



W.P(MD)No.5572 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2025

CORAM

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.5572 of 2024
and
W.M.P(MD)No.5289 of 2024

K.Balasubramanian

... Petitioner

Vs.

**1.The Presiding Officer,
Labour Court,
Tirunelveli,
Tirunelveli District.**

**2.The Manager,
OEC India Private Limited,
Keela Velayuthapuram,
Pudhur,
Pandiyapuram,
Thoothukudi.**

**3.The Manager,
Ind-Barath Power Gencom Limited (IBPGL),
Keela Velayuthapuram,
Thoothukudi.**

... Respondents

***(W.P(MD)No.5572 of 2024 is dismissed insofar as third
respondent vide Court order, dated 02.04.2025)***



W.P(MD)No.5572 of 2024

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the first respondent, dated 19.12.2023 in O.P Industrial Dispute No.24/2019, Labour Court, Tirunelveli and to quash the same as not valid and thereby direct the respondents 2 and 3 to provide service benefits including the full salary and other monetary benefits from the day of suspension 30.01.2016 till date along with interest this petitioner is entitled to and pass such other order as this Court.

For Petitioner : M/s.F.X.Eugene

R-1 : Labour Court

For R-2 : Mr.A.Senthil Kumar

ORDER

The present writ petition has been filed by the erstwhile workman of the third respondent Company challenging the award of the Labour Court, Tirunelveli in I.D.No.24 of 2019, dated 19.12.2023.

2. The petitioner herein was working as a Lab Chemist in the respondent Company and he was placed under suspension on certain charges on 30.01.2016. A charge memo was issued to him on 18.03.2016. The workman



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has submitted his explanation on 24.03.2016. On completion of domestic enquiry, a report was submitted on 15.10.2016 to the effect that the charges as against the petitioner stood proved. Based upon the said report, a second show cause notice was issued to the workman on 18.11.2016. The petitioner submitted his explanation on 22.11.2016. Not being satisfied with the explanation, the Management proceeded to pass an order of dismissal from service on 17.12.2016. This order was put to challenge by the petitioner before the Labour Court invoking Section 2A of the Industrial Disputes Act, 1947. The Labour Court found that the enquiry has been conducted in a fair manner and ultimately proceeded to hold that the charges as against the petitioner have been proved in the said enquiry and dismissed the industrial dispute. Challenging the same, the present writ petition has been filed.

3. According to the learned Counsel appearing for the writ petitioner, despite several letters addressed by him to the Management, for providing documents to defend himself in the enquiry proceedings, the documents were not provided. That apart, since the petitioner was suffering from back pain and sought adjournment, the adjournments were not considered and the enquiry was proceeded *ex parte* and the enquiry officer has arrived at an *ex parte* finding



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that the charges as against him are proved. Therefore, the finding of the Labour Court that the enquiry was conducted in a fair manner is not correct.

4. The learned Counsel appearing for the petitioner further submitted that the charges as against the petitioner have not been proved and due to *mala fide* attitude, proceedings were initiated as against the writ petitioner.

5. Per contra, the learned Counsel appearing for the respondent herein relying upon various documents filed on the side of the workman pointed out that, as and when the workman has sought for documents, they were provided by the Management. After, all the documents were provided, the workman was continuously seeking adjournment citing one reason or other. Therefore, the enquiry officer arrived at a finding that, the workman is attempting to drag on the proceedings. Ultimately, a report was filed to the effect that the charges as against the workman stood proved. He further pointed out that the Labour Court has arrived at a specific finding that, the petitioner herein was attempting to drag on the proceedings and he has not co-operated for the enquiry. In such circumstances, the dismissal order passed by the Labour Court may not be interfered with.



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6. Heard both sides and perused the materials available on record.

7. The primary grievance of the petitioner is that despite making several requests for furnishing of documents, the Management has not provided the said documents. Exhibit W.8, dated 27.04.2016 is a letter addressed by the workman to the Management seeking three documents. The Management has sent a reply on 04.05.2016 under Exhibit W.12 furnishing those documents. On 09.05.2016, under Exhibit W.14, the workman has sought for three other documents. They were furnished by the Management on 16.06.2016, which is marked as Exhibit W.16.

8. The petitioner on 05.07.2016 has addressed a communication to the enquiry officer that he was not keeping in good health and sought time till 07.08.2016 to participate in the enquiry proceedings. In the meantime, the workman has addressed a communication on 29.07.2016 under Exhibit W.19 seeking further documents. The Management has addressed a communication to the workman on 10.08.2016 pointing out that these documents are not necessary for the conclusion of enquiry and they are not relevant for the

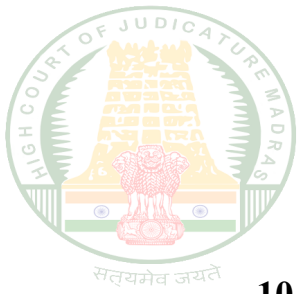


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charges as against the petitioner. On 16.08.2016, the workman has addressed a communication to the Management under Exhibit W.16 seeking adjournment of the enquiry proceedings on the ground that, documents have not been produced to him. Only thereafter, the enquiry officer has proceeded with the enquiry and has ultimately arrived at a finding that the charges as against the petitioner have been proved. The events cataloged above will clearly indicate that, the petitioner was not willing to co-operate with the enquiry proceedings and he was attempting to drag on the proceedings. In such circumstances, the domestic enquiry officer was constrained to proceed *ex parte* and he has found that the charges as against the petitioner are proved.

9. The Labour Court has also considered these documents and has arrived at a finding that, the charges as against the petitioner stood proved and the charges being serious in nature, the capital punishment imposed upon the writ petitioner as dismissal from service does not call for any interference.



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10. In view of the above said deliberations, there are no merits in the present writ petition. Hence, this writ petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petition stands closed.

27.06.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes
BTR

To

1.The Presiding Officer,
Labour Court,
Tirunelveli,
Tirunelveli District.

2.The Manager,
OEC India Private Limited,
Keela Velayuthapuram,
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R.VIJAYAKUMAR, J.

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