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W.P.Nos.10211 and 10212 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :07.07.2025

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THE HONOURABLE Ms. JUSTICE P.T. ASHA

W.P.Nos.10211 and 10212 of 2023

and

W.M.P.Nos.10222 and 10224 of 2023

and W.M.P.No.26180 of 2024

National Institute of Technical Teachers' Training & Research
Represented by its Director,
Ministry of Education,
Government of India,
Taramani,
Chennai – 600 113.

... Petitioner in both W.Ps

vs-

M. Jayagopi

...Respondents in both W.Ps

Prayer in W.P.No.10211 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to order dated 18.10.2022 in C.P.No.23 of 2021 on the file of the III Additional Labour Court, Chennai and quash the same.

Prayer in W.P.No.10212 of 2023: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to Award dated 06.12.2019 in I.D.No.34/2004 on the file of the III Additional Labour Court, Chennai and quash the same.



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For Petitioner

: M/s. A.L. Gandhimathi,
Senior Counsel for
Mr. L. Palani Muthu

For Respondent

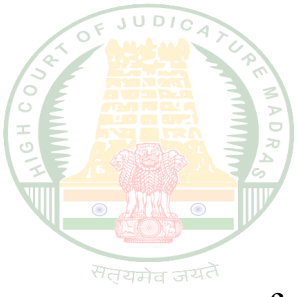
: Mr.S.T.Varadarajulu

COMMON ORDER

Challenging the orders passed by the III Additional Labour Court, Chennai in C.P.No.23 of 2021 dated 18.10.2022 and I.D.No.34 of 2004 dated 06.12.2019, the respondent is before this Court.

2. I.D.No.34 of 2004 was filed under Section 2(A)2 of the Industrial Disputes Act, 1947 (hereinafter called the Act) requesting the Court to set aside the termination order dated 31.10.1997 as illegal and to direct the respondent/Management to reinstate the petitioner to duty with continuity of service, back wages and all other attendant benefits with effect from 19.12.1995.

3. Claim Petition No.23 of 2021 was filed under Section 33 C(2) of the I.D Act to compute the money value of the benefits at Rs.26,42,479/- with interest at 18% per annum towards the due and back wages.



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4. The facts are herein below set out briefly and the parties are referred to in the same ranking as before the trial Court.

The petitioner had joined the services of the respondent on 18.05.1990 as a Security Guard. The petitioner was elected as an Executive Committee Member in the TTTI (Chennai) Employees Association where he was actively participating in exposing the maladministration and corrupt activities of the respondent. Thereafter, on 19.12.1995, he was temporarily suspended by an unauthorised person who did not have authority to do so and a charge sheet was issued on 11.01.1996 stating that the petitioner had damaged a glass worth of Rs.7,000/- on 17.12.1995. The petitioner had submitted his explanation and not being satisfied with the same, the respondent had ordered a domestic enquiry which was conducted in an unfair and biased manner. Ultimately, the petitioner was dismissed from service by awarding the maximum punishment. The appeal and revision petitions filed by the petitioner before the respondent were also in vain. Thereafter, the petitioner had filed a petition before the Conciliation Officer, who had filed a Failure Report. Therefore, the petitioner has come forward to file this writ petition.



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5. The respondent had filed a counter, *inter-alia*, contending that the very Association of which the petitioner was a Member was formed primarily to blackmail the management with ulterior motives and the Association was not recognized by the respondent. The petitioner was charge sheeted for certain grave misconduct and placed under suspension. The enquiry was conducted in a fair and proper manner and the petitioner was given a reasonable opportunity to defend himself. They had also raised the contention that the claim filed after 7 long years was stale and therefore liable to be dismissed. The petitioner had filed W.P.No.6190 of 2022 before this Court challenging the order of removal and therefore, the I.D is not maintainable. Since he was removed from service for grave misconduct which has been proved in the domestic enquiry, the same did not require any interference.

6. Initially, the petitioner had challenged the fairness of the domestic enquiry which was taken up as a preliminary issue and the same was adjudicated by holding that the domestic enquiry was not conducted in accordance with Rule 14(18) of the CCS (CCA) Rules . Therefore, they sought for dismissal of the petition.



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7. The III Additional Labour Court, Chennai had framed the following points for consideration:

- 1. Whether the charges on this petitioner were proved by the respondents before this Court?*
- 2. If not, whether the punishment of dismissal has to be set aside as claimed by the petitioner?*
- 3. If so, whether the punishment of dismissal is proportionate to the charges levelled on the petitioner?*
- 4. Whether the petitioner is entitled for the relief of reinstatement, back wages and all other attendant benefits?*
- 5. What are all the other benefits for which the petitioner is entitled?*

8. It appears that the respondent-Management had filed I.A.No.47 of 2017 seeking adjudication of the maintainability of the I.D as a preliminary issue. The said issue was decided against the respondent-



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Management and the same has not been canvassed in this writ petition.

