



Writ Petition No.9134 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

ORDERS RESERVED ON : 06.01.2026

ORDERS PRONOUNCED ON : 03.02.2026

CORAM

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.9134 of 2021

R.Selvamaha

... Petitioner

Vs.

The Management
Madras Christian Council of Social Service
No.21, 6th Main Road
Jawahar Nagar, Chennai – 600 082.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of 2nd Additional Labour Court, Chennai dated 18.12.2020 in I.D.No.20 of 2015 quash the same and consequently direct the respondent to reinstate the petitioner with back wages with continuity of service and with all other attendant benefits and pass such other order.

For the petitioner : Mr.S.T.Varadarajulu

For the respondent : Mr.M.R.Dharanichander



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ORDER

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This Writ Petition is filed challenging the impugned award dated 18.12.2020 made in I.D.No.20 of 2015, passed by the learned Presiding Officer, 2nd Additional Labour Court, Chennai. By the said award, the claim petition filed by the workman was dismissed.

2. The factual background in which the Writ Petition arises is that the respondent - Madras Christian Council of Social Service (management) was sponsored by some of the churches and registered as an NGO, for the purpose of carrying out social welfare measures and has been receiving donations/funds both from the private and governmental agencies.

3. The petitioner-*Selvamaha* (workman) joined the services of the management on 04.04.1998 as an AIDS Educator. While so, on 19.04.2013, a memorandum was issued to the workman containing specific allegations that he had furnished incorrect information and made false allegations against individuals within the organization as well as against the organization itself. It was alleged that such acts could result in the organization being deprived of new projects and could damage its name and reputation, thereby adversely affecting

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its future and prospects. The workman was directed to appear before the committee on 25.04.2013 and he appeared before the working committee and thereafter submitted his written explanation. He also submitted a detailed explanation on 07.05.2013 and 10.05.2013. The working committee prepared a preliminary enquiry report, where it came to a conclusion that there is a *prima facie* evidence that the workman was guilty and recommended for dismissal by a report dated 24.04.2013. A show cause notice was issued enclosing the said report and the workman submitted his reply thereto. The Management ultimately concluded that they are not in a position to conduct a full fledged domestic enquiry and had decided to go by the preliminary enquiry and passed an order dated 18.05.2013, terminating the services of the workman, for the misconduct committed by him.

4. The workman raised a dispute and the conciliation did not fructify into a settlement and consequent upon a failure report, the workman filed a claim petition, which was taken on file as I.D.No.20 of 2015. The claim petition was resisted by filing a detailed counter statement. The management reiterated its charges and sought to prove the charges on merits before the Labour Court. Accordingly, the Management let in evidence in proof of charges. One *R.Isable*

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was examined as M.W.1, *V.Subashini* as M.W.2 and *Kannikkai Mary* as M.W.3

and exhibits M.1 to M.48 were marked. The workman examined himself as W.W.1 and exhibits W.1 and W.2 were marked.

5. The Labour Court found that M.W.2, *V. Subashini*, who was working in the DTP workshop, identified the workman as the person who had brought the anonymously typed letter for the purpose of sending it through fax to the shop in which she was working. The Labour Court also took into consideration the fact that the workman, in his reply during the preliminary enquiry; before the Management; or in his evidence before the Labour Court, did not specifically deny his involvement in sending those anonymous petitions. Therefore, the Labour Court held that the misconduct as proved. Thereafter, it considered the circumstances that the organization was doing a charitable services work, in which if the workmen themselves make unfounded allegations, that would be a fit case where the management is justified in losing the confidence against the workman and held that the order passed by the management terminating the services as fully justified.



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6. *Mr.S.T.Varadarajulu*, the learned counsel appearing on behalf of the

workman would submit that firstly there was no justifying circumstances to dispense with the full fledged enquiry and therefore, the Labour Court ought to have granted the relief to the workman. Secondly, in a case where there is no full fledged departmental enquiry, it is the management which ought to have adduced the evidence first. Thirdly, the learned counsel pointed out to the alleged anonymous letters and would submit that from a complete reading of the entire evidence, that is, all the documents in M.1 to M.48 marked by the Management before the Labour Court, it can be seen that there was groupism to favour the ruling party and there was gross abuse of power involving State funds. The so called allegations in the anonymous letters were made on behalf of all the employees owing to the manner in which the concerned individual was discharging his duties and therefore, it cannot be held as a misconduct and in any event it does not deserve the capital punishment of termination from service.

7. Therefore, the Labour Court firstly ought to have held that there is no proof of any misconduct and secondly, ought not to have upheld the punishment imposed on the workman. The workman therefore, deserves to be reinstated with back wages.

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8. *Per contra*, the learned counsel appearing on behalf of the respondent / Management would submit that the Management is no more functional as an NGO and there is absolutely no activity left. Even the office space originally used is now let out for some other purpose. Therefore, there is no question of reinstatement of the workman. The learned counsel would submit that the contents of the anonymous letter has to be looked into. The allegations made therein are wild and defamatory in nature. Thus, the Management had no other option but to terminate the petitioner from service. It can be seen that the entire allegations were engineered and motivated, as the workman was floating a self-help group with his wife at the helm of its affairs. Only with a view to promote the said NGO and to garner projects from the Government for that organization, the allegations were made. The learned counsel would draw the attention of this Court to the documents on record to demonstrate the same.

9. I have considered the rival submissions made on either side and perused the material records of the case.



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10. The non-employment was not for the specific charge of promoting any competitive organization headed by the wife of the workman. Therefore, the same cannot be considered by this Court. The allegation against the petitioner was writing the anonymous letters. As rightly found by the Trial Court, from the evidence of M.W.2 and the answers given in the chief examination and cross examination of W.W.1, to the extent of preponderance of probability, it was proved that the anonymous letters in Exs.M.4 to M.10 were sent to various authorities mentioned therein and the workman was very much involved in sending them. A perusal of the allegations contained therein does not restrict itself with any mismanagement, but the allegations are wild, *per se* defamatory and rumour mongering in nature. A complete reading of the same does not exhibit any intention of bringing to light of any mismanagement, but on the contrary seems to be aimed at tarnishing the image of certain individuals in the helm of Management and the Management as such in total. Therefore, it cannot be said to be a genuine exercise or an exercise in the best interests of the organization.

11. Therefore, I am of the view that when the Labour Court has considered the evidence in detail and has come to the conclusion that the petitioner was

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actually involved in sending of those anonymous letters and secondly, the act of misconduct and thirdly, it is of such nature that it would prompt any management to loose confidence on the employee and send him out of the organization. Thus, I am not in a position to hold that the findings of the Labour Court in exercise of power under Section 11 (A) of the Industrial Disputes Act, 1947 be perverse or erroneous.

12. Accordingly, finding no merits this Writ Petition stands dismissed. No costs.

03.02.2026

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Neutral citation : No

To

The Presiding Officer
2nd Additional Labour Court, Chennai.



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D.BHARATHA CHAKRAVARTHY, J.,
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Pre-Delivery Order made in
W.P.No.9134 of 2021

03.02.2026