



WEB COPY

WP No. 10822 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-03-2026

CORAM

THE HON'BLE MR JUSTICE M.DHANDAPANI

WP No. 10822 of 2026

Espy Clara
W/o. Jesupatham,
No. 16 Model village,
M.E.S.Road, East Tambaram,
Chennai 59

..Petitioner(s)

Vs

The Madras Christian College
Velachery Main Road,
East Tambaram,
Chennai 59

..Respondent(s)

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records made in ID No. 384 of 2018 (ID No. 132 of 2016 of III Additional Labour Court at Chennai) CNR No. TNKP 18- 000388- 2018 dated 12.01.2026 passed by the Labour Court, Kancheepuram and quash the same.

For Petitioner(s): Mr.D.Bharathy

ORDER

The Award passed by the Labour Court, Kancheepuram in I.D.No.384 of 2018 (CNR No. TNKP 18- 000388- 2018) dated 12.01.2026 [previously ID No. 132 of 2016 of III Additional Labour Court at Chennai], is put under challenge in the present Writ Petition.



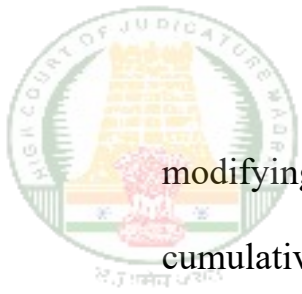
2. Heard the learned counsel for the petitioner. Since no adverse order is being passed as against the respondent in the present Writ Petition, notice to the respondent is dispensed with.

3. It is the case of the petitioner that she joined the service of the respondent College as Typist in the year 1987 and thereafter, promoted as Senior Grade Assistant and working in the Student Record Office from 2008. While so, the petitioner was issued with a charge memo on 05.02.2013 and she was placed under suspension with effect from 06.02.2013. The charge memo issued against the petitioner contains 14 charges and she was dismissed from service without providing fair opportunity in the enquiry proceedings which was held on 26.03.2014. Assailing the said dismissal order, the petitioner raised a dispute in I.D.No.132 of 2016 before the III Additional Labour Court, Chennai which was transferred and renumbered as I.D.No.384 of 2018 and taken on file by the Labour Court, Kancheepuram, wherein the Labour Court has held that the punishment imposed by the Management is highly disproportionate to the allegations levelled against the petitioner and modified the punishment into one of stoppage of two increments with cumulative effect from 2014 and further directed to pay 50% of back wages from the date of discharge till the date of superannuation without any attendant benefits on the basis of the concept of “No Work, No Pay”. Challenging the same, the present Writ Petition is filed.



4. The learned counsel for the petitioner submitted that the petitioner joined the service in the year 1987 and was placed under suspension in the year 2013 and her retirement was on 31.05.2024, however the discharge order was passed in the year 2014. He further submitted that the petitioner was not in service from 2014 till her retirement in 2024 and the Labour Court has only awarded 50% of back wages from the date of discharge till the date of superannuation without any attendant benefits and modified the punishment to stoppage of two increments with cumulative effect from 2014. Even the modification with the punishment is highly disproportionate. He also submitted that the charges framed against the petitioner was not proved and in such a view, the order passed by the Labour Court dated 12.01.2026, is highly perverse and hence, prayed this Court to grant the relief as sought for by the petitioner in this Writ Petition.

5. Even a bare perusal of the records reveal that due to misconduct and dereliction of duties by the petitioner in the respondent College, she was dismissed from service vide discharge order dated 26.03.2014 and the same was challenged by the petitioner in I.D.No.132 of 2016 on the file of the III Additional Labour Court, Chennai and subsequently, the same was transferred and renumbered as I.D.No.384 of 2016 and taken on file by the Labour Court, Kancheepuram, wherein the Court has passed the order on 12.01.2026



modifying the punishment to one of stoppage of two increments with cumulative effect from 2014 with 50% backwages from the date of discharge till the date of superannuation without any attendant benefits on the basis of the principle “No Work, No Pay” on the ground that the punishment imposed by the respondent/Management is highly disproportionate.

6. It is evident from the dispute that the petition has been filed under Section 2A (2) of the Industrial Disputes Act with regard to the discharge of the petitioner and upon adjudication, the Labour Court has modified the award. It is the finding of the Labour Court that the charges against the petitioner has been proved and that the petitioner has not raised the issue of perversity and illegality in the conduct of the enquiry. However, the Labour Court has only held that the punishment inflicted upon the petitioner with regard to the nature of allegations raised is disproportionate.

7. It is to be pointed out that in matters related to discharge, if the Labour Court is of the opinion that the said punishment requires to be modified, Section 11-A of the Industrial Disputes Act vests power on the Labour Court to give appropriate relief to the workman. In the present case, on the materials placed, the Labour Court has carefully considered the materials and had formed a *prima facie* opinion that the punishment of dismissal from service imposed on the workman is disproportionate and exercising its powers under Section 11-A of



the Industrial Disputes Act had modified the punishment to one of stoppage of increment for a period of two years with cumulative effect. Further, considering the fact that since the discharge till her superannuation, the petitioner has not worked, applying the concept of “No Work, No Pay”, but however considering the fact that had the petitioner not been discharged from service, she would have continued to work, the Labour Court has awarded 50% back wages without any attendant benefits. The said course adopted by the Labour Court, by no stretch, could be termed to be erroneous, arbitrary or impermissible and it is within the four corners of the provisions of the Industrial Disputes Act and therefore, the said order does not require any interference at the hands of this Court.

8. For the reasons aforesaid, this Writ Petition fails and the same is dismissed. There shall be no order as to costs.

25-03-2026

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

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M.DHANDAPANI, J.

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