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9. Ms.AL.Gandhimathi, learned senior counsel appearing on behalf of the respondent-Management would submit that the petitioner had committed the grave misconduct of pelting stones in an inebriated state thereby causing not only loss to the property of the respondent but also bringing down the image of the institution. She would further argue that the petitioner was given an adequate opportunity in the domestic enquiry and after hearing the parties and perusing the evidence, the Enquiry Officer found the petitioner guilty of the charges and therefore, the Labour Court has exceeded its jurisdiction inasmuch as it has not taken into consideration the evidence from the correct perspective. Therefore, she would pray that this writ petition be allowed.

10. Per contra, Mr.S.T.Varadarajulu, learned counsel for the workman would submit that M.W2, who was shown as an eyewitness, has retracted his statement during cross examination that he had seen the petitioner pelting the stones. He would submit that the Labour Court



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has in *extenso* considered the evidence on record and come to the conclusion that the alleged misconduct has not been proved and consequently allowed the petition. He would further submit that there is no necessity to revisit the evidence once again particularly by this Court while exercising its jurisdiction under Article 226 of the Constitution of India and sought for a dismissal of the writ petition.

11. Heard the learned counsels on either side and perused the materials available on record.

12. The charges that have been framed against the petitioner are as follows:

Article-I

That the said Shri M. Jayagobi, while functioning as 'Watchman' in Technical Teachers Training Institute, Madras 113, during the period from 03.05.1993 to 17.12.1995, has committed grave misconduct on 17.12.1995, by pelting stones and breaking the glass doors of the Main Entrance of the Computer Centre and Window glass panes of the Room of Assistant Engineer (Civil), with deliberate intention of causing damage to the Institute property (to the extent of Rs.7,000/=



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approximately) and disturbance in the Campus.

Article II

That the said Shri M Jayagobi, while functioning as 'Watchman' in Technical Teachers Training Institute Madras, during the period from 03.05.1993 to 11.12.1995, has committed grave misconduct by sleeping on duty, by not attending to his duties on time and by absconding from his duty place without prior permission of his superiors.

By the above acts, Shri M Jayagobi has failed to maintain devotion for duty and exhibited a conduct which is highly unbecoming of a Watchman of the Institute, in violation of Rule 3 (1) (ii) and 3 (1) (iii) of CCS (Conduct) Rules, 1964, and rendered himself liable for disciplinary action.

12. To prove the allegation regarding the 1st Article of Charge, the Management has examined one Kanagavel as M.W1, Mani as M.W2 and Gowthamaraja as M.W3. The contention of the respondent-Management was that the petitioner, in a highly intoxicated state, has started pelting stones at the glass doors near the main gate of the computer centre and also at the glass panes of the windows of the



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Assistant Engineer (Civil) Room. The allegation is that the incident took place at 2.00pm, but how one person could be present at two places at the same time has not been explained. The witness who has been examined to prove the incident is M.W2, E. Mani. M.W2 would state that while he and G.Manikam were on duty, near the main gate at around 4:45pm they heard the sound of the glass pane near the A.E.Civil Engineer's room breaking and when they rushed there, they saw the respondent breaking the glass pane and that he was in an intoxicated state. Since he was in an intoxicated state, they moved him outside the gate and informed the Sergeant. Thereafter, the Sergeant came and later, the Principal of the Institute and P.A to Principal came and inspected the damaged windows. The witnesses have also contended that another Watchman, Kumar was also present at the scene of occurrence in an inebriated state and had been working alongside the petitioner. In fact, both M.W1 and M.W2 would submit that when they took charge at 2.00pm they gone down and found that everything was in order. MW2 has however deposed that the main gate is located at the OMR road and a rotating gate is near the post office. He has further deposed that while standing at the main gate no sound from the



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conference room can be heard on the place seen. He was further unable to depose as to which of the watchman was on duty at the main gate. He has also deposed that he did not see any person near the place of occurrence prior to the occurrence. The Labour Court has further held that the non-examination of Manikam the other witness particularly considering the discrepancies in the evidence of M.W1 and M.W2 was unfortunate. Therefore, the incident dated 17.12.1995 has not been proved . The Labour Court has taken into consideration the discrepancies in the evidence of the witnesses and also the admissions of M.W2 which casts doubt on the authenticity of the deposition of M.W1 and M.W2. The said Kumar (Watchman), who was working in the same shift with the petitioner has also not been examined. Therefore, I see no reason to interfere with the finding of the Labour Court.

1. With reference to the 2nd Article of charge the Labour Court has rightly held that for none of these incidents action has been

2. initiated against the petitioner except for issuing notices.

Therefore the rejection of the 2nd Article charge by the Labour Court is justified.



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14. In the light of the fact that W.P.No.10212 of 2023 has been dismissed and taking into account the fact that there is no serious grounds of challenge has been against to the Claim Petition in question, W.P.No.10211 of 2023 is also dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

07.07.2025

Index: Yes/No

Speaking order/non-speaking order

Neutral Citation: Yes/No

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