



WEB COPY



W.A. No.2230 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.08.2023

CORAM:

THE HON'BLE MR. JUSTICE S. VAIDYANATHAN

and

THE HON'BLE MR. JUSTICE K. RAJASEKAR

W.A. No.2230 of 2023

K. Gnanambigai

Appellant

v

1 The Presiding Officer
Labour Court
Puducherry

2 The Managing Director
Aditi Diamonds Private Ltd.
All India Press Compound
Kennady Nagar
P.B. No.77
Puducherry

Respondents

Writ Appeal filed under Clause 15 of the Letters Patent challenging the
order dated 19.11.2019 passed in W.P. No.14381 of 2010.

For appellant
R1

Ms. M. Rajalakshmi
Court

JUDGMENT

(delivered by S. VAIDYANATHAN, J.)

This writ appeal is directed against the order dated 19.11.2019 passed by a
Single Bench of this Court in W.P. No.14381 of 2010.



2 For the sake of convenience and clarity, the appellant, the first respondent and the second respondent will be adverted to as the employee, the Labour Court and the Company, respectively.

3 The brief facts leading to the institution of this writ appeal are as under:

3.1 The employee was working in the Company, which is involved in the business of polishing diamonds, as a Junior Supervisor in the Bottom Section. On the ground of misconduct involving moral turpitude, *i.e.*, she was compelling one Senior Supervisor to marry her and she even went to the house of the said person by jumping the compound wall of his house, after following the due procedure such as issuance of suspension order, issuance of show cause notice, consideration of her reply therefor and conduct of domestic enquiry, the employee was terminated from service *vide* order dated 15.09.2004.

3.2 In the industrial dispute raised by her challenging her termination, the Labour Court, *vide* award dated 24.12.2009, finding *inter alia* that the Company did not follow the principles of natural justice in the conduct of enquiry, ordered reinstatement of the employee with full backwages and other monetary benefits.



3.3 Aggrieved, the Company preferred a writ petition being W.P.No.14381 of 2010, in which, the Single Bench, *vide* order dated 19.11.2019, finding that the employee had admitted her guilt in the enquiry, set aside the award of reinstatement passed by the Labour Court and allowed the writ petition, challenging which, this writ appeal has been preferred by the employee.

4 Heard Ms. M. Rajalakshmi, learned counsel for the employee. Since no order adverse to the interest of the Company is going to be passed by us, we have not ordered notice to the Company.

5 The main contention of the employee is that the enquiry was not conducted in a fair and proper manner and none was examined. Be it noted, the case being one involving moral turpitude and given the fact that nearly 60% of the staff strength of the Company constitute women, the entire enquiry was conducted in camera and during enquiry, the employee had admitted her guilt in the presence of witnesses, as has been observed by the Single Bench in paragraph 33 of its order. Superadded, in the opinion of this Court, the Single Bench, in paragraph 29 of its order, has rightly held that when the employee herself has admitted the charges in the enquiry, conduct of an elaborate enquiry will only be an empty formality. In this context, apropos would it be to refer to the judgment

of the Supreme Court in **Dharmarathmakara Raibahadur Arcot Ramaswamy**



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Mudaliar Educational Institution v Educational Appellate Tribunal and

another¹, wherein, it was unequivocally held that admission of guilt alone is sufficient for imposition of punishment and a detailed enquiry is not required.

6 In view of the above discussion, we are of the opinion that the employee is not entitled to the relief of reinstatement as awarded by the Labour Court and accordingly, we confirm the order impugned passed by the Single Bench.

In the result, this writ appeal fails and is accordingly dismissed, however, sans costs.

(S.V.N., J.) (K.R.S., J.)
22.08.2023

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Labour Court
Puducherry



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