

BEFORE THE PRINCIPAL LABOUR COURT, COIMBATORE

*Present:* Tmt. A.P.Latha, B.Sc., B.L.,  
Presiding Officer,  
Principal Labour Court,  
Coimbatore.

Thursday, the 22<sup>nd</sup> day of January 2026.

ID. No. 72/2022

(CNR No.TNCB-04-000394-2022)

C. Nataraj,  
S/o. Chinnannan,  
No. 5/3, Bharathi Nagar,  
V.K. Road,  
Peelamedu,  
Coimbatore – 641 004.

... Petitioner

~ Versus ~

The Management,  
KU Industries Private Limited,  
S.F. Nos. 473, 474, 466 & 468,  
Sonthampalayam Road,  
P.G. Pudur Post,  
S.S. Kulam pathway,  
Coimbatore – 641 107.

... Respondent

This Petition came up for final hearing before me on 21.01.2026 in the presence of Advocate Thiru. D. Sathish Shankar, counsel for the Petitioner and Advocate Ms. D.B. Saradha, counsel for the Respondent. upon perusing the entire

case materials on record and upon hearing the arguments of both sides, and having stood over for consideration till this date, this Court passed the following :-

**PRELIMINARY AWARD**

The petitioner seeks to set aside the impugned dismissal order of the respondent dated 29.11.2021 and to be reinstated in service with continuity of service, full back wages, and all other attendant benefits, together with costs, under Section 2(A)(2) of the Industrial Disputes Act, 1947.

2. Petition averments in brief :

The petitioner joined the respondent company on 23.03.2018 as a VTL Machine Operator and his last drawn salary is Rs.26,000/- P.M. On 06.07.2021, the petitioner was falsely implicated in a criminal case and arrested by the police without any valid reasons. He was remanded to judicial custody at Pollachi Sub-Jail and released on conditional bail on 19.07.2021, subject to a condition to sign before the E2 Peelamedu Police Station daily at 10 AM for thirty days. The said case was registered on false allegations that he was selling banned tobacco products such as “Hans” and “Cool Lip,” whereas the petitioner did not own or run any shop and had no connection with such illegal activities. The petitioner’s arrest caused severe mental agony and distress to his family. During this period, his wife, being an uneducated woman, out of fear she thought that the management might terminate his employment, if they came to know about the arrest, and hence, she gave false reasons

such as a death in the family and also due to a property dispute her husband is not able to attend the duty and applied leave to the respondent. Meanwhile, the management issued a show-cause notice dated 17.07.2021 alleging unauthorised absence from 06.07.2021 and referring to Standing Order 21(18) relating to involvement in criminal cases and also asked to submit copy of FIR and related documents. The petitioner submitted his explanation explaining the genuine circumstances, enclosing supporting documents, and requesting permission to resume duty. However, without considering his explanation, the management issued another show-cause notice dated 03.08.2021 stating that the petitioner involved in the misconducts as per the Standing Orders 21(IX), 21(X), 21(XXII). The petitioner again submitted his written explanation on 03.08.2021 denying the allegations and expressed his readiness to resume duty. He was permitted to join only on 16.08.2021. Subsequently, a domestic enquiry was conducted in which the Enquiry Officer assured the petitioner that no severe punishment like dismissal would be imposed if he cooperated in the proceedings. Believing his assurance the petitioner partially admitted the charges. The enquiry was conducted in violation of the principles of natural justice, without affording a fair opportunity of defence. Based on the enquiry report, the management issued a second show-cause notice dated 11.11.2021 stating that the misconducts as per clause 21 (xx) and 21 (xxxix) of the standing orders are proved and respondent proposed to dismiss the petitioner from service. The petitioner submitted his detailed reply on 24.11.2021, explaining the true facts and requesting

reconsideration, but without considering his explanation and the mitigating circumstances, the management arbitrarily dismissed him from service on 29.11.2021. The petitioner submits that the dismissal is illegal, arbitrary, and opposed to the principles of natural justice. The alleged misconduct arose solely out of false implication leading to the arrest in a criminal case which unrelated to his employment. The management deliberately ignored his repeated requests to rejoin duty and falsely treated his absence as unauthorised. The findings of the domestic enquiry are perverse and unsustainable, as the charges under Standing Orders 21(XX), 21(XXII), 21(XXXI), and 21(XXXIX) were not proved beyond doubt. After dismissal, the petitioner made all efforts to secure alternative employment but failed and is now facing severe financial hardship. The conciliation proceedings before the Labour Officer also failed due to the management's rigid attitude. Hence, the petitioner prays to set aside the dismissal order dated 29.11.2021 as illegal and void and direct the respondent management to reinstate the petitioner with continuity of service, full back wages, and all attendant benefits.

