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MADRAS HIGH COURT ON LIMITED POWERS OF LABOUR COURT

A. Introduction

The High Court of Madras (“**HC**”), in the *Settu Sundar* case,¹ held that the labour courts’ powers to interfere with a punishment imposed by a domestic enquiry is only when the enquiry was not fair and proper.

B. Brief Facts

1. Settu Sundar, (“**Sundar**”) was employed as a ‘Administrative Assistant’ with the Christian Medical College and Hospital (“**CMCH**”) and was posted in the student nurses’ hostel in 2003.
2. In 2007, Sundar was placed under suspension after a memo was issued against him due to some personal differences between him and the management of CMCH.
3. Multiple explanations given by Sundar but after a domestic enquiry (“**DE**”), he was terminated in November 2007.
4. Aggrieved by this, Sundar approached the labour officer seeking reinstatement with back wages and continuity of service.
5. An enquiry was held by the enquiry officer, and Sundar participated in the same. However, he did not cross-examine any witness of CMCH nor present any witness from his side. The enquiry officer, after examining and analysing the evidence and exhibits, held that the charges levelled by CMCH against Sundar are proved and found him guilty.
6. Aggrieved by the order of the labour officer, he approached the labour court (“**LC**”). However, the LC too rejected his plea.
7. Finally, Sundar approached the HC seeking relief.

C. Contention of the Parties:

1. Sundar alleged that:
 - a. The DE was conducted without following any rules and regulations and also without affording an opportunity to him to cross-examine witnesses.
 - b. The entire disciplinary action initiated against him was an act of retaliation by one of the witnesses.
2. CMCH argued that he was given multiple warnings and was terminated only after following due process. Additionally, the the punishment awarded is neither disproportionate nor vindictive.

D. HC’s Judgement and Reasoning

1. The HC held the LC was justified in adjudicating that the charges against Sundar was very serious. The main charge was that he was close to many female employees and students and was damaging the reputation of CMCH. These were neither denied by him nor did he provide any evidence against this charge.

¹*Settu Sundar v. Management, Christian Medical College and Hospital and Anr.*, 2023 SCC OnLine Mad 1989.

2. It held that: *“The decision of the [LC] is well reasoned one and as a matter of fact, no relief could be granted to the writ petitioner as he calls for no sympathy and for the proven charges levelled against him, the punishment imposed is not disproportionate to the findings as to shock the judicial conscience.”*²
3. It based the decision on the principle laid down by various Supreme Court judgements, which held that: *“if enquiry is fair and proper, in the absence of any allegations or victimization or unfair labour practice, the [LC] has no power to interfere with the punishment imposed.”*³

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² Paragraph 15 of the Judgement.

³ Paragraph 16 of the Judgement.