



W.P.No.5524 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS
(Special Original Jurisdiction)

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DATED : 16.04.2025

PRESENT:

THE HONOURABLE DR. JUSTICE A.D.MARIA CLETE

W.P.No.5524 of 2021

and

W.M.P.No. 6142 of 2021

M/s.Sharan Shipping Line,
Rep., by its Managing Partner,
Mr.Rajagopal,
No.8, 2nd Floor, Bharathi Sarasuram Enclave,
Kumaranthapuram, 7th Street, Tirupur District,
Tamil Nadu.

... Petitioner

Vs.

V.Gokila Varathan,
S/o. Venkatapathy,
No.14, Vellalore Road,
K.V.Palayam, Coimbatore – 23.

... Respondent

Prayer in W.P.No. 5524 of 2021

To pass a writ of Certiorarified Mandamus or any other writ or order in the nature of writ calling for the records in order dated 09.02.2021 passed in I.A.No.2/2020 in C.P.No.92/2018 on the file of the Presiding officer, Additional Labour Court, Coimbatore and quash the same and direct the Presiding Officer, Additional Labour Court, Coimbatore to issue summon the Branch manager, IDBI Bank, main Branch, Avinasi Road, Coimbatore



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to depose as before the Presiding officer, Additional Labour Court, Coimbatore along with the details of the Account Statement, Application form and other details pertaining to Account No.0006102000076243 and Account No.006102000057187 and pass such other or further orders as this Court may deem fit and thus render justice.

Prayer in WMP.No. 6142 of 2021

To grant Stay of all further proceedings in C.P.No.92/2018 on the file of the Presiding Officer, Additional Labour Court, Coimbatore and pass such other or further orders as this Hon'ble Court may deem fit and proper in the circumstances of the case pending disposal of the main writ petition and thus render justice.

Appearance of Parties:

For Petitioner : Mr. V.M.Venkataramana

For Respondent : Mr.A.Deivsigamani

J U D G M E N T

Heard.

2. The writ petition in W.P. No. 5524 of 2021 has been filed by M/s. Sharan Shipping Line, represented by its Managing Partner Mr. Rajagopal, challenging the order dated 09.02.2021 passed in I.A. No. 2 of 2020 in C.P.



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No. 92 of 2018 on the file of the Presiding Officer, Additional Labour Court, Coimbatore.

3. The petitioner, M/s. Sharan Shipping Line, represented by its Managing Partner Mr. Rajagopal, has filed this writ petition challenging the order dated 09.02.2021 passed by the Additional Labour Court, Coimbatore, in I.A. No. 2 of 2020 in C.P. No. 92 of 2018. The writ petition arises from a claim petition filed by the respondent, Mr. V. Gokila Varathan, a former Marketing Executive of the petitioner company, seeking retrenchment compensation of Rs.1,75,000 and incentive dues of Rs.9,33,000 following the termination of his services on 21.09.2018.

4. In the course of the proceedings before the Labour Court, the petitioner filed an interlocutory application seeking to summon the Branch Manager of IDBI Bank, Avinashi Road, Coimbatore, to produce documents relating to bank accounts allegedly opened and operated fraudulently by the respondent in the names of EMN Shipping Line and STV Shipping Line. The petitioner alleged that the respondent, during his tenure, had misappropriated client

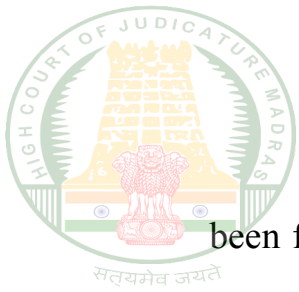


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payments by diverting funds into these accounts, resulting in a loss of Rs.28,00,000 to the company.

5. The Labour Court dismissed the said application on the ground that such allegations of fraud and misappropriation fall outside the limited scope of a proceeding under Section 33-C(2) of the Industrial Disputes Act, which is confined to the computation of pre-existing monetary entitlements. Aggrieved by this, the petitioner has approached this Court seeking to quash the said order and to direct the Labour Court to summon the bank official. The petitioner has also sought a stay of further proceedings in the claim petition pending disposal of the writ petition. When the matter was taken up on 09.03.2021, notice was ordered to the respondent and an interim stay was granted. Thereafter, the matter was adjourned on 08.03.2023 and again on 13.04.2023 to enable the respondent to file a counter affidavit.

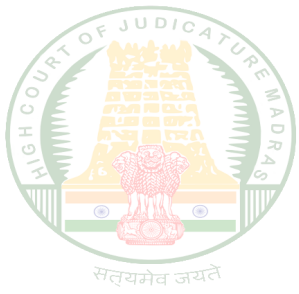
6. This Court is of the view that the impugned order passed by the Labour Court is purely interlocutory in nature, issued in the course of proceedings under Section 33C(2) of the Industrial Disputes Act. The writ petition has



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been filed at a stage where the main petition itself remains pending consideration. With respect to interference under Article 226 against interlocutory orders, the Supreme Court, in its decision in **D.P. Maheshwari v. Delhi Administration**, reported in **1983 (4) SCC 293**, cautioned courts against engaging in unnecessary litigation. The Court held as follows:

“Nor should High Courts in the exercise of their jurisdiction under Art. 226 of the Constitution stop proceedings before a Tribunal so that a preliminary issue may be decided by them. Neither the jurisdiction of the High Court under Art. 226 of the Constitution nor the jurisdiction of this Court under Art. 136 may be allowed to be exploited by those who can well afford to wait to the detriment of those who can ill afford to wait by dragging the latter from Court to Court for adjudication of peripheral issues, avoiding decision on issues more vital to them. Art. 226 and Art. 136 are not meant to be used to break the resistance of workmen in this fashion. Tribunals and Courts who are requested to decide preliminary questions must therefore ask themselves whether such threshold part-adjudication is really necessary and whether it will not lead to other woeful consequences. After all tribunals like Industrial Tribunals are constituted to decide expeditiously special kinds of disputes and their jurisdiction to so decide is not to be stifled by all manner of preliminary objections journeyings up and down. It is also worth while remembering that the nature of the jurisdiction under Art. 226 is supervisory and not appellate while that under Art.136 is primarily supervisory but the Court may exercise all necessary appellate powers to do substantial justice. In the exercise of such jurisdiction neither the High Court nor this Court is required to be too astute to interfere



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with the exercise of jurisdiction by special tribunals at interlocutory stages and on preliminary issues.”

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7. Hence, this Court is not inclined to exercise the writ jurisdiction at this stage. However, it is always open to the petitioner to raise all relevant contentions in the course of the final hearing before the Labour Court, and if aggrieved, to work out their remedies thereafter in the manner known to law. Keeping such objections alive, this Court finds no reason to exercise writ jurisdiction at this stage.

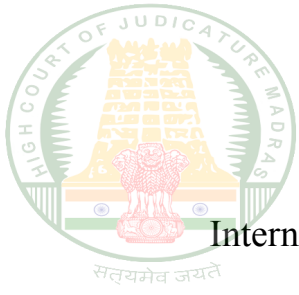
8. In light of the above, the writ petition stands dismissed. However, there shall be no order as to costs. The interim order earlier granted stands vacated and the said petition is dismissed. Following the dismissal of the writ petition, the Labour Court is directed to take up the main C.P. at the earliest and dispose of it expeditiously, in any event, within six months from the date of receipt of this order.

16.04.2025

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NCC : Yes / No

Index : Yes / No



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Internet : Yes / No

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To

The Presiding Officer,
Additional Labour Court, Coimbatore.



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DR. A.D.MARIA CLETE, J

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