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WA. 3539 of 2024



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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-12-2024

CORAM

**THE HONOURABLE MR JUSTICE R. SUBRAMANIAN AND THE
HONOURABLE MR.JUSTICE C.KUMARAPPAN**

WA. 3539 of 2024

and

C.M.P.No.27451 of 2024

D.ABEL DHANASINGH S/O. DEVAMUTHU,
KODUKANTHANGAL VILLAGE, VINNAMPALLI POST, KATPADI
TALUK

APPELLANT(S)

Vs

TEH PRESIDING OFFICER PRINCIPAL LABOUR COURT,
VELLORE AND ANOTHER

RESPONDENT(S)

For Appellant(s): M/s.M.Kaviya for

ISAAC CHAMBERS H.MARY SOWMI REXI T.HARI
GOPALAN P.JOHN GEO J AKASH K.KIRUBA

For Respondent(s):

M/s.Sanjay Mohan for Mr.S.Shivathanu Mohan for

M/S RAMASUBRAMANIAM FOR R2

ORDER

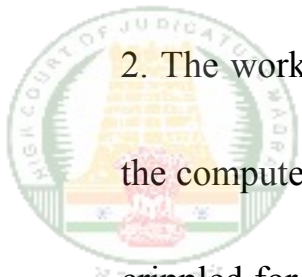
(Order of the Court was made by the Mr.Hon'ble R. Subramanian J)

Challenge in the Writ Appeal is to the order of the Writ Court, dismissing the Writ Petition in

W.P.No.13050 of 2010. Challenge in the Writ Petition was to the order of the Labour Court,

Vellore dated 23.12.2009.

<https://www.mhc.tn.gov.in/judis>



2. The workman, who was working in the respondent Hospital was charged with entering the computer network of the Hospital, resulting in the entire functioning of the Hospital being

crippled for one whole day. A charge memo was issued, charging the appellant workman for preventing the technical person from restoring the computer system and abusing him for entering the server room.

3. Before the Enquiry Officer, two Doctors attached to the Hospital were examined and the Labour Court found that the charges has proved, apart from concluding that the enquiry was conducted in accordance with the principles of natural justice. The Labour Court however, took a lenient view and invoking its powers under Section 11-A of the Act, directed payment of compensation of Rs.1,03,545/- while confirming the removal from service. Aggrieved, the appellant preferred W.P.No.13050 of 2010. The Writ Court upheld the findings of the Labour Court and dismissed the Writ Petition leading to this appeal.

4. We have heard Ms.M.Kaviya, learned counsel for the appellant and Mr.Sanjay Mohan, learned counsel for the 2nd respondent Management.

5. Ms.M.Kaviya, learned counsel for the appellant would vehemently contend that the appellant was in no way responsible for the failure of the computer system and the charges were not proved properly.



6. Contending contra, Mr.Sanjay Mohan, learned counsel for the 2nd respondent

Management would submit that two Doctors have deposed against the workman and the

Labour Court has rendered a specific finding that the enquiry was fair and proper. The

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Labour Court also observed that nothing has been suggested by the appellant to conclude that the Doctors' testimony is not to be believed. The learned counsel for the 2nd respondent would also point out that the law is settled to the effect that a Writ Court exercising jurisdiction under Article 226, cannot interfere with the factual findings of the Labour Court unless they are shown to be perverse. The Writ Court has accepted the findings of the Labour Court.

7. We have also been taken through the findings of the Labour Court which demonstrates that the Labour Court has gone by the evidence on record to conclude that the enquiry has been fair and proper and that the guilt has been made out. The Labour Court has also invoked Section 11-A to award a compensation based on the last drawn salary of the appellant / worker.

8. In response to our suggestion that the monetary compensation fixed by the Labour Court should be enhanced, Mr.Sanjay Mohan, learned counsel for the 2nd respondent would fairly concede that the Management is ready to pay a further sum of Rs.1,00,000/-, apart from what has been awarded by the Labour Court. It is also stated that the compensation awarded by the



Labour Court has been paid and has been drawn by the appellant. Hence, we see 1 to entertain the Writ Appeal. This Writ Appeal fails and it is accordingly, dismissed. No costs.

Consequently, connected miscellaneous petition is closed. There will be a direction to the 2nd respondent Management to pay a further sum of Rs.1,00,000/- to the appellant. The said sum of Rs.1,00,000/- shall be paid within a period of eight weeks from the date of receipt of a copy of this order.

(R. SUBRAMANIAN J.) (C.KUMARAPPAN J.)

10-12-2024

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To

1. TEH PRESIDING OFFICER PRINCIPAL LABOUR COURT,
VELLORE

2. THE MEDICIAL SUPERINTENDENT MS OFFICE, CMC HOSPITAL VELLORE.