



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

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THE HON'BLE MR. JUSTICE M.DHANDAPANI

W.P. No.2832 of 2012

S.Manidasan

... Petitioner

-VS-

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

**2. The Management of V.H.S. Hospital,
Tharamani, Chennai-113.**

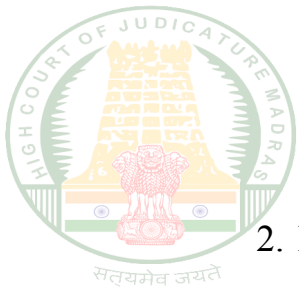
... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorarified Mandamus, calling for he records relating to the award dated 05.08.2010 of the first respondent passed in ID. No.657 of 2003 quash the award and consequently direct the second respondent to reinstatement with continuity of service, back wages and other attendant benefits with award costs.

For Petitioner	:	Mr.S.T.Varadarajulu
For Respondents	:	Mr.Sairaj
		For M/s.Sairaj Associates R2
		R1 - Court

ORDER

The writ petition has been filed seeking to quash the award dated 05.08.2010 of the first respondent passed in ID. No.657 of 2003 award and consequently direct the second respondent to reinstate the petitioner with continuity of service, back wages and other attendant benefits.



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2. It is the case of the petitioner that he was appointed as worker in the respondent hospital on 01.03.1985. During the year 1987, he joined as a member in VHS. Maruthuva Mani Anna Thozhil Sangam which is registered under Trade Union Act. Subsequently, the petitioner was elected as General Secretary during the year 1987. The petitioner had approached the management to provide legitimate facilities to the hospital workers, for which, a strike was launched. Hence, the management has issued charge memo on 11.07.2003 and directed to submit his explanation. The petitioner submitted his explanation on the next day itself, but, the management has served dismissal order without conducting any enquiry. Therefore, the petitioner raised an Industrial dispute under Section 2A(2) of the Industrial Dispute Act 1947 and the same was taken on file in ID. No.657/2003 before the III Additional Labour Court, Chennai and the same was dismissed. Challenging the said order, the present writ petition has been filed.

3. The learned counsel for the petitioner submitted that no charge memo was issued and no enquiry was conducted by the Management and the Labour Court has failed to see that without complying mandatory procedure, the Management has dismissed the petitioner from service, which is not sustainable and against the law. Hence, the learned counsel seeks to quash the impugned



order and allow the writ petition.

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4. The learned counsel for the first respondent submitted that admittedly, the petitioner was working with the respondent Management for 15 years and he caused damage on the prestige and reputation of the hospital. Hence, the management issued charge memo and he was dismissed from service. Hence, this Court may dismissed the writ petition.

5. Heard the learned counsel for the petitioner and the learned counsel for the second respondent and perused the materials available on records.

6. The facts of the case are not in dispute. Admittedly, the petitioner was appointed as worker in the respondent hospital and he has rendered 15 years of service. It is an equally undisputed fact that the petitioner has conducted strike as against the respondent. Hence, the respondent issued charge memo and sought explanation. However, without conducting enquiry, the petitioner was dismissed from service.

7. According to the respondent, the petitioner has caused damage to the reputation of the name of the hospital.

8. A perusal of the award passed by the Labour Court, shows that the



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petitioner has not given explanation for the charge memo within the time limit and hence, the Management has dismissed the petitioner. However, without conducting enquiry, the petitioner was dismissed from service after rendering 15 years of service. The punishment to the petitioner is too high and this Court is inclined to modify the same.

9. At this stage, the petitioner has attained superannuation and there is no question about reinstatement. Considering the facts and circumstances of the case and in order to quietus the issue, this Court modifies the award passed by the first respondent and directs the second respondent Management to pay a sum of Rs.2,00,000/- as full quit to the petitioner within a period of four weeks from the date of receipt of a copy of this order.

10. With the above modification, the writ petition is disposed of. Consequently, connected miscellaneous petition is closed. No costs.

05.02.2025

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Index: Yes/No

NCS : Yes/No

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The Presiding Officer,
III Additional Labour Court,
Chennai-104.



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M.DHANDAPANI, J.

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