3. Counter averments in brief :

The Petitioner was employed as a VTL Operator in the Respondent's machine shop. On 06.07.2021, his wife informed the Department Supervisor, Mr.Vishnu, that the Petitioner had gone to a relative's condolence, and later the same

day stated that he had gone to his native place to resolve property issues, thereby giving contradictory reasons for his absence. On 07.07.2021, the Department Senior Engineer, Thiru Velusamy, contacted the Petitioner, but his wife informed that he had gone to his native place for partition of properties and had not taken his mobile. The Petitioner thus absented himself without prior permission from 06.07.2021 to 17.07.2021. The Respondent later learnt that the Petitioner had been arrested by Peelamedu Police, Coimbatore, for alleged involvement in drug trafficking, a criminal offence punishable under law, and that an FIR was registered against him. The Petitioner was remanded and later released on bail on 16.07.2021. His conduct amounted to misconduct under Clause 21(18) of the Certified Standing Orders. Accordingly, the Respondent issued a show-cause notice dated 17.07.2021, to which the Petitioner submitted an undated explanation received on 26.07.2021. As the explanation was unsatisfactory, another show-cause notice dated 03.08.2021 was issued for absence without leave, false statements, obtaining leave on false pretext, and acts detrimental to the company. The Petitioner replied enclosing the FIR and bail order. Dissatisfied with his explanation, the Respondent ordered a domestic enquiry held on 10.09.2021, where the Petitioner, along with his observer, was present, admitted the charges, and participated in the proceedings. Four management witnesses were examined, and relevant documents marked as Exhibits M1 to M14. The Petitioner was given opportunities to cross-examine witnesses and to adduce his own evidence. The enquiry was concluded on 22.09.2021. The Enquiry Officer, after

considering oral and documentary evidence, found the Petitioner guilty of suppressing facts and unauthorised absence. It was further observed that charges under Clauses 21(XXII) and 21(XXXI) could not be determined until the criminal case concluded. Based on the findings, a second show-cause notice dated 11.11.2021 was issued proposing dismissal, and after granting the Petitioner time to reply, his explanation dated 24.11.2021 was received and considered. The Respondent, not satisfied with the explanation and finding no extenuating circumstances, confirmed the proposed punishment and dismissed the Petitioner on 29.11.2021. The acts proved in the domestic enquiry through the Petitioner's admission were serious misconducts. Indulgence in drug trafficking, if proved in the Criminal Court, is a grave crime against society. Any leniency would set a bad precedent and affect discipline in the establishment. The dismissal is therefore legal, justified, and proportionate. The enquiry was conducted fairly and properly in accordance with law and the Certified Standing Orders. The fairness of the domestic enquiry is to be tried as a preliminary issue and if the court finds that it is not fair and proper, the respondent reserve their right to adduce fresh evidence to prove their case. The Petitioner is not entitled to any relief, and therefore, the Respondent seeks dismissal of this petition.

4. The Point for Determination is :

Whether the domestic enquiry conducted by the respondent management is fair and proper?

5. During enquiry no oral evidence is adduced on either side. No document is marked on the side of the petitioner but the Respondent marked Ex.M1 to M24 documents.

6. The Point :

On the side of the petitioner it is submitted that the petitioner is the employee of the respondent, on 06.07.2021 the petitioner was falsely implicated in a criminal case and remanded to judicial custody and released on bail on 19.07.2021. On 06.07.2021 the petitioner's wife sought for leave for her husband from the respondent on the ground of a death in the family and to resolve the property dispute. On 17.07.2021 the respondent issued a show cause notice to the petitioner about the absence from 06.07.2021 onwards and also submit the copy of FIR and related documents and the petitioner submitted his reply, without considering the reply the respondent issued another show cause notice dated 03.08.2021 alleging that the petitioner committed the misconducts as per clause 21 (ix), 21 (xii), 21(xx), 21(xxii), 21(xxxi) and 21 (xxxix) of the standing orders. The petitioner replied the notice on 05.08.2021 and denied the allegations and the respondent without accepting the pleas issued notice dated 06.09.2021 about the proposed domestic enquiry. It is further submitted during domestic enquiry the enquiry officer compelled to admit the misconducts, failed to furnish material documents and also due opportunity in the domestic enquiry proceedings and therefore the domestic enquiry conducted by the

respondent is not fair and proper.

