

W.P.No.8122 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on : 06.02.2026

Orders pronounced on : **11.02.2026**

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.8122 of 2021
and W.M.P.No.19603 of 2021

The Management,
Meadow Rural Enterprises Private Ltd.,
Rep. by its Chief Executive Officer,
85/3, Midugarapalli village,
H.C.F Post,
Hosur – 635 110,
Krishnagiri District.

.. Petitioner

Versus

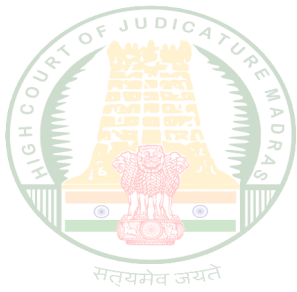
T.Rajeswari

.. Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, calling for the records relating to I.D.No.102/2019, dated 11.01.2021 on the file of the Labour Court, Hosur and quash the same.

For Petitioner : Mr.N.Devaraj,
for Ms.S.Revathi

For Respondent : Mr.R.Rajaram



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ORDER

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This Writ Petition is filed challenging the award, dated 11.01.2021 made in I.D.No.102 of 2019 by the Labour Court, Hosur. By the said award, the Labour Court set aside the order of termination of the respondent/worker, dated 11.12.2015 and directed the petitioner management to reinstate the worker into service with 25% of back-wages. Aggrieved by the same, the petitioner management is before this Court.

2. The brief factual matrix, in which the Writ Petition arises, is that a voluntary agency namely, Mysore Resettlement and Development Agency (known as 'MYRADA') works for upliftment of rural poor, particularly, women. It had identified the women from the lowest strata and had formed eight self-help groups who were collectively called as 'MEADOW'. M/s.Titan Industries joined hands with the voluntary agency in its endeavours. Initially, a piece of land was given to MEADOW and a building was constructed. When the business developed, a company was also incorporated under the name MEADOW Rural Enterprises Pvt. Ltd. (the petitioner), and all the 64 women, who were part of the self-help group, became the shareholders of the company also. As per Article 25 of the Memorandum of Association, the voluntary agency has a right to



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appoint Directors and accordingly, one *Sivarudrappa* was appointed as the Director and one *K.P.Anandan*, was appointed as the Chief Executive Officer. In the year 2006, *K.P.Anandan* was replaced by one *Suresh*. According to the respondent, when the new Chief Executive Officer, *Suresh*, indulged in some malpractices including getting signatures in the empty letter pads from the company shareholders etc., she resisted the attempts and also brought to the notice of the appropriate authorities, on account of which, the respondent was victimized.

3. According to the petitioner, on 18.07.2014, on behalf of all the workers of MEADOW, a complaint was given to the Director. In the complaint, it was stated that when 450 women were working in the organization for the past three years, without reporting to any unit, the respondent, *Rajeswari*, who is sitting idle in the Accounts Department, was raising hue and cry as if nothing is correct and was questioning every decision that was taken. She was using unparliamentary words on every occasion. The words were specifically mentioned in the complaint. If any other worker confronted her, she used to call the husband of the worker and make unscrupulous allegations of extra marital affairs against them. She is bringing in politicians inside the company and everyday, her



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atrocities were increasing. Therefore, it was prayed to take an action against her.

4. Further, it is the case of the petitioner that three workers namely, *Pushpavathi*, *Naveena* and *Prabha* gave complaints against the respondent. The complaints state that the respondent being a co-worker, was indulging in creating unnecessary problems for the past two years. The petitioner had been advising her to correct herself, but, she has not changed. She was indulging in activities adverse to the company, management and the other poor women workers. She was writing letters to outsiders by making false allegations against the company and creating problems in working of the company. If directed to do any work, she refused. She never used to report before the management authorities whenever called. Thus, she was indulging in unjustifiable, illegal acts. She was also indulging in bad actions against poor women workers and therefore, action is to be taken against her.

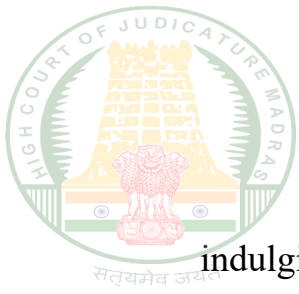
5. Under the said circumstances, a show-cause notice, dated 28.07.2014 was issued to her stating that the complaints have been received and several allegations had been made against the worker. Upon



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consideration thereof, the action was detrimental to the factory and the management. Therefore, it called for an explanation within 48 hours from the date of receipt of the memorandum, failing which, a disciplinary action would be initiated as per the Standing Order No.19. Upon receipt of the show-cause notice, the worker sent a reply on 02.08.2014. The reply states that she was working with the MEADOW for the past 17 years. She is also the shareholder for the past 15 years. There was no complaint against her all this time. Suddenly, a complaint was made against her and she was surprised. She sought for particulars of the persons who complained against her and also wanted to know as to what had been the complaint given against her. She submitted that if those were furnished to her, it would enable her to give due reply thereof. Thereafter, on 09.08.2014, an order was passed stating that the petitioner management was in receipt of the explanation, dated 06.08.2014 and they were not satisfied with the explanation. Considering the nature of allegations made, the worker would be placed under suspension from 11.08.2014. Thereafter, it seems that for more than one year, the disciplinary proceedings did not commence.

