



W.P.Nos.2119 & 7094 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.03.2025

CORAM

THE HONOURABLE MR.JUSTICE **M.DHANDAPANI**

W.P.Nos.2119 & 7094 of 2015

W.P.No.2119 of 2015:

The Management of M/s. Madras School of Social Work,
No.32, Casa Major Road, Egmore,
Chennai – 600 008.

Rep. by its Honorary Secretary.

...Petitioner

Vs.

1. The Presiding Officer,
I Additional Labour Court,
Chennai – 104.

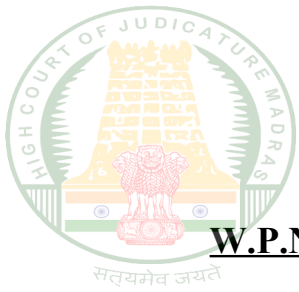
2. Pushparaj

...Respondents

Petition filed under Article 226 of the Constitution of India
praying for the issuance of Writ of Certiorari to call for the records
connected with I.D.No.69 of 2012 and quash the award dated 04.09.2014
made therein by the 1st respondent, I Addl. Labour Court, Chennai.

For Petitioner : Mr.C.Manohar Gupta
for M/s. Gupta & Ravi

For Respondents : R1 – Court
Mr.S.Ravi, for R2



W.P.Nos.2119 & 7094 of 2015

W.P.No.7094 of 2015:

WEB COM S.Pushparaj

...Petitioner

Vs.

1. The Presiding Officer,
I Additional Labour Court,
Chennai - 104

2. The Management of
M/s.The Madras School of Social Works,
No.32, Casa Major Road, Egmore,
Chennai – 600 008.

...Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Certiorarified Mandamus calling records from the 1st respondent relating to the impugned award dated 04.09.2014 in I.D.No.69 of 2012 and quash only that portion of the award denying reinstatement with continuity of service, 25% back wages and all other attendant benefits and awarding compensation of 75% of back wages from September 2010 to till the date of award in lieu of reinstatement and direct the 2nd respondent to reinstatement the petitioner in service with full back wages, continuity of service and other attendant service benefits and award cost.

For Petitioner : Mr.S.Ravi

For Respondents : R1 – Court
Mr.C.Manohar Gupta
for M/s. Gupta & Ravi, for R2



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COMMON ORDER

WEB COPY Since the issue involved in both the Writ petitions are similar in nature, they are disposed of by way of this common order.

2. Challenging the award dated 04.09.2014 made in I.D.No.69 of 2012 passed by the 1st respondent Labour Court these two Writ Petitions are filed, one by the employee seeking reinstatement with continuity of service along with back wages and other attendant benefits and another by the management seeking to quash the awarding of compensation.

3. For brevity, the petitioner in W.P.No.7094 of 2015 is hereinafter referred to as the workman and the petitioner in W.P.No.2119 of 2015 is hereinafter referred to as the management.

4. The Brief facts which led to filing of these Writ petitions are as follows:-

The employee was working as a Clerical assistant in the management institution from 1999 onwards. It is the case of the management that they received an anonymous letter from one Durairaj alleging certain irregularities in the admission of students in the



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institution, however, the management did not respond to the said letter.

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While so, the employee took up the cause of the said Durairaj and requested for information under RTI on the progress of the complaint. It is stated that the workman made the complaint public and brought disrepute to the institution. The management, therefore, issued a charge memo to the workman containing four charges, for which, though the employee submitted his explanation, as the same was not satisfactory, domestic inquiry was ordered and after affording opportunities to the employee, the Enquiry Officer submitted a report stating that the charges stood proved and thereby, the employee was ultimately dismissed from service. Challenging the said dismissal, the employee raised an industrial dispute before the Labor Court in ID.No.69 of 2012 and the Labor Court, on analysis of the evidence, both oral and documentary, vide impugned order dated 04.09.2012, ultimately arrived at a finding that the domestic enquiry was not conducted in a proper manner and therefore set aside the said order of dismissal. However, the Labor court did not order reinstatement of the employee, but directed the management to pay 75% of the back wages as compensation calculating from September 2010 till the date of the award as one lump sum payment. Challenging the same, the present Writ Petitions are filed with the prayers stated as above.



