



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-02-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

WA No. 303 of 2026

S.Neelagandan

..Appellant(s)

Vs

The Management
Flowserve India Controls Pvt Ltd.,
A Subsidiary Of Flowserve Corporation,
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)

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 24.10.2025 passed in Writ Petition No.36929 of 2025 and to conduct fresh enquiry.



For Appellant(s):

MR.K.V. Dhanapalan for
M/S. T.Fenn Walter Associates

For Respondent(s):

Mr.S.Ravindran, Senior Counsel For
Mr.S.Sellapillai Kumar

JUDGMENT

(Judgment of the Court was delivered by C.Kumarappan J.)

The present Writ Appeal is filed assailing the order of the learned Single Judge in W.P.No.36929 of 2025. Before the Writ Court, the appellant has challenged the order of the Labour Court in ID.No.74 of 2022, dated 05.08.2025, by and which, the Labour Court has held that there was a fair and proper domestic enquiry. When the appellant challenged the order of the Labour Court before the Writ Court, the Writ Court has confirmed the same. Aggrieved by the order of the Writ Court, the appellant is before this Court.

2. Learned counsel for the appellant vehemently contended that there was a direction by this Court in the first round of litigation in WP.No.1133 of 2024 to consider certain documents while deciding the preliminary issues. Whereas the Labour Court did not consider such material documents. Therefore, non-compliance by the Labour Court would make the very order perverse. However, learned Single Judge, without going into all these aspects has confirmed the order of the Labour Court.

3. The said contention was totally objected by learned Senior Counsel and would contend that Labour Court has decided only the preliminary issue

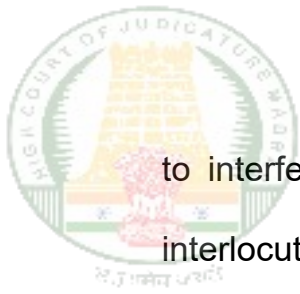


in respect of the fairness of the domestic enquiry, and the other issues have not been gone into by the Labour Court. Therefore, if at all, the appellant has got any grievance in respect of other defences, his right still preserved and he may agitate the same before the Labour Court while deciding the final disposal.

4. We have given our anxious consideration to either side of the parties.

5. While looking at the Writ order, the Single Judge has categorically recorded that there would not be any prejudice caused to the petitioner to proceed with the finding rendered by the Labour Court, as the petitioner still has got a right to adjudicate his grievance along with the ultimate decision of the Labour Court. Learned Single Judge has also categorically recorded that the preliminary issue before the Labour Court was confined to examining the fairness of the domestic enquiry conducted by the respondent management. When such categorical findings were rendered by the learned Single Judge, absolutely there cannot be any impediments for the petitioner to adjudicate his other grounds before the Labour Court while deciding the main issue. Apart from that, it is also pertinent to refer the judgment in the case of ***D.P. Maheshwari Vs Delhi Administration and Others***¹, wherein the Hon'ble Supreme Court has categorically held that while exercising the power under Article 226 of the Constitution of India, the Courts are required to be too astute

¹ 1984 1 LLN 1



to interfere with the exercise of the jurisdiction of the Special Tribunals at interlocutory stage and on preliminary issues. Therefore, we absolutely do not find any merits in the present case.

6. Accordingly, the writ appeal is dismissed. No costs. Consequently, the connected miscellaneous petitions, if any, are closed.

(S.M.S.,J.) (C.K.,J.)
09-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

GD

To

The Management

Flowserve India Controls Pvt Ltd.,

A Subsidiary Of Flowserve Corporaton,

Usa B-8, Cnda 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.



WEB COPY

WA No. 303 of 2



**S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.**

GD

WA No. 303 of 2026

09-02-2026