



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.10.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.32314 of 2024 and
W.M.P.No.35097 of 2024

The Registrar,
SRM University,
Potheri,
Kattankulathur,
Kancheepuram District 603 203.

Petitioner

...

Vs.

K.Chitra,
C-8, T.T.T.I Staff Quarters,
Gandhi Mandapam Salai,
Engineering College Post,
Chennai 600 025.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records passed in I.D.No.648 of 2018 passed by the Labour Court, Kancheepuram and quash the award dated 29.02.2024 read with order dated 19.06.2015 in I.A.No.96 of 2014 in I.D.No.57 of 2008, Labour Court, Chennai (Subsequently numbered as I.D.No.648 of 2018) along with the order dated 20.04.2022 in I.D.No.648 of 2018.

For Petitioner

:

Mr.J.Srinivasa Mohan for
M/s.TVJ Associates



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ORDER

This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records passed in I.D.No.648 of 2018 dated 29.02.2024 passed by the Labour Court, Kancheepuram and quash the same.

2. Heard Mr.J.Srinivasa Mohan, learned counsel for the petitioner and perused the materials available on record.

3. The award of the Labour Court has been passed on an industrial dispute raised by the respondent on the allegation that she has been terminated from service illegally. The argument advanced by the petitioner before the Labour Court was that the respondent has been simply discharged and it was not due to any proved misconduct; there cannot be any grievance for the respondent as the discharge does not attach any stigma.

4. No doubt, the respondent has been working as a Lab Assistant in the petitioner University and she is a regular employee. The learned counsel for the petitioner submitted that the order of discharge came to be passed in view of the report submitted by the Enquiry Committee as the respondent



and another Lab Assistant have committed some misconduct which vitiated the atmosphere of the University and it caused embarrassment and discomfort to the fellow employees. Basing upon the report of the Committee, the respondent was discharged from service. The respondent has challenged the above order by alleging that the order of termination from service has been issued without complying the principles of natural justice and without proceeding the enquiry in a proper manner as it used to be conducted in any disciplinary action.

5. The learned counsel for the petitioner further submitted that the University did not think it fit even to conduct any disciplinary enquiry as the conduct of the respondent was very much embarrassing and the University thought it fit to discharge her from service without embarrassment or stigma.

6. Whatever may be the intention of the petitioner University, the fact remains that the order of discharge would terminate the service of the respondent. An order which brought an end to the service of the respondent has been given without even giving any opportunity to the respondent to make her defence. Had the charges have been framed on the basis of the



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report submitted by the Committee or on the basis of any other allegations, it would have been possible for the respondent to offer her explanation. Depending upon the merits of the explanation, the University would have thought it fit either to initiate disciplinary action or to drop further action. None of the above procedure has been followed in the present case and the respondent has been straight away discharged from service.

7. Even the Special committee is not an Internal Committee constituted under the POSH Act, because the respondent did not make any complaint. Hence, the Special Committee which was constituted to make some enquiries, cannot be considered as an enquiring authority and it can only be a fact finding committee in respect of certain allegations. In the absence of any reasons for justifying the termination or in the absence of adopting any fair procedure in accordance with the rules governing the service conditions of the petitioner's employees, it is right on the part of the Labour Court to arrive at a conclusion that the order of termination is illegal.



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8. In view of the reasons stated above, I find no merit on the grounds raised by the petitioner. Consequently, this Writ Petition is dismissed. No costs. The connected miscellaneous petition is closed.

30.10.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

gsk

To

The Labour Court,

Kancheepuram.



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R.N.MANJULA, J.

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