

BEFORE THE ADDITIONAL LABOUR COURT, COIMBATORE.

Present :- **Thiru. K.ARUNACHALAM, M.A., M.L.,**
Presiding Officer,
Additional Labour Court, Coimbatore.

I.A. No: 6/2025

in

OP.No.44/2023

Tuesday, the 25th day of March 2025

Mrs. Manonmani

... Petitioner / MW2

-Vs-

1. D. Easwaran,
S/o. Dharmalingam,
D. No. 232, Thiruvalluvar Nagar,
Ramanathapuram,
Coimbatore – 641 045.

...1st Respondent / petitioner

2. The Management,
K. 141, Malayandipattanam Thodaka
Velanmai Kooturavu Kadan Sangam,
Malayandipattanam Road,
Pollachi – 642 114

...2nd Respondent / Management

The petition came up for final hearing before me on March 25, 2025 in the presence of Mr. P. Muthukumar, Learned counsel for the petitioner / MW2 and Mr. D. Sathish Shankar, Learned Counsel for the 1st respondent / petitioner and the party in person Mr. S. Ramasamy for the 2nd respondent/management and upon perusing the entire case records, this court delivers the following :-

ORDER

The petitioner/witness Mrs. Manonmani seeks recall of witness warrant order which was issued towards her failure to attend the Court on the given date of 18.03.2025. The main industrial dispute was raised by Mr. Eswaran, worker seeking reinstatement of service with full back wages and other attendant benefits by setting aside the impugned dismissal dated 01.02.2023. The Court proceeded with the enquiry on merits and came to a conclusion that the domestic enquiry was not conducted fairly and properly and the enquiry stood vitiated. Meanwhile, the preliminary award was challenged by the management by way of WP. No. 6979 of 2025 and WMP. No. 7710 of 2025 before the Hon'ble High Court of Madras. The writ was also disposed of with a time bound direction to pass final award on merits within six months, by order dated 28.02.2025. Upon perusal of the records, it is seen that Sec. 11A enquiry was ordered to be conducted and the management has to let in evidence from the hearing date of 21.01.2025. Then the matter was posted to 28.01.2025, 03.02.2025, 05.02.2025, 10.02.2025. MW1 alone was examined until the date. The matter was subsequently posted on 17.02.2025, 20.02.2025, 04.03.2025, 13.03.2025 and 18.03.2025. But no progress was shown by the management. MW2, Mrs. Manonmani was also absent on the hearing date of 13.03.2025 and a witness warrant was issued. Meanwhile, this petition came to be filed by Mrs. Manonmani. She would represent that the management was not in move to produce the necessary records. The management also sent a notice to this Court on 25.03.2025 alleging mistrust towards the Court and sought for further time

to transfer the case to some other Court. The management is at liberty to exercise his remedy through known procedure. At this juncture, this Court is of the concluded view that the management is showing no interest to produce witnesses on their side. As discussed earlier, MW2 Mrs. Manonmani would also represent that no relevant records were also produced by the management to complete the deposition. Considering the entire facts and circumstances of the case, the Court deems fit and proper to dispense the witness of Mrs. Manonmani to proceed with the case, in the light of the directions given by the Hon'ble High Court of Madras to dispose of the matter expeditiously. In view of the above said observation, the witness warrant is hereby ordered to be recalled. The examination of MW2, Mrs. Manaonmani is hereby dispensed.

2. **In the result**, the petition stands allowed as follows.

- 1). The examination of MW2, Mrs. Manaonmani is hereby dispensed.
- 2). The witness warrant is hereby recalled.

(Dictated to the Steno Typist, transcribed by her, Corrected and Pronounced by me, on this Tuesday, the 25th day of March 2025)

**PRESIDING OFFICER,
ADDITIONAL LABOUR COURT,
COIMBATORE**