7. On the side of the respondent it is submitted that on 06.07.2021 the petitioner absented himself from duty and the wife of the petitioner sought for leave for the petitioner by falsely stating that there is a death in the family and the petitioner is involved in property dispute. Further the petitioner absented himself from 06.07.2021 to 17.07.2021 and the respondent came to know that the petitioner had been arrested in a drug trafficking case and FIR was registered against him and the petitioner was remanded to judicial custody and released on bail on 16.07.2021. Further submitted that the respondent issued a show cause notice dated 17.07.2021 stating all the reasons, the petitioner denied the reasons and submitted a reply, the respondent not satisfied with the reply and therefore issued another show cause notice dated 03.08.2021. The petitioner replied the notice enclosing copy of the FIR and bail order, not satisfied with the reply the respondent issued notice about the proposed domestic enquiry, on 10.09.2021 the domestic enquiry was started, during enquiry the petitioner along with his observer participated in the proceedings and during enquiry the petitioner admitted the charges. Further submitted that the respondent examined 4 witnesses and marked 14 documents on the side of the respondent and the enquiry officer found that the petitioner committed the misconduct, that the petitioner failed to inform about the arrest in the criminal case, submitted false information and absented from duty without prior intimation. Thereafter the respondent issued 2<sup>nd</sup> show cause notice dated 11.11.2021 along with copy of enquiry proceedings, and

the enquiry report dated 19.10.2021 and also about the proposed punishment and after receiving reply of the petitioner the respondent not satisfied with the reply of the petitioner dated 24.11.2021, passed an order of dismissal dated 29.11.2021 and dismissed the petitioner from service and therefore the domestic enquiry conducted by the respondent is fair, proper and in accordance with principles of natural justice and also submitted that if the court finds that if it is not fair and proper the respondent may be permitted to adduce fresh evidence to prove their case.

8. It is an admitted fact that the petitioner was arrested on 06.07.2021 and the Peelamedu Police registered Ex.M7 FIR in Crime No. 518/2021 dated 06.07.2021 and the petitioner was remanded to judicial custody and was released on bail on 15.07.2021 under Ex.M8 order of the Judicial Magistrate No.2, Coimbatore. It is also admitted by the petitioner that on 06.07.2021 his wife sought for leave for the petitioner alleging that there is a death in the family and the petitioner involved in a property dispute. The plea of the petitioner is that his wife without knowing the consequences falsely requested for leave for the petitioner. Ex.M1 is the show cause notice dated 17.07.2021 in which the respondent asked the petitioner about the absence of the petitioner from duty and also the involvement of the petitioner in the criminal case and again asked the petitioner to submit the copy of the FIR along with connected records. Ex.M3 is the reply of the petitioner in which the petitioner stated that he is falsely implicated in the case. Not satisfied with the reply the respondent issued Ex.M4 show cause notice dated 03.08.2021 to assign reasons for absence from

duty from 06.07.2021 to 02.08.2021 and also sale of drug to a juvenile and furnishing false information to the respondent. In the said show cause notice the respondent alleged that the petitioner committed the misconducts as per clauses 21 (ix), 21 (xii), 21(xx), 21(xxii), 21(xxxi) and 21 (xxxix) of the standing order. Under Ex.M6 reply notice dated 05.08.2021 the petitioner replied that he never involved in any criminal act but falsely implicated and arrested in a criminal case. Not satisfied with the reply of the petitioner the respondent decided to conduct domestic enquiry and issued Ex.M9 notice dated 06.09.2021. During enquiry at the request of Ex.M16 letter of the petitioner dated 10.09.2021 the enquiry officer permitted his co worker Thiru.Ramesh as his observer in the domestic enquiry proceedings. Ex.M17 is the domestic enquiry proceedings and Ex.M18 is the enquiry report of the enquiry officer dated 19.10.2021. It is seen from Ex.M19/2<sup>nd</sup> show cause notice that after receipt of enquiry report the respondent issued copy of enquiry proceedings along with copy of enquiry report and also informing about the proposed punishment. Ex.M21 is the reply of the petitioner to the 2<sup>nd</sup> show cause notice dated 16.11.2021 in which the petitioner requested time for reply and under Ex.M22 dated 18.11.2021 the respondent gave further time to submit the reply and under Ex.M23 dated 24.11.2021 the petitioner submitted his reply stating that he never committed any misconducts, falsely implicated in the criminal case, his wife without knowing the consequences sought for leave by alleging false reasons and hence to provide employment. Ex.M24 order of dismissal of the respondent dated 29.11.2021 discloses that the petitioner

