



WEB COPY

W.A.No.253 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2026

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.253 of 2026
and
C.M.P.Nos.2321 & 2323 of 2026

The Management of Murari Hospital,
115, Red Hills Road, Kattabomman Thottam,
Madhavaram, Chennai – 600 060.

...Appellant

Vs.

S.Banumathy

...Respondent

PRAYER: The Writ Appeal filed under Clause 15 of the Letters Patent praying to set aside the order dated 14.11.2025 passed in W.P.No.35262 of 2022.

For Appellant : Mr.C.A.Diwakar

for Mr.K.R.Arun Shabari

For Respondent : Mr.M.Praveen Kumar

J U D G M E N T

(Judgment of the Court was delivered by C.KUMARAPPAN, J.)

The present Writ Appeal is filed against the order of the learned Single Judge dated 14.11.2025 in W.P.No.35262 of 2022 by and in which the order of



the Labour Court in dismissing I.A.No.1 of 2020 in I.D.No.186 of 2009 was set aside.

2. For the sake of convenience, the parties will be referred to as per their litigative status before the Writ Court.

3. The brief facts which are necessary for disposal of the present Writ Appeal is that, the petitioner was a workman in the respondent Hospital. Challenging her dismissal, she preferred I.D.No.186 of 2009. It appears that during the pendency of Industrial Dispute, the learned counsel for the petitioner had made an endorsement as if the petitioner has no objection in the conduct of the domestic enquiry. However, subsequent to such endorsement, the petitioner preferred I.A.No.1 of 2020 inter alia contending that such endorsement was made by her counsel without getting prior consent from her. But the said application was dismissed by the labour Court.

4. The learned counsel for the appellant would vehemently contend that the Industrial Dispute is of the year 2009, and that the learned counsel for the petitioner made an endorsement on 13.03.2019 in the presence of the petitioner that the domestic enquiry was conducted in a fair and proper manner. He would further contend that, taking advantage that the said endorsement was not counter signed by the workman, she filed an application



denying such consent. The further contention of the learned counsel for the appellant is that inspite of conscious admission regarding fairness of enquiry, if the Management is allowed to let in evidence at this length of time, as the Industrial Dispute was instituted during the year 2009 would cause great prejudice to the Management. Hence, he prayed to allow the Writ Appeal.

5. Per contra, the said contention was stoutly objected by the learned counsel for the petitioner and would contend that the endorsement was made by the counsel without obtaining prior consent of the workman, therefore whatever endorsement made by the learned counsel for the petitioner will in no way bind the workman, and that there would not be any prejudice to the Management. Hence, he prayed to dismiss the Writ Appeal.

6. We have given anxious consideration to the submissions made by the learned counsel on either side.

7. The short point to be considered is, whether the endorsement made was with prior consent of the workman. In this case, the workman herself has raised objection that such an endorsement was made without getting her consent. But, the learned counsel for the appellant would contend that having given such consent as evidenced through endorsement, all of a sudden can't be repudiated by filing an application in 2020 and such conduct if allowed



would cause prejudice to them.

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8. While looking at the orders of the writ Court, the writ Court has gone into various aspects and relied upon the judgment of the Hon'ble Supreme Court in ***Jamilabai Abdul Kadar Vs. Shankarlal Gulabchand***¹, wherein the Hon'ble Supreme Court has held that advocates must obtain specific instructions before taking any steps, which may prejudice the client. On the above proposition, the learned Single Judge also relied upon the judgment in ***Himalayan Coop. Group Housing Society Vs. Balwan Singh***². The Hon'ble Supreme Court time and again has categorically held that any endorsement against the interest of the client, that too without specific instruction of the client would in no way bind on the client.

9. In the present case, according to the workman, such an endorsement was made without even getting prior consent of the petitioner. Only in such circumstance, the writ Court was of the view that the Management has to prove the fairness of the enquiry. Though prejudice pleaded, this Court could not find any prejudice to the Management, as the trial was not commenced till 2019. Therefore, no prejudice caused to the Management in deciding preliminary issue regarding fairness and propriety of the domestic enquiry.

¹(1975) 2 SCC 609

²(2015) 7 SCC 373



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10. Apart from that when the workman takes such a specific stand, if any opportunity is not provided to the workman, it would seriously affect her substantive right. Contrarily, by examining the witness once again before the labour Court will in no way prejudice the Management. Therefore, we absolutely don't find any infirmity in the order of the learned Single Judge.

11. Accordingly, the Writ Appeal stands **dismissed**. No costs. Consequently, the connected miscellaneous petitions are closed.

(S.M.S., J.) (C.K., J.)
02.02.2026

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

To

The Management of Murari Hospital,
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S.M.SUBRAMANIAM, J.
and
C.KUMARAPPAN, J.

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