



WEB COPY

WP No. 28602 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 06-04-2026**

CORAM

**THE HON'BLE MR JUSTICE M.DHANDAPANI**

**WP No. 28602 of 2025**

**and**

**WMP Nos.32029 & 32031 of 2025**

1. The Management of  
Apollo Hospitals Enterprise Ltd,  
No. 19 Bishop Gardens,  
Raja Annamalaipuram, Chennai,  
Represented by its General Manager - HR  
Selvam.T
2. Apollo Hospitals  
Plot No. 12 Sector 23  
Parsikhill, Cbd Belapur,  
Navi Mumbai 400 614  
Represented By General Manager - Liasoning  
Mr.Swaminathan.P

..Petitioners

Vs

Gnanavel T  
S/o. V.M Thulukanam,  
Plot No. 35 2nd Street  
Arun Nagar, Petthikupam Panchayat,  
Near Maharaja Matriculation School  
Gummidipoondi Taluk,  
Thiruvallur District-601 201.

..Respondent



Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records of the I Additional Labour Court, Chennai in O.P No.118 of 2021 and to quash the award dated 05.02.2025. .

For Petitioners: Mr.G.Anandagopalan  
for M/s.Advit Law Chambers

For Respondent: Mr.Dhineshkumar  
for M/s.Dhineshkumar Associates

### **ORDER**

This petition has been filed challenging the impugned order dated 05.02.2025 passed by the I Additional Labour Court, Chennai in O.P No.118 of 2021.

2.The learned counsel for the petitioners/Management would submit that the respondent workman initially entered the services of the first petitioner Management Hospital at Chennai in the year 1996. Subsequently, his services were transferred to Apollo Hospitals, Mumbai, on 06.10.2017 and he reported for duty there on 30.05.2018. Following his transfer, the conditions of his services underwent a change and thereafter, his services were governed by the terms and conditions applicable to the Mumbai Hospital from the date of his



transfer. It is the further case of the petitioners/Management that on 12.08.2020, the Mumbai Hospital issued an order of dismissal terminating the respondent from service on the ground that the respondent had abandoned his duties during the Covid-19 Pandemic. Aggrieved by the same, the respondent raised an industrial dispute before the Conciliation Officer. The petitioners/Management, by letter dated 04.01.2021, expressing their willingness to provide employment to the respondent. Since there was no positive reply from the respondent, the conciliation was closed. Further, in the counter statement filed by the second petitioner, in O.P No.118 of 2021 before the First Additional Labour Court, Chennai, it has been specifically averred in paragraph 7 that even as on that date, the respondent can join the services of the second petitioner hospital without prejudice to his rights in the pending dispute. Despite such an opportunity, the respondent did not report for duty. However, he raised an industrial dispute claiming that he was not gainfully employed elsewhere. The Labour Court, without considering the counter statement and the reply letter marked as Ex.W11, passed an award granting continuity of service, back wages and attendant benefits to the respondent, without proper discussion, rendering the award unsustainable. Accordingly, he prayed for appropriate orders.

3.Per contra, the learned counsel for the respondent would submit that there were a series of transactions between the petitioners and the respondent



employee, which were not placed before the Labour Court. He would further submit that the respondent does not dispute Ex.W11, namely the reply letter dated 04.01.2021 nor the counter statement filed by the petitioners/Management. The learned counsel would further contend that the respondent is admittedly not gainfully employed anywhere and, in the absence of any proof of gainful employment, the award of back wages does not warrant interference. Accordingly, he prayed for dismissal of the writ petition.

4.Heard the learned counsel appearing on either side and perused the materials available on record.

5.The facts of the present case are not in dispute. Admittedly, the respondent workman entered the services of the first petitioner hospital in the year 1996. It is also an undisputed fact that, in 2017, he was transferred from Apollo Hospital, Chennai, to Apollo Hospital, Mumbai and he joined the Mumbai unit in May 2018. It is further not in dispute that his services were terminated during the Covid-19 pandemic. Challenging the same, the respondent raised an industrial dispute before the First Additional Labour Court, Chennai. Prior to filing the present writ petition, the petitioners/Management reinstated the respondent with continuity of service. However, the present writ



petition has been filed only with regard to the payment of back wages to the respondent. The respondent has not disputed Ex.W11, namely the letter dated 04.01.2021 issued by the petitioners/Management, wherein they have expressed their willingness to provide employment to him. Further, in O.P No.118 of 2021, the second petitioner/ Management also filed a counter statement stating that even as on that date, the respondent was at liberty to rejoin the service of the second petitioner/ Management without prejudice to his rights in the present dispute. However, without advertng to the counter statement and the letter dated 04.01.2021 submitted before the Conciliation Officer, the Labour Court awarded the back wages to the respondent which reflects non-application of mind and is therefore unsustainable.

6.In the result, this writ petition is allowed insofar as it relates to the grant of back wages. There shall be no order as to costs. Consequently, W.M.P No.32029 of 2025 is ordered and W.M.P No.32031 of 2025 is closed.

**06-04-2026**

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Uma



WEB COPY

WP No. 28602 of 2



To

The First Additional Labour Court,  
Chennai.



WEB COPY

WP No. 28602 of 2



**M.DHANDAPANI, J.**

**Uma**

**WP No. 28602 of 2025 and  
WMP Nos.32029 & 32031 of 2025**

**06-04-2026**

Page 7 of 7