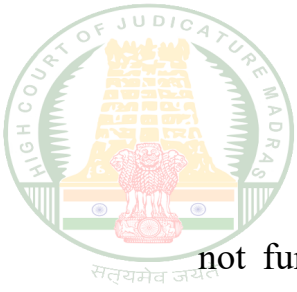
6. On 10.09.2014, a charge memorandum was issued to her. The first portion of the charge memorandum states that the worker was



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indulging in anti-management activities for the past two years and several complaints have been received against her from the other workmen and a memo had been given. Therefore, it is decided to initiate disciplinary proceedings and already, a show-cause notice, dated 28.07.2014 was issued and the respondent was also suspended from 11.08.2014. Till date, no explanation has been given by the respondent. Therefore, as per the Standing Orders of the company, disciplinary action was initiated. The Standing Order Nos.19(1), 9, 10, 20, 25, 28, 30, 32, 36, 41, 53 and 54 were quoted and it was further stated that her action amounted to misconduct under the said Standing Orders and requested her to submit her explanation within three working days.

7. The respondent submitted her explanation on 16.09.2015. She had categorically stated that she was placed under suspension without any justification and the proceedings are by way of victimization. She did not violate any of the Standing Orders. Merely because she had approached the High Court with reference to the grievance of the workmen, she was targeted. When salary hike had been stopped, she demanded the reasons in writing. Under the said circumstances, the show-cause notice was issued. Till the date, the allegations/complaints that were made against her were

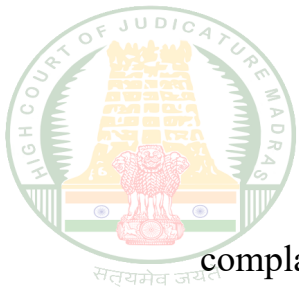


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not furnished to her. Under the said circumstances, she presumes that those are only false complaints and thus submitted her explanation.

8. Thereafter, the order, dated 22.09.2015 was passed appointing a Domestic Enquiry Officer. Before the Domestic Enquiry Officer, upon being questioned, the worker denied the charges. First, one *Jyothi*, an Account Assistant was examined as the witness. She spoke about the fact that the respondent did not go and join duty in the allocated unit and was sitting at the Accounts unit along with yet another worker. When the another worker had ultimately gone to some other unit, the respondent alone persisted and was doing whatever work she could do in the said unit. This apart, she has started indulging in activities detrimental to the management and the company and therefore, it was decided to initiate disciplinary proceedings against her. The witness further spoke about the issue of memo, suspension and thereafter, issuing the charge memorandum. Through her, the complaints were marked as **Ex.M-1** to **Ex.M-4**. Thereafter, the show-cause notice and the further proceedings were marked as **Ex.M-5** to **Ex.M-11**.

9. After that, the three employees, who gave identical



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complaints, namely, *Pushpavathi*, *Naveena* and *Prabha*, were examined and they were also cross-examined by the worker.

10. Thereafter, the Enquiry Officer returned the finding that the charges were proved, based on which, the worker was terminated from service. Aggrieved thereby, the worker raised a dispute. The conciliation not yielding any settlement, she filed a Claim Petition under Section 2-A(2) of the Industrial Disputes Act, 1947 which was taken on file as I.D.No.108 of 2016. In the Claim Petition, the specific prayer of the respondent was to hold the findings of the Enquiry Officer as perverse and that there was no evidence to prove the charges and to set aside the termination order, dated 11.12.2014 and reinstate the respondent into service with full back-wages, continuity of service and the other attendant benefits.

