



W.P.Nos.25727, 25732 & 27459 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.Nos.25727, 25732 & 27459 of 2019

and

W.M.P.Nos.25194, 25195, 25199, 25200 & 26929 of 2019

M/s.Auromed Hospital P. Ltd. (AUM Hospital),
Rep. by its Authorised Signatory Anand K.Khakhhar,
No.1, Saptagiri Garden, Solai Nagar Main Road,
Muthialpet, Puducherry.

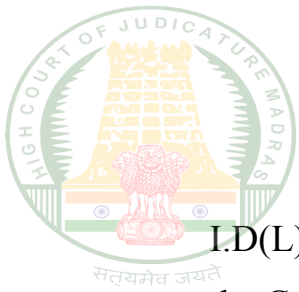
... Petitioner in both WPs

Vs.

- | | |
|----------------|--|
| 1.D.Kalaiselvi | ... Respondent in W.P.No.25727 of 2019 |
| 2.D.Sugumar | ... Respondent in W.P.No.25732 of 2019 |
| 3.Sukumar | ... Respondent in W.P.No.27459 of 2019 |

Prayer in W.P.No.25727 of 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the Industrial Tribunal cum Labour Court, Puducherry in I.D(L).No.45 of 2015 and quash its Award dated 29.01.2018 in published the Gazette of Puducherry in No.20 dated 15.05.2018.

Prayer in W.P.No.25732 of 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the Industrial Tribunal cum Labour Court, Puducherry in



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I.D(L).No.43 of 2015 and quash its Award dated 29.01.2018 in published the Gazette of Puducherry in No.18 dated 01.05.2018.

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Prayer in W.P.No.27459 of 2019 : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari, calling for the records of the II Additional District Judge, Puducherry in E.P.No.436 of 2018 in I.D.(L).No.43 of 2015 and quash its order dated 02.08.2019.

For Petitioner : Mr.S.Ravindran
(in both WPs) Senior Counsel
for M/s.S.Bazeerahamed
For Respondent : Mr.S.P.Vijayaraghavan
(in both WPs)

COMMON ORDER

Since the issue involved in these writ petitions are interconnected, with the consent of the learned counsel appearing for the parties, these writ petitions were heard together and disposed of by way of this common order.

2. The respondent in W.P.Nos.25732 and 27459 of 2019 is one and same. For brevity, the petitioner in all the writ petitions is hereinafter referred to as management and the respective respondent in W.P.No.25727 of 2019 and respondent in W.P.Nos.25732 and 27459 of



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2019 are hereinafter referred to as workmen.

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3. The case of the management is that, the workmen are employees of the management and they have committed certain acts of sabotage, thereby, disciplinary proceeding was initiated against them and the same ended in dismissal, against which, they have raised industrial disputes in I.D.(L).Nos.45 and 43 of 2015 before the Industrial Tribunal cum Labour Court, Puducherry and the Labour Court ordered for reinstatement with 25% backwages, continuity of service and other attendant benefits vide Award dated 29.01.2018. Challenging the same, the management filed writ petitions in W.P.Nos.25727 & 25732 of 2019. Thereafter, the respondent in W.P.Nos.25732 & 27459 of 2019 without reporting for work in terms of the award, filed an execution petition before the Additional District Judge, Puducherry in E.P.No.436 of 2018 in I.D.(L).No.43 of 2015, claiming money value of the impugned award and the Lower Court had passed an order dated 02.08.2019, directing the management to pay the amount claimed by him. Challenging the same, the management has filed a writ petition in W.P.No.27459 of 2019.

4. Learned Senior Counsel appearing for the



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petitioner/management submitted that, during the pendency of these writ petitions, the petitioner hospital sustained a huge loss and the hospital was closed and as on date, the hospital is not in running condition. Further, the learned Senior Counsel submitted that, during the conciliation proceedings, the petitioner hospital offered for joining duty, however, they refused to join the duty, which itself shows that they have approached the Labour Court with clean hands. Accordingly, he prays for appropriate orders.

5. Learned counsel appearing for the respective respondent/workmen submitted that, in view of the submission made by the learned Senior Counsel appearing for the management that the hospital itself is closed, this Court may fix a reasonable compensation in favour of the workmen.

6. In view of the above submissions, this Court modifies the impugned awards passed by the Labour Court as follows :-

(i) the petitioner/management is directed to pay a sum of Rs.1,00,000/- each (Rupees One Lakh only), as compensation, in full quit, to the respective



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respondent/workmen, viz., D.Kalaiselvi and D.Sugumar, within a period of eight (8) weeks from the date of receipt of a copy of this order.

7. With the above modification, these Writ Petitions are disposed of. No costs. Consequently, the connected writ miscellaneous petitions are closed.

01.04.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes / No
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To

- 1.The Industrial Tribunal cum Labour Court, Puducherry.
- 2.The II Additional District Judge, Puducherry.



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M.DHANDAPANI, J.

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