



W.P(MD)No.9113 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.07.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.9113 of 2023

and

W.M.P.(MD).No.8247 of 2023

The Management,
M.D. Special 71, Aranmanaipudur
Primary Agricultural Co-Operative Society Limited,
represented through its President,
Aranmanaipurur,
Theni District. ... Petitioner

Vs

R.Gnanasekaran ... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the preliminary order of the Labour Court, Madurai in I.D.No.107 of 2012 dated 23.01.2019 and the award of the Labour Court, Madurai in I.D.No.107 of 2012 (CNR.No.TNMD04-000092-2012) dated 24.11.2021 and quash the same.

For Petitioner : Mr.V.O.S.Kalaiselvam

For Respondent : Mr.Mohamed Zamil
for Ajmal Associates



W.P(MD)No.9113 of 2023

WEB COPY

ORDER

This Writ Petition has been filed challenging the preliminary order of the Labour Court, Madurai in I.D.No.107 of 2012 dated 23.01.2019 and the award of the Labour Court, Madurai in I.D.No.107 of 2012 (CNR.No.TNMD04-000092-2012) dated 24.11.2021 .

2. Heard the learned counsel on either side.

3. The learned counsel appearing for the petitioner Society submitted that the respondent employee entered service as a Jewel Appraiser on commission basis in the year 1988. He was not appointed through the Employment Exchange and his services were subsequently regularised on 10.12.1997. On account of serious irregularities committed by him, he was terminated from service by order dated 10.08.2007. Aggrieved by the same, the respondent pursued the statutory remedies and ultimately, by order dated 31.08.2010, the Revisional Authority directed his reinstatement into service without back wages. The respondent challenged the denial of back wages before this Court by filing a writ petition and the same came to be dismissed.

2/10



W.P(MD)No.9113 of 2023

WEB COPY

4. Pursuant to the order of reinstatement, the respondent rejoined duty on 04.06.2011. It is the specific case of the petitioner Society that on the very same day, at about 9.40 a.m., the respondent entered the office of the Society, picked up a quarrel with the Secretary, assaulted him and caused bleeding injuries. A complaint was lodged before the jurisdictional police and a criminal case came to be registered. After investigation, a final report was filed before the competent criminal Court.

5. Consequent to the above incident, the respondent was placed under suspension on 13.06.2011. Thereafter, a charge memo dated 18.07.2011 was issued framing eight charges of misconduct against him. A domestic enquiry was conducted after affording sufficient opportunity to the respondent. The Enquiry Officer found the charges proved. Accepting the findings of the Enquiry Officer, the disciplinary authority passed an order terminating the services of the respondent.



W.P(MD)No.9113 of 2023

WEB COPY 6. Aggrieved by the order of termination, the respondent raised an industrial dispute in I.D.No.107 of 2012 before the Labour Court, Madurai. By the impugned award dated 24.11.2021, the Labour Court set aside the order of termination and directed the petitioner Society to settle the terminal benefits payable to the respondent. Challenging the said award, the present Writ Petition has been filed.

7. The learned counsel appearing for the petitioner Society submitted that the respondent is a habitual delinquent. Even earlier, he had caused a loss of nearly Rs.8,00,000/- to the petitioner Society, for which disciplinary proceedings were initiated and he was terminated from service. Though he was subsequently reinstated pursuant to the order of the Revisional Authority, within a short span after his reinstatement, he once again indulged in serious misconduct by assaulting the Secretary of the Society. Eight charges were framed against him and the Enquiry Officer found all the charges proved. However, the Labour Court, without properly appreciating the gravity of the misconduct and the materials available on record, set aside the order of termination in its entirety without even imposing any lesser punishment. Therefore, the impugned award warrants interference.



