



W.P.No.9858 of 2015

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.9858 of 2015
and M.P.No.1 of 2015**

K.Nallathambi

... Petitioner

Vs.

1. The Presiding Officer,
II Additional Labour Court,
Chennai.

2.The Management of Madras Club,
No.8, Adyar Club Gate Road,
Raja Annamalaipuram,
Chennai-600 028.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records of the first respondent in I.D.No.399 of 2005 and quash the portion of its award dated 20.12.2013 and consequently, direct the second



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respondent to reinstate him in service with continuity of service and pay full backwages and all other attendant benefits.

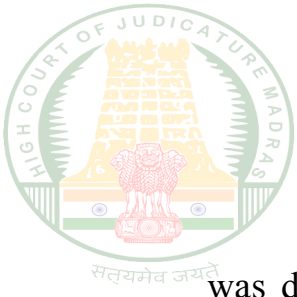
For Petitioner : Mr.K.Dhanapalan
for M/s.T.Fennwalter Associates

For Respondents : Mr.Anand Gopalan
for M/s.AGAM Legal for R2
R1-Court

ORDER

This Writ Petition has been filed by the petitioner/employee against the order dated 20.12.2013 passed in I.D.No.399 of 2005 by the first respondent and to direct the second respondent to reinstate him in service with continuity of service and pay full backwages and all other attendant benefits.

2. Due to personal dispute between the petitioner and one Dennis Rice, there happened clash between them and the second respondent Management initiated disciplinary proceedings against the petitioner. On enquiry, it was found that the charges were proved and that the petitioner



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was dismissed from service on 04.01.2005 and against the said dismissal order, I.D.No.399 of 2005 was filed. Before the Labour Court, as many as 26 documents were filed on behalf of the employee and 12 documents were filed on behalf of the Management. The Labour Court, on perusing the oral and documentary evidence, came to a conclusion that attacking the higher officer is an act of indiscipline and that the same has been proved by examining two witnesses. Therefore, the Labour Court did not interfere with the dismissal order and ordered a compensation of Rs.50,000/- in lieu of reinstatement of the employee. Challenging the same, the present Writ Petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned counsel appearing for the second respondent Management.

4. The learned counsel appearing for the petitioner reiterated the averments made in the affidavit filed in support of the writ petition and sought for quashing the impugned award.



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5. The learned counsel appearing for the Management submits that the petitioner was involved in quarrel with one Mr.Dennis Rice, due to which, he was injured and the efforts of the other staff to intervene and separate the petitioner went in vain. The incident was reported and after the domestic enquiry, charges were proved. Ultimately, the punishment of dismissal was imposed on 04.01.2005. The learned counsel further states that the award of the Labour Court was passed on 20.12.2013, however, only in 2015, the present Writ Petition came to be filed by the petitioner. It is inconceivable that the petitioner would have remained unemployed in all these years. The petitioner would now be aged more than 50 years and therefore, interfering with the award after a lapse of 20 years from the date of dismissal would be of no avail and therefore, the award of the Labour Court has to be sustained.

6. This Court, after careful perusal of the materials available on record and considering the submissions made on both sides, is of the view



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that admittedly, the act of the petitioner constituted indiscipline, particularly, since the second respondent is the Club providing entertainment to its members, any act of indiscipline would cause embarrassment to the guests arriving at the Club as well as the Management who provides service to the guests. Therefore, the Management considering the awkward situation in which it was placed before the guests, had considered the gravity of the situation and therefore, imposed the punishment of dismissal on the delinquent employee. Therefore, this Court is of the view that the award passed by the Labour Court need not be interfered with, however, considering the age of the delinquent employee at the time of dismissal, the lumpsum compensation awarded by the Labour Court is enhanced to Rs.3,00,000/- which the Management is directed to pay to the employee within a period of four weeks from the date of receipt of a copy of this order.



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7. Accordingly, this Writ Petition is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

10.03.2025

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

ssb

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M.DHANDAPANI,J.

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