committed the misconducts as proved in the enquiry report and the reply of the petitioner dated 24.11.2021 is not satisfied by the respondent and hence the order of dismissal is passed.

9. In Ex.M4 show cause notice dated 03.08.2021 the respondent alleged that the petitioner committed the misconducts under clauses 21 (ix), 21 (xii), 21(xx), 21(xxii), 21(xxxi) and 21 (xxxix) of the standing orders. Not satisfied with the reply of the petitioner to Ex.M4 show cause notice the respondent issued Ex.M9 enquiry notice dated 06.09.2021 to the petitioner and conducted domestic enquiry. Ex.M17 is the domestic enquiry proceedings and Ex.M18 is the enquiry report of the enquiry officer dated 19.10.2021. On perusal of Ex.M17 enquiry report it is seen that the enquiry officer failed to question the petitioner about the specific clauses of the standing order under which misconducts are committed by the petitioner. While questioning the delinquent in the enquiry proceedings, it is the duty of the enquiry officer to question the delinquent as to which provision or provisions of the standing orders or any other law, is violated by the delinquent. But in the present case the enquiry officer failed to do so. Therefore it is decided that the questioning of the petitioner by the enquiry officer before proceeding to record the evidence is not proper. Ex.M18 enquiry report never discloses that before conducting domestic enquiry the enquiry officer furnished necessary documents to the petitioner to defend his case and questioned the petitioner in respect of the particular clauses of misconducts committed by him. Though charges need not be framed by the enquiry

officer, but it is the duty of the enquiry officer to question about the provisions of the standing order under which the petitioner committed the misconduct, but the enquiry officer failed to do so. Further more in para 25 of the enquiry report it is stated that the petitioner failed to inform the respondent about the arrest of the petitioner in a criminal case, furnished false information to the respondent and absented from duty without prior permission are proved in the domestic enquiry. Unfortunately the enquiry officer failed to find that under which provision or clause or clauses of the standing orders the petitioner committed the misconduct is proved. In Ex.M4 show cause notice it is alleged that the petitioner committed the misconducts under clauses 21 (ix), 21 (xii), 21(xx), 21(xxii), 21(xxxi) and 21 (xxxix) of the standing orders. But the enquiry officer failed to find the clauses of the standing orders under which the petitioner committed the misconducts. Therefore it is decided that the findings of the enquiry officer is not specific and hence the order of the enquiry officer is not proper. Ex.M19 is the 2<sup>nd</sup> show cause notice dated 11.11.2021 in which it is stated that the petitioner committed the misconducts under clauses 21(xx) and 21 (xxxix) of the standing orders. In Ex.M24 order of punishment dated 29.11.2021 it is stated that the petitioner committed the following misconducts, i.e., absent from duty without prior permission, failed to inform the respondent about the arrest and the involvement in the criminal case. Order of punishment also never disclose specifically about the clauses of misconducts committed by the petitioner.

10. Ex.M14 is the standing orders of the respondent. In Ex.M19/2<sup>nd</sup> show cause notice it is stated that the petitioner committed the misconduct as per clause 21 (xx) and 21 (xxxix) of the standing orders.

Clause 21 (xx) of the standing order reads “ that obtaining leave on false pretext is a misconduct”. No document is produced by the respondent to show that the petitioner or his wife applied for leave and the leave is granted. The case of the respondent is that the petitioner was arrested in a criminal case on 06.07.2021 and he absented himself from duty from 06.07.2021 onwards. Ex.M13 is the muster roll and register for the month of July 2021. Ex.M13 discloses that the petitioner was absent from duty from 06.07.2021 onwards. It is never marked that the petitioner was on leave on 06.07.2021 and further no document is produced by the respondent to show that the petitioner applied for leave on 06.07.2021 and the respondent granted the same. Therefore it cannot be said that the charge of the respondent that the petitioner committed the misconducts as per clause 21 (xx) is proved by the respondent.