W.P(MD)No.9113 of 2023

WEB COPY

8. The learned counsel for the petitioner further submitted that merely because the criminal case ended in acquittal, the same would not absolve the respondent from the departmental charges. In a criminal case, the prosecution is required to establish the guilt beyond reasonable doubt, whereas in disciplinary proceedings, the charges are required to be proved only on the touchstone of preponderance of probabilities. Therefore, the Labour Court committed an error in granting complete relief to the respondent despite the proved misconduct.

9. Per contra, the learned counsel appearing for the respondent submitted that though eight charges were framed, the petitioner Society failed to establish the charges before the Labour Court by producing acceptable evidence. The Labour Court, after independently appreciating the oral and documentary evidence, rightly came to the conclusion that the order of termination was unsustainable. It was further submitted that this Court, while exercising jurisdiction under Article 226 of the Constitution of India, can interfere with the award of the Labour Court only if the findings are perverse. In the present case, no perversity has been made out and therefore the writ petition is liable to be dismissed.



W.P(MD)No.9113 of 2023

WEB COPY 10. This Court has carefully considered the rival submissions and perused the materials placed on record.

11. It is not in dispute that the respondent had earlier faced disciplinary proceedings and was reinstated into service only pursuant to the order of the Revisional Authority. Immediately after his reinstatement, the respondent was again involved in an incident resulting in disciplinary proceedings. Though the acquittal in the criminal case cannot automatically enure to the benefit of the respondent in the departmental proceedings, at the same time, the punishment of dismissal from service appears to be disproportionate considering the overall facts and circumstances of the case, particularly when the respondent has already attained the age of superannuation and the Labour Court has granted him relief. In ***Prem Nath Bali v. High Court of Delhi*** reported in 2015 (16) SCC 415, the Supreme Court held as under :-

“20. It is a settled principle of law that once the charges levelled against the delinquent employee are proved, it is for the appointing authority to decide the punishment to be imposed on the delinquent employee in accordance with the Rules. The appointing authority, keeping in view the nature and gravity of the charges, the findings of the Inquiry Officer, the entire service record of the



W.P(MD)No.9113 of 2023

WEB COPY

delinquent employee, and all other relevant factors, exercises its discretion and imposes such punishment as is provided under the Rules.

21. Once such discretion is exercised by the appointing authority in imposing the punishment (whether minor or major), the Courts are slow to interfere with the quantum of punishment and substitute it only in rare and appropriate cases. Such power is exercised only when the Court finds that the delinquent employee has established that the punishment inflicted is wholly unreasonable, arbitrary, or disproportionate to the gravity of the proved charges, thereby shocking the conscience of the Court, or that it is in contravention of the Rules. In such cases, the Court may remit the matter to the appointing authority for imposing any other punishment in accordance with the Rules instead of the punishment originally awarded, or, in an appropriate case, substitute the punishment itself instead of remitting the matter to the appointing authority.”

(Emphasis Supplied)

From the ratio laid down by the Apex Court above, it is crystal clear that the power to interfere with the punishment should be exercised only if the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges



W.P(MD)No.9113 of 2023

WEB COPY

and, thereby, shocking the conscience of the Court or if it is in contravention of the Rules.

12. In the considered opinion of this Court, the ends of justice would be met if the punishment of dismissal from service is modified as one of compulsory retirement. Accordingly, while setting aside that portion of the award directing complete relief, this Court modifies the punishment imposed on the respondent from dismissal from service to compulsory retirement. Consequently, the respondent shall be entitled only to the terminal benefits that are legally admissible on account of compulsory retirement, after adjusting any amounts already paid or recoverable, in accordance with law. The petitioner Society shall calculate and settle the eligible terminal benefits within a period of twelve (12) weeks from the date of receipt of a copy of this order.

13. With the above modification, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

08.07.2026

NCC : Yes / No
Index : Yes / No
TSG

8/10



W.P(MD)No.9113 of 2023

WEB COPY

To

The Labour Court, Madurai.



WEB COPY



W.P(MD)No.9113 of 2023

M.DHANDAPANI, J.

TSG

W.P(MD)No.9113 of 2023

08.07.2026