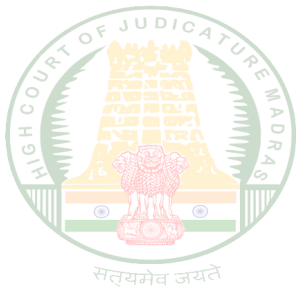
11. The Claim Petition was resisted by the petitioner-management by filing a counter. Before the Labour Court, no oral evidence was let in by both the sides and the documents were marked by way of consent as *Ex.P-1* to *Ex.P-32*. The Labour Court, thereafter, considered the case of the parties. It found that the details of the alleged



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misconduct were never put to the respondent and are vague. It further found that there is no evidence to prove the allegations against the respondent. The three workers who were the witnesses were cross-examined and none of the charges stood proved. Accordingly, it set aside the order of termination, dated 11.12.2015, however, ordered reinstatement with continuity of service with only 25% of the back-wages. Aggrieved by the same, the petitioner management is before this Court.

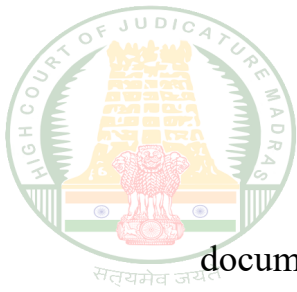
12. *Mr.N.Devaraj*, learned Counsel for the petitioner management would submit that the Labour Court has found that none of the employees, who have signed the *Ex.M-1*, was examined. The same is incorrect as the three employees who had given the individual complaints, were also signatories for the first complaint. Therefore, the finding of the Labour Court is perverse. When the voluntary agency, in collaboration with leading industry, is trying to give life to the poor and downtrodden workmen by bringing in a corporate setup for the work, the respondent never realized the same and indulged in speaking unparliamentary words about every decision and the words were mentioned in the first complaint. The charge is serious in nature.



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13. This apart, she has been making complaints about the company involving the local M.L.A and thus, tried to bring in politicians inside the company and created problem for the management. She gave criminal complaint against the Chief Executive Officer and tried to restrain him from performing his work, thereby pressurizing him, to assert her supremacy. The co-employees, who are all women, who have been working sincerely for the upliftment of the company, so that the shareholders could get the profit, are all disturbed and annoyed by the attitude of the respondent. When each and everyday, at each and every occasion, the attitude, the words spoken and the deeds done are against the co-workers against the company and against the management, the company is justified in contending that it has lost confidence on the respondent. Even if there is any flaw in the enquiry, reinstatement is totally out of the question as day in and day out the respondent has been indulging in mudslinging against the management and also against co-workers. She has proven to be incorrigible. Therefore, the learned Counsel would submit that the award of the Labour Court is to be interfered with. The learned Counsel also took this Court in detail as to the nature of the complaints made, the evidence let in in the Domestic Enquiry, the cross-examination made by the worker and the other

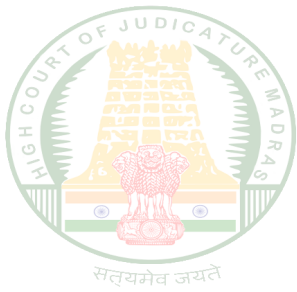


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documents, including the complaints she has allegedly preferred before the Police and the admission that she has approached the local M.L.A.

14. Per *contra*, Mr.R.Rajaram, learned Counsel would submit that in this case no specific charge has been levelled. Only vague allegations were made, for which, there is no proof. Only because of the same, the worker did not insist upon the validity of the fairness of the procedure and straightaway prayed about the *prima facie* evidence in respect of the charges. In exercise of the powers under Section 11A of the Industrial Disputes Act, 1947, the Labour Court had found that there is absolutely no proof in respect of the so-called allegations and therefore, ordered reinstatement with 25% back-wages. The learned Counsel would submit that this is not a fit case where it can be held that the management has lost confidence of the respondent and the compensation be ordered. This is a case where the respondent has been acting in the best interests of the other women workers and when she is questioning about the illegal activities of the management. She was targeted and victimized. The learned Counsel would also rely upon the judgment of the Bombay High Court in ***Chowgule and Co. Vs. Chowgule Employees Union***¹.

¹ 2007-III-L.L.J.103



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

16. The background facts were adverted *supra*. It can be seen that originally, a show-cause notice was issued to the respondent by mentioning about the complaints being received against her. Admittedly, neither the complaints were enclosed with the show-cause notice nor the allegations were extracted in the show-cause notice. Immediately, the worker had given a reply stating that if the allegations are put across to her, she would come up with the reply. The petitioner/management neither denies the claim of the worker and asserts that already copies of the complaints given nor furnishes the copies of the complaints. However, it holds that the explanation is not acceptable and places the respondent under suspension. Thus, the initiation of the proceedings i.e., the show-cause notice on 28.07.2014, the reply of the worker given on 02.08.2014 and the suspension order, dated 09.08.2014 smack vindictive attitude of the petitioner/management.

