

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.29700 of 2017

Elizabeth Victor

.. Petitioner

-vs-

1. The Presiding Officer
Labour Court
Vellore

2. The Nursing Superintendent
CMC Hospital
Idas Scudder Road
Vellore 632 004

.. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records connected with the impugned order dated 30.12.2016 passed by the first respondent in I.D.No.2 of 2016 and to quash the same and further direct the second respondent to reinstate the petitioner into service with back wages, continuity of service and all other attendant benefits thereto.

For Petitioner :: Mr.S.Sivakumar

ORDER

This writ petition has been filed challenging the correctness of the award passed by the Principal Labour Court, Vellore in I.D.No.2 of 2016, in and by which the request of the petitioner to cancel the order of removal from service has been rejected, on the basis that the petitioner herself had categorically admitted during her cross examination that she is ailing from mental sick, for which she had underwent treatment. The award further states that though the petitioner concedes that she is mentally sick, but she deposed that as on date, she had recovered from the above ailment and to ascertain the same, she claims to refer some other doctors other than CMC and hospital to elicit her mental strength. In view of the above admission made by the petitioner that she is mentally ill, the finding of the Labour Court that it is obvious that once the petitioner herself confessed that she being mentally sick, then there is no further discussion warranted to justify the mental attitude of the petitioner to ascertain whether she can be permitted to continue in the profession, cannot be found fault

with. When the petitioner herself failed to justify before the Labour Court that she is physically and mentally fit to take up the job, the finding reached by the Labour Court that she is unfit to be appointed as Staff Nurse is perfectly in order. Therefore, the writ petition is dismissed.

Sd/-
Assistant Registrar(CS-IX)

//True Copy//

Sub Assistant Registrar

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To

1.The Presiding Officer
Principal Labour Court
Vellore.

2. The Nursing Superintendent
CMC Hospital
Idas Scudder Road
Vellore 632 004

+ 1 cc to M/s.Law square, Advocate SR.82579

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GJ(CO)
EU(18/12/2017)

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