



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE G.R. SWAMINATHANW.P. (MD) No. 2570 of 2016andW.M.P (MD) Nos. 2276 of 2016 & 6711 of 2017

GVK Emergency Management and
Research Institute,
Health Visitors Training Institute,
Gandhi Hospital for Women and Children
Chennai - 600 005,
rep. by its Head - HR Mr.R.Ramachandran ... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Tirunelveli.

2.T.Sermugadurai ... Respondents

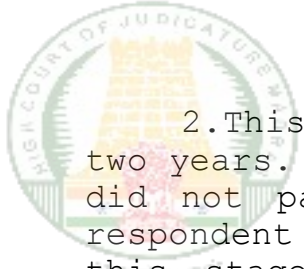
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned award dated 16.06.2015 (received on 07.08.2015) passed by the first respondent in I.D.No.35/2014 and quash the same.

For Petitioner : Mr.M.E.Ilango

For Respondents : Mrs.Padmavathy for R2
R-1 Labour Court

O R D E R

The second respondent was employed as Ambulance Driver. The writ petitioner is running 108 Ambulance Services. The second respondent was not on duty and had taken part in a strike. When the second respondent was away from his duty, an emergency call came and the writ petitioner was not able to attend the same. Viewing the second respondent's conduct seriously, he was dismissed from service by order dated 27.02.2018. The second respondent raised I.D.No.35 of 2014 before the Labour Court, Tirunelveli and the Labour Court, Tirunelveli allowed the said I.D and directed reinstatement of the second respondent with 50% of the back-wages. Assailing the same, the writ petition has been filed by the Management.



2.This writ petition is pending before this Court for more than two years. During the pendency of the writ petition, the Management did not pay last drawn wages. A petition filed by the second respondent under Section 17(b) was not taken up by this Court. At this stage, when the matter was taken up, the learned counsel appearing for the second respondent, on instructions, submitted that the second respondent would not press the claim for back-wages. The learned counsel for the second respondent insisted that the second respondent should be reinstated forthwith without any delay.

3.Since the denial of almost six years of back-wages itself would be a sufficient punishment for the misconduct committed by the second respondent, this Court is of the view that the order of dismissal is harsh. This Court is conscious of the fact that the second respondent was appointed in a very sensitive post namely that of an Ambulance Driver. The second respondent is directed to furnish an affidavit to the Management undertaking not to commit such a misconduct again. If the second respondent furnishes such an undertaking within a period of two weeks, the writ petitioner is directed to comply with the order of the Labour Court, Tirunelveli for reinstatement within four weeks from today.

4.The order of the Labour Court is modified to this extent. The writ petitioner shall reinstate the second respondent in service on or before 20.04.2018. As already pointed out, the reinstatement alone is directed and the second respondent shall not have any benefit of back-wages.

5.With the above direction, this writ petition is partly allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar(AE)

/True copy/

Sub Assistant Registrar

TO

1.The Presiding Officer,
Labour Court,
Tirunelveli.

+1CC TO M/S.M.ELANGO, ADVOCATE, SR NO.58359

W.P. (MD) No.2570 of 2016

and

W.M.P (MD) Nos.2276 of 2016 & 6711 of 2017

26.03.2018

skn

MS/SV-MMS/SAR-1/05.04.2018/2P.3C

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