11. Another charge in the show cause notice is 21 (xxxix) of the standing orders. The said clause reads that “ over staying leave without permission”. It is not the case of the respondent that the petitioner was on leave on 05.07.2021. It is already decided that the respondent failed to prove that the petitioner was granted

leave on 06.07.2021 and hence the question of overstaying leave without permission does not arise and therefore it cannot be said that the charge of the respondent that the petitioner committed the misconducts as per clause 21 (xxxix) is proved by the respondent. Hence as per the discussion made above it is decided that the domestic enquiry conducted by the respondent is not fair and proper and the enquiry report and the findings of the enquiry officer is set aside.

For further proceedings call on 28.01.2026.

*(Dictated to the Steno-Typist and computerised by her, corrected and pronounced by me on this, the 22<sup>nd</sup> day of January, 2026).*

PRESIDING OFFICER,  
PRINCIPAL LABOUR COURT,  
COIMBATORE.

LIST OF WITNESSES EXAMINED :

For Petitioner Side : Nil

For Respondent Side : Nil

LIST OF EXHIBITS MARKED.

For Petitioner side : Nil

For Respondent side :

<b>Exhibits</b>	<b>Documents</b>	<b>Date</b>	<b>Remarks</b>
Ex.M1	Show cause notice	17.07.2021	Xerox
Ex.M2	Acknowledgment Card	-	Xerox

Ex.M3	Explanation letter submitted by the petitioner to the respondent in response to the show cause notice.	10.09.2021	Xerox
Ex.M4	Show cause notice	03.08.2021	Xerox
Ex.M5	Acknowledgment Card	-	Xerox
Ex.M6	Explanation letter submitted by the petitioner to the respondent in response to the show cause notice.	05.08.2021	Xerox
Ex.M7	First Information Report – RIR. No. 518	06.07.2021	Xerox
Ex.M8	Bail order granted by the Judicial Magistrate No. II, Coimbatore in CrI. M.P. No. 14308/2021 in Cr. No. 518/2021	15.07.2021	Xerox
Ex.M9	Domestic Enquiry notice issued to the petitioner	06.09.2021	Xerox
Ex.M10	Letter from J. Manoj Kumar, Executive – HR, to K. Jayakumar, Head – Finance, HR & Administration, intimating the absence of the petitioner	08.07.2021	Xerox
Ex.M11	Letter by one D. Vishnu Kumar, to the respondent management intimating the absence of the petitioner	07.07.2021	Xerox
Ex.M12	Letter from M. Velusamy to the respondent management intimating the absence of the petitioner and informing that he was arrested by the Peelamedu Police Station.	07.07.2021	Xerox
Ex.M13	Muster Roll and Register for the month of July 2021	-	Xerox
Ex.M14	Amendment to the Certified Standing Orders	12.12.2018	Xerox
Ex.M15	Notice issued to the petitioner	10.08.2021	Xerox
Ex.M16	Letter from the petitioner to the management requesting permission to have his co-worker, namely K. Ramesh, as an observer.	10.09.2021	Xerox
Ex.M17	Domestic Enquiry Proceedings	-	Xerox
Ex.M18	Domestic Enquiry Report filed by the Enquiry Officer Tmt. C. Anitha Ravi	19.10.2021	Xerox

Ex.M19	Second Show Cause notice	11.11.2021	Xerox
Ex.M20	Acknowledgment Card	-	Xerox
Ex.M21	Letter from the petitioner to the management requesting seven days' time to submit his explanation for the second show-cause notice.	16.11.2021	Xerox
Ex.M22	Notice issued to the petitioner granting seven days' time.	18.11.2021	Xerox
Ex.M23	Explanation letter submitted by the petitioner to the respondent in response to the second show cause notice.	24.11.2021	Xerox
Ex.M24	Dismissal Order	29.11.2021	Xerox

PRESIDING OFFICER,  
PRINCIPAL LABOUR COURT,  
COIMBATORE.

Fair/Draft  
Preliminary Award  
in ID 72/2023  
Date : 22.01.2026  
PLC, CBE.