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5. Learned counsel appearing on behalf of the employee submitted that once the Labour Court has arrived at a finding that the domestic enquiry was not conducted in a free and fair manner and the decision was made based on inference and preponderance of probabilities, the Labour Court ought to have ordered for reinstatement of the employee. Further, the management has not proved that the author of the letter under the name Durairaj was indeed the employee and no oral or documentary evidence has been let in by the management to show that the employee was behind the said letter. Learned counsel also submitted that, the employee is aged around 44 years at present and he is without steady job. Learned counsel further submitted that the employee did not attempt to become a whistle blower. Therefore, the learned counsel prayed this Court to order reinstatement with continuity of service, back wages and other attendant benefits.

6. Per Contra, the learned counsel appearing on behalf of the management submitted that the employee always developed a grudge against the authorities of the institution. Learned counsel further submitted that the employee faced an interview for promotion in the institution, however, as he was not success, the employee developed a



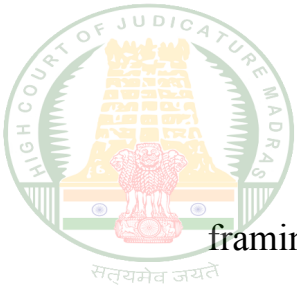
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feeling that the principles of the institution was behind his rejection in the interview. Learned counsel also submitted that the letter sent in the name of Durairaj was actually the handi work of the employee. Learned counsel further submitted that while denying reinstatement, the Labour Court ought not to have ordered for any compensation. Therefore, the learned counsel submitted that the said order of the Labour Court needs interference by this court.

7. Heard learned counsel on either side and perused the materials available on record.

8. The management received a letter in the name of one Durairaj seeking for certain information about the admission procedure followed by the institution. Since it was more in the form of an anonymous letter, the institution brushed aside the same. However, the employee developed an unusual interest in the matter and even went to the extent of seeking information about the reply or action taken in respect of the letter sent by the said Durairaj. This incident along with the other activities of the employee made the institution to suspect that the employee was behind the letter written in the name of the said Durairaj. This resulted in



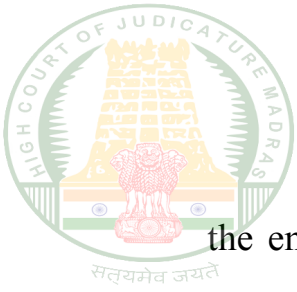
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framing of charges and subsequent domestic enquiry and the employee

WEB COPY was finally dismissed from service.

9. In the award, the Labour Court has rightly held that the management has failed to satisfactorily prove that the employee was behind the said letter or that he had defamed the institution before the public and the Enquiry officer has arrived at the finding purely based on inference and preponderance of probabilities. Thereby, the Tribunal has rightly set aside the order of dismissal passed by the management as against the employee and the same needs no interference.

10. Insofar as the Writ petition in W.P.No.7094 of 2015 is concerned, the employee seeks reinstatement and other connected benefits. As rightly observed by the Labour Court, all is not well between the employee and the management. The relationship has already strained and the mutual mistrust has developed. Further, the management is an education institution and if an unwilling employee and an unwilling management are made to work together, there will not be conducive atmosphere and the ultimate losers will be the students studying in the institution. Therefore, the order of the Labour Court refusing to reinstate



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the employee is sustained and the direction of the Labour Court to the management to pay 75% back wages for the period September 2010 till the date of award is also justified and the same is sustained.

11. In the result, both the Writ Petitions are dismissed. The management is directed to honour the directions as contained in the impugned award of the Labor Court dated 04.09.2014 made in ID.No.69 of 2012 and pay the said amount in favour of the workman within a period of four weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

03.03.2025

skt

NCC : Yes / No
Index : Yes / No
Speaking order : Yes / No

To:

The Presiding Officer,
First Additional Labour Court,
Chennai.



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M.DHANDAPANI, J.

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