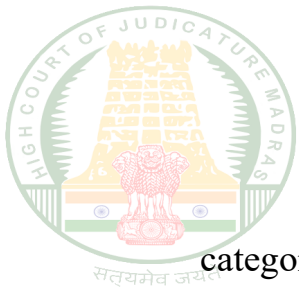
17. This apart, when the complaints were already received and



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when that is only the allegation, there was no justification for the management to have kept quiet from the month of August, 2014 till the month of September, 2015 after placing the worker under suspension. Be that as it may, the charge memorandum merely states that already, the allegations were made, show-cause notice was given, which all amount to misconduct under various provisions of the Standing Order No.19 and seeks for explanation. Thus, it can be seen that even the charge memorandum did not categorically state as to which of those allegations that are mentioned in the complaint that would amount to misconduct and that is being considered by the management. Even with reference to the said explanation, the reply of the worker is that she was never put across as to what are the allegations against her. The management thereafter proceeds to appoint a Domestic Enquiry Officer. Before the Domestic Enquiry Officer, the first witness, *Jyothi*, spoke about the worker on her own remaining in a particular department and doing the works as she likes.

18. In this case, if the charge against the worker is insubordination in not going to a particular unit and working, absolutely, nothing is on record as to any order was served on her to go and work in a particular department and that she defied the same. Such kind of



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category allegations were never put in the enquiry for her to come up with an explanation. The said *Jyothi*, thereafter only, spoke about the initiation of disciplinary proceedings and the further proceedings and nothing on the merits of the other charges. The other three employees, though said to have given complaints on various dates, incidentally, gave verbatim complaints. From the beginning to end, not even a word changes. When they were examined, they did not specifically mention about the bad words spoken, though they generally said that they saw the worker standing at the gate and uttering the words. Neither they specified the incidents and when they were specifically questioned as to whether the worker had spoken ill about them, the answered in the negative.

19. Leaving the cross-examination apart, even taking their evidence in chief, they had only stated that their complaints can be taken as their statements. Even as per their statements, the first allegation that is made is that for the past two years, the worker has been indulging in several problems not heeding to the advice of the management and the co-workers. The second allegation is that she has been making unscrupulous and false allegations against the company detrimental to the interests of the management and the other workers. Absolutely, no particulars whatsoever



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have been given or put across to the worker during the enquiry. The third allegation is that whenever called by the management, the worker did not report. There also, no details were spoken by the three witnesses. Thus, the chief-examination of all the four witnesses is even taken as true, did not make any specific and clear-cut allegations of any misconduct against the respondent. Therefore, no exception whatsoever can be taken to the findings of the Labour Court that the allegations are vague in nature and even with reference to the allegations that are made, there is absolutely no proof.

20. When the Labour Court considers all the exhibits that were marked before it, which included the entire documentary and oral evidence that was adduced during the enquiry and exercised its power under Section 11A of the Industrial Disputes Act, 1947, in the conspectus of the facts and circumstances of the case, I am not able to hold that it is perverse or it is in excess of the powers conferred under Section 11A of the Industrial Disputes Act, 1947. The Labour Court is conferred with the powers to consider the nature of the charges and the nature of evidence on record and conclude as to whether the charges, as such, amount to misconduct and if so, whether there is adequate evidence to prove the same. When there is



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no specific particulars with reference to each and every imputation that is made and when the allegations are vague made and the evidence speak only of general attitude and even more vague, no exception can be taken for the said findings.

21. As a matter of fact, if the further documents that are pointed out by the learned Counsel for the petitioner management are taken into account, on every occasion, the respondent seems to have questioned about the actions of the management and in the general interest of the worker. It is another thing, whether they are true or not. At the same time, to an extent, all the three workers, by their general observation, are speaking about the fact that the worker's language as inappropriate. Though, under normal circumstances, it should be considered as a serious charge, one has to take into account that this is an organisation arising from a self-help group formed amongst the women of the lowest strata of the society and the smell of the soil that is in the language of the worker, should be taken into account along with the social background, in which, all the workers arise and should not be considered divorced of their ground realities. However, the respondent should understand that the agency is trying to uplift them from those kinds of background into entrepreneurs and



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therefore, cannot pursue the same language and has to correct herself. In any event, it can be seen that considering the overall circumstances, 75% of back-wages is not granted and that should also be borne in mind with reference to allegations.

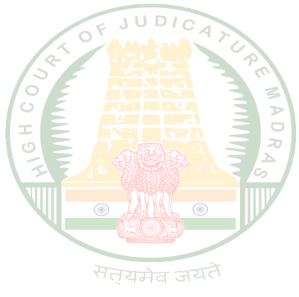
22. For all the aforesaid reasons, this Writ Petition fails and is accordingly dismissed. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

11.02.2026

Neutral Citation : yes
grs

To

The Labour Court,
Hosur.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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