



W.P.Nos.22324 and 22325 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.22324 and 22325 of 2011

And

M.P.Nos.1 and 2 of 2011

The Management of Ramana
Maharishi Rangammal Hospital,
Rep. by its Managing Director,
Shiva Nagar, Athiyangal Village,
Sri Ramanasram Post,
Thiruvannamalai – 606 603. ... Petitioner in both the W.Ps.

Vs.

- | | |
|--|----------------------------------|
| 1.The Presiding Officer,
Additional Labour Court,
Vellore – 9. | ... Respondent in both the W.Ps. |
| 2.N.G.Thiyagarajan | ... Respondent in W.P.22324/2011 |
| 2.D.Mahiban Zebanesan | ... Respondent in W.P.22325/2011 |

Common Prayer:

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Certiorari after calling for the records relating to the award of the first respondent Labour Court dated 08.06.2011 passed in I.D.Nos.173 and 172 of 2008 respectively which is filed and marked as Exhibit – A and order dated 13.10.2009 and 24.09.2009 respectively, passed in Memo in I.D.Nos.173 and 172 of 2008 respectively and to quash the same.



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For Petitioner : Mr.V.Govardhanan
for M/s.Row and Reddy
in both the W.Ps.

For Respondents : R1 – Court
R2 – No Appearance
in both the W.Ps.

COMMON ORDER

The writ petitions have been filed seeking issuance of Writ of Certiorari calling for the records relating to the award of the first respondent Labour Court dated 08.06.2011 passed in I.D.Nos.173 and 172 of 2008 respectively which is filed and marked as Exhibit – A and order dated 13.10.2009 and 24.09.2009 respectively, passed in Memo in I.D.Nos.173 and 172 of 2008 respectively and to quash the same.

2.Since the issue involved in these writ petitions are interrelated, they are heard together and disposed of by way of a common order.

3.The facts of the case in brief is that the respective second respondent were appointed as Clerk and Assistant Store Keeper during the years 2004 and 1995 respectively and they are the General Secretary and President of Ramana Maharishi Rangammal Hospital Labour Union and the Union raised charter of general demands, which



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led to termination from service and challenging the same, the respective second respondent raised industrial dispute before the first respondent and the first respondent passed the impugned order directing the petitioner to reinstate the respective second respondent in service with full back wages, continuity of service and all other attendant benefits and the first respondent also observed that the petitioner can deduct the wages already paid to the respective second respondent. Aggrieved by the same, the petitioner has filed these writ petitions.

4.Before the first respondent, the petitioner took the defence that the respective second respondent sent email dated 01.11.2006 from email ID: thiyagu rajan to one of the Trustees of England Mr.John Faulkner to his email ID: jmfaulkner @ ntlworld.com containing various serious allegations which were blatantly false and scandalous. Mr.Faulkner forwarded the email with its attachment to the Founder and Managing Director of the Hospital Ms.Sylvia Wright to her email ID on 08.11.2006. Thereafter, the respective second respondent were called were enquired about the contents of the email and they admitted that they had sent it and they orally promised that they



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would send another email to Mr.Faulkner admitting their misconduct and clarify their position, however, they failed to do so and hence show cause notice dated 30.12.2006 were issued to them and thereafter the respective second respondent were terminated from service on 15.03.2007.

5.The learned counsel appearing for the petitioner submitted that the respective second respondent are the General Secretary and President of Ramana Maharishi Rangammal Hospital Labour Union and without any material, they falsely sent email to one Mr.John Faulkner, due to which, the reputation of the petitioner got spoiled in a foreign country and on enquiry, they also admitted the said fact. Hence, they were terminated from service, however, the first respondent passed the impugned order, which is not sustainable one.

6.Though the name of the respective second respondent were printed in the cause list, there is no representation. Considering the pendency of the writ petition, this Court is inclined to proceed with the case and decide the same based on the materials available on record.



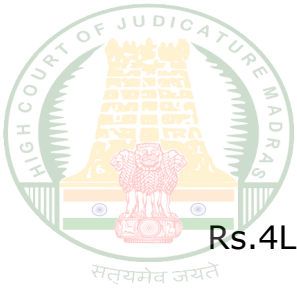
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7.The respective second respondent were appointed as Clerk and Assistant Store Keeper in the petitioner Management during the years 2004 and 1995 respectively, and they were terminated from service on 15.03.2007. Admittedly, they have rendered service for a period of nearly 3 years and 12 years. Merely because they sent email to one Mr.John Faulkner, a citizen of England, the reputation of the petitioner will not come down. Even assuming that there are some allegation made against the petitioner, the petitioner Management has to rectify the same and the order of dismissal from service is too harsh, thereby, the first respondent ordered reinstatement.

8.However, the impugned order was passed in the year 2011 and the respondent second respondent might have now reached the age of superannuation. Hence, considering the service rendered by the respective second respondent, this Court is of the opinion that a sum of Rs.4 Lakhs + gratuity and Rs.8 Lakhs + gratuity respectively, would be a justifiable compensation to the respective second respondent.

9.The petitioner Management is directed to pay a sum of



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Rs.4Lakhs + gratuity in full quit to the second respondent in W.P.No.22324 of 2011 and a sum of Rs.8 Lakhs + gratuity in full quit to the second respondent in W.P.No.22325 of 2011, within a period of twelve weeks from the date of receipt of a copy of this order, failing which, the petitioner Management would be liable to pay interest at the rate of 7.5% p.a., from the date of writ petitions till the date of actual payment.

10.The writ petitions are disposed of in the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

26.02.2025

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Index: Yes/ No
Speaking Order: Yes/ No
NCC: Yes/ No

To

1.The Presiding Officer,
Additional Labour Court,
Vellore – 9.



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M.DHANDAPANI,J.
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