



W.P.(MD) No.8157 of 2025

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.8157 of 2025
and
W.M.P.(MD) No.6118 of 2025

The Management
TVS Sundaram Brake
Linings Limited
Mustakuichi Post
Kanjamanaickenpatti
Kariapatti Taluk
Virudhunagar District-626 106
rep.by its Chief Financial Officer

... Petitioner

-vs-

K.Jeyakrishnan

... Respondent

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorari calling for the records of the Labour Court, Madurai, in I.D.No.41 of 2018 and quash its award dated 14.03.2024.

For Petitioner : Ms.P.Malini

For Respondent : Mr.B.Vinoth Kumar



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ORDER

This writ petition has been filed by the petitioner – Management aggrieved by an Award dated 14.03.2024, passed in I.D.No.41 of 2018, on the file of the learned Labour Court, Madurai, whereby the learned Labour Court, having found the enquiry conducted by the petitioner herein against the respondent herein as vitiated, remanded the matter back to the petitioner herein for conducting a fresh enquiry from the stage it stood vitiated that is after the issuance of charge sheet and to proceed with the enquiry after furnishing all documents mentioned in the charge sheet or relied upon by the petitioner – Management by adhering to the principles of natural justice.

2. The respondent has filed the counter affidavit.

3. The only point urged before this Court by the learned counsel for the petitioner is that the petitioner herein, while filing counter affidavit in I.D.No.41 of 2018, made a specific request at Paragraph No.9 of the counter affidavit requesting for affording an opportunity in the event of the learned Labour Court coming to the conclusion that either the domestic enquiry



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proceedings or the findings of the Enquiry Officer are found vitiated in any manner, to afford an opportunity and permission to lead *de novo* / additional / fresh evidence before the learned Labour Court, but, in spite of making such a specific request in the counter affidavit, the learned Labour Court, instead of affording an opportunity to the petitioner herein, erroneously remanded the matter back to the petitioner for conducting an enquiry afresh.

4. The learned counsel appearing for the respondent opposed the same on the ground that the petitioner herein has to conduct a enquiry by furnishing all the documents and affording an opportunity to the respondent herein by duly following the principles of natural justice. As none of these requirements are complied with by the petitioner herein while conducting the enquiry against the respondent herein, the petitioner is not entitled for leading evidence before the learned Labour Court.

5. This Court has carefully considered the submissions made on either side and also perused the entire materials on record.

6. By now, it is well settled that in all cases, where the employer seeks permission to lead evidence in the event of the learned Labour Court



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comes to the conclusion that the enquiry proceedings or the findings of the Enquiry Officer are vitiated, it is obligatory on the part of the learned Labour Court to afford such an opportunity to the employer.

7. In the instant case, as seen from Paragraph No.9 of the counter affidavit filed by the petitioner herein in I.D.No.41 of 2018, a specific request was made by the petitioner herein. However, the learned Labour Court failed to take note of the same and on coming to the conclusion that the enquiry proceedings conducted by the petitioner are vitiated, remanded the matter back to the petitioner herein for conducting a fresh enquiry from the stage it stood vitiated. The petitioner herein is not disputing that the enquiry proceedings are vitiated, as pointed out by the learned Labour Court. The only purpose of requiring the learned Labour Court to afford an opportunity to lead evidence by the employer in the event of the learned Labour Court coming to the conclusion that either the enquiry proceedings or the findings of the Enquiry Officer are vitiated, is to avoid unnecessary delay in the matter and giving a scope for one more round of litigation. In the instant case, if the impugned Award is allowed to stand, the petitioner herein will have an opportunity to pass an order of dismissal or removal, against the respondent herein and in which case, the respondent herein has to once again approach



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the Conciliation Officer and then raise an industrial dispute and to wait till the disposal of such industrial dispute. It is only to avoid such an unnecessary and prolonged delays in the matter of resolving the industrial disputes, such a procedure was allowed by the Honourable Apex Court to permit the employer to lead evidence in case if such a request was made while filing the counter affidavit in the industrial dispute itself or by filing a separate application.

8. In the instant case, admittedly, the petitioner herein made such a request while filing its counter affidavit in I.D.No.41 of 2018 as seen from Paragraph No.9 of the counter affidavit. However, the learned Labour Court failed to take note of the same and erroneously remanded the matter back to the petitioner herein for fresh enquiry.

9. In the circumstances, the impugned Award, dated 14.03.2024 passed in I.D.No.41 of 2018, on the file of the learned Labour Court, Madurai, cannot be sustained insofar as remanding the matter back to the petitioner herein. Accordingly, the impugned Award is quashed to that extent and accordingly, the matter is remanded back to the learned Labour Court, Madurai, for affording an opportunity to the petitioner herein in support of the charges levelled against the respondent herein and for disposal of the same in



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accordance with law by affording an opportunity to the respondent herein.

The learned Labour Court is requested to dispose of the matter as expeditiously as possible, at any rate, within a period of six months from the date of receipt of a copy of this order.

10. Accordingly, this writ petition is disposed of. No costs.

Consequently, connected miscellaneous petition is closed.

28.04.2025

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

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To:
The Presiding Officer,
Labour Court,
Madurai.



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MUMMINENI SUDHEER KUMAR, J.

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