the case was an exceptional one, calling for intervention at the preliminary stage, the writ petition at that stage, if it results in prolonging the proceedings and frustrating the rights of the workman, should not be entertained.

11.Keeping the aforesaid judgments in view, let me examine, if the writ petition is maintainable. The learned counsel for the Company submitted that after the commencement of trial, the Labour Court, in violation of the established procedure, in an arbitrary manner, midway to the trial, framed the preliminary issue and allowed the same. The learned counsel submitted that the procedure adopted was sheer abuse of process of law.



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12.The learned Senior counsel for the workman, on the other hand, submitted that the procedure adopted was neither arbitrary nor abuse of process of law, but was merely an exercise towards course correction. The learned Senior counsel submitted that in any event, no prejudice was caused to the Company as it could always challenge the preliminary Award along with the Final Award.

13.It is settled proposition of law that the Labour Court is duty bound to decide the preliminary issue on the fairness of the enquiry, if it is raised. If the domestic enquiry is found to be defective, an opportunity ought to be afforded to the employer to lead evidence before the Labour Court to sustain the dismissal order. As rightly contended by the learned Senior counsel for the workmen, the Labour Court, by taking up the preliminary issue, adopted a course correction measure. On the facts of this case, this Court finds that no prejudice is caused to the Company by the procedure adopted by the Labour Court. The Labour Court afforded ample opportunity to the Company in the preliminary enquiry to adduce evidence to establish the fairness of the domestic enquiry. The Labour Court



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adjourned the matter on three occasions, i.e., on 05.08.2025, 25.08.2025 and 16.09.2025, for the Company to adduce evidence on the fairness of the enquiry. However, the Company failed to avail the opportunities and only thereafter, the Labour Court on the basis of the materials placed before it, concluded that the domestic enquiry was not fair and proper and was in violation of principles of natural justice.

14. Apart from the reasoning given by the Labour Court for its finding on the unfairness of the domestic enquiry, this Court, from the materials placed on record, finds that a specific plea was taken up by the workmen before the Enquiry Officer that sufficient opportunity was not afforded to them to defend themselves. The workmen exemplified the contention by stating that the enquiry was conducted in a place 60Kms away from the Factory premises and that transportation was not provided to them to attend the enquiry. The workmen further complained that the Company even denied food allowance during enquiry dates knowing very well that they were out of employment since 2011. This Court finds that the denial of transport and food allowance coupled with the non-payment of subsistence



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allowance unequivocally establishes that the workmen were not afforded a level playing field in the conduct of the enquiry proceedings, thereby vitiating the domestic enquiry. Therefore, this Court finds that, apart from the reasons assigned by the Labour Court, with respect to non-payment of subsistence allowance, the aforesaid facts are also fit grounds for concluding that the enquiry was not fair and proper and was in violation of principles of natural justice.

15. There is yet another aspect that merits consideration. By virtue of the preliminary Award, no prejudice is caused to the Company since it is entitled to adduce evidence before the Labour Court, in support of the dismissal order, provided, it reserved a right to lead evidence before the Labour Court. This Court further observes that the preliminary Award is confined to the fairness of the enquiry and it in no way finally determines the substantive rights of the parties. Consequently, the Company remains at liberty to adduce evidence to sustain the dismissal order.



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16.In view of the above discussions, this Court finds that the preliminary Award passed in the present cases, does not fall under any of the exceptional circumstances, and therefore, the writ petition is not maintainable. The conduct of the Company is unpalatable since despite depriving the workmen of subsistence allowance, it conducted the enquiry 60Kms away from the factory and that too, without providing for transportation and food on the enquiry dates. This Court finds that the Company has filed the writ petitions only to drag on the proceedings and to frustrate the rights of the workmen. This Court, therefore, finds no bona fides in the writ petitions.

17.Accordingly, the writ petitions are dismissed as not maintainable. No costs. Consequently, connected miscellaneous petitions are closed.

26.11.2025

dsn / AP

Index : Yes/No

Internet : Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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N.MALA, J.,

dsn / AP

To

1.II Additional Judge
Labour Court, Chennai.

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