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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:29.07.2025

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THE HONOURABLE MR. JUSTICE P.DHANABAL

W.P.No.27976 of 2022

L.Viji

...Petitioner

Vs

1.M/s.Loyala College,
Rep by its Director

LIBA Hostel

Loyala College, Nungambakkam,
Chennai 600 034.

2.The Rector

Jesuit Residence,

Loyala College, Nungambakkam

Chennai 600 034

...Respondents

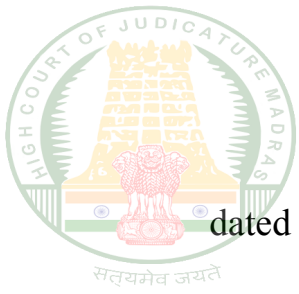
PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records and quashing the impugned final award of the Labour Court dated 10.06.2020 in I.D.No.105 of 2017 except the portion of the award regarding the compensation and issue an order or direction to the respondent for reinstatement of the petitioner with other benefits.

For Petitioner : Mr.P.Solomon

For Respondents : Ms.H.Mary Sowmi Rexi
for M/s.Isaac Chambers

ORDER

This Writ Petition has been filed filed challenging the award passed by the Principal Labour Court, Chennai in I.D.No.105 of 2017



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dated 10.06.2020, wherein, the petitioner has raised an industrial dispute before the Labour Court challenging the punishment of dismissal from service and the same was modified and compensation of Rs.50,000/- was awarded. Challenging the said order, the present writ petition has been filed by the workman.

2. Learned counsel appearing for the petitioner would submit that he was appointed as an attender by the respondent on 01.06.2011. The Hostel Administrative Officer appointed 25 workers for the construction work and they used to consume alcohol and throw the bottles in the garden and the said misconduct was reported by the petitioner to the Management. Therefore, the respondent with an ulterior motive started finding fault with the petitioner's work of toilet cleaning.

3. While so, on 09.08.2015, the 25 workers appointed by the Management Officer namely Mr.Anand consumed alcohol and throw the bottles in the garden and when the same was questioned by the petitioner, he was attacked by them and he sustained injuries and admitted in the Choolaimedu Hospital. While the facts are being so, the respondent charged the petitioner for causing riot after consuming alcohol on



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09.08.2015 and for taking leave without notice. The respondent examined the witnesses without affording an opportunity to the petitioner and the enquiry was not conducted as per the principles of natural justice and the petitioner was not paid salary and other allowances during the time of enquiry. However, the respondent terminated the services of the petitioner and hence, the petitioner raised an industrial dispute. There are procedure violations under Section 25 F of the ID Act. Therefore, he raised the industrial dispute. But the Labour Court without considering the evidences adduced on the petitioner's side and without giving an opportunity to the petitioner, passed the said impugned order.

4. In fact, the case was posted on 10.06.2020 during the Covid-19 period and without hearing the petitioner, the learned Judge, has passed the order. The petitioner had attended duty on 09.08.2015 and thereafter, on 10.08.2015 when he attended the work, he was orally ordered not to attend the work by the Management. The respondent without issuing notice and without following the procedure, has orally dismissed the petitioner. Therefore, the order passed by the Labour Court without considering the abovesaid aspect is liable to be quashed.



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5. The learned counsel for the respondents would submit that the petitioner was provisionally appointed as a temporary attender at LIBA Hostel on 01.10.2017 on consolidated pay of Rs.6,000/- p.m., for a period of one year. From the beginning, the petitioner was irregular in his work and was given to drunkenness, improper and disorderly behaviour. On 11.12.2014, he was issued a charge memo for 4 misconducts. He admitted his guilt and gave apology letter requesting the Management to take lenient view. The Management has also imposed a minor punishment of withholding the salary of the petitioner for 10 days. While so, the petitioner again has picked up quarrel on 09.08.2015 at about 8 p.m., with one Edwin, construction worker and beaten him by bringing in outsiders to cause injury to the said worker. Thereafter, from 11.08.2015 onwards, he was unauthorizedly absented himself from duty. Therefore, they issued a charge memo dated 26.08.2015 and another charge memo was issued on 31.08.2015 for his unauthorized absence from 11.08.2015 onwards. He also gave reply denying the said charges. Thereafter, domestic enquiry was conducted and as per the domestic enquiry report, the charges were proved. The petitioner under the influence of alcohol in a drunken mood fought with the construction workers and behaved in a disorderly manner. Therefore, taking serious



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view of the charges, the Management has dismissed the petitioner from service with effect from 16.08.2016. Thereafter, the petitioner raised an industrial dispute before the Labour Court. The Labour Court accepted the findings of the Enquiry Officer and the petitioner's misconduct was proved and domestic enquiry was conducted after giving sufficient opportunity to the petitioner. However, the punishment was modified and in lieu of reinstatement, monetary compensation of Rs.50,000/- was awarded. Therefore, the Labour Court has passed the reasoned award and the present writ petition is liable to be dismissed.

6. This court heard both side arguments and perused the materials available on record.

7. In this case, there is no dispute in respect of the relationship between the parties as employer and workman. The petitioner was appointed as a temporary attender on 01.07.2013. Thereafter, a charge memo was issued to the petitioner on 26.08.2015 for the alleged misconduct of quarrel with co-worker on 09.08.2015 and for his unauthorized absent from 11.08.2015 onwards. Thereafter, the domestic enquiry was conducted and the petitioner has also participated in the



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domestic enquiry proceedings. Thereafter, the disciplinary authority passed an order based on the enquiry report by dismissing the petitioner from service. The said punishment was challenged before the Labour Court by raising an industrial dispute.

8. Both the parties examined the witnesses and filed documents and based on the evidences adduced on both sides, the Labour Court passed an order that the charges against the petitioner were proved. However, the punishment is disproportionate and in lieu of the reinstatement, awarded Rs.50,000/- as compensation.

9. This court has also perused the entire records. On perusal of records, it is seen that the domestic enquiry was conducted on the petitioner and after affording an opportunity to both sides and based on the evidences produced, the Enquiry Officer rendered findings. Thereafter, the disciplinary authority after affording an opportunity to the petitioner, passed the dismissal order as against the the petitioner. The Labour Court also after considering the evidence adduced on both sides and after elaborate discussion, came to a fair conclusion that the charges against the delinquent were proved. However, the punishment of



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dismissal from service awarded by the Management is disproportionate to the charges and therefore, the Labour Court modified the punishment in lieu of the reinstatement award of a sum of Rs.50,000/- towards compensation. The petitioner has not denied the quarrel on the particular date and his absence from 11.08.2015, that is, after the incident. The Labour Court passed a reasoned order based on documents and evidences. This court is also of the view that the charges against the delinquent were proved and considering the strained relationship between the parties, after lapse of 8 years and after the incident of quarrel between the petitioner and the co-employees, it is not appropriate to order for reinstatement. However, the compensation awarded by the Labour Court is on the lower side.

10. Considering the length of service rendered by the petitioner and the facts and circumstances of the case, this Court is of the considered opinion that it is appropriate to enhance the compensation awarded by the Labour Court to Rs.3,00,000/-(Rupees Three Lakhs Only). The respondent is directed to pay the above said compensation amount of Rs.3,00,000/- within a period of two months from the date of receipt of a copy of this order, failing which, the modified award amount



will carry 9% interest from the date of the award till the date of realization of the amount.

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11. With the abovesaid modifications, this Writ Petition is partly allowed. No costs.

29.07.2025

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

To

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P.DHANABAL.,J

gv

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