



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.03.2018

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).No.13600 and 13608 of 2014
and
M.P.(MD).Nos.1 & 1 of 2014

The Secretary,
Eraniel Sarvodaya Sangam,
Head Office, 28/92, Muttom Road,
Eraniel, Neyyor Post,
Kanyakumari District.

...Petitioner in both petitions

Vs.

1.The Presiding Officer,
Labour Court, Tirunelveli.

2.C.Rameswaran ...2nd Respondent in W.P.(MD).No.13600 of 2014
2.S.Mohana ...2nd Respondent in W.P.(MD).No.13608 of 2014

PRAYER: Writ petitions filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the impugned award dated 01.06.2012 passed by the first respondent in I.D.Nos.90 of 2006 and 91 of 2006 and quash the same as illegal in so far as it relates to granting the relief of reinstatement with continuity of service along with statutory benefits is concerned.

For Petitioner : Mr.M.Jerin Mathew in both petitions
For Mr.M.E.Ilango
For R1 : Labour Court in both petitions
For R2 : Mr.G.Aravinthan in both petitions

COMMON ORDER

The Secretary, Eraniel Sarvodaya Sangam, is the Writ Petitioners in both the Writ Petitions. One Rameshwaran, is the second respondent in W.P.(MD).No.13600 of 2014 and one Mohana, is the second respondent in W.P.(MD).No.13608 of 2014. These private respondents were employees of the petitioner Sangam. On the ground that they misappropriated the monies belonging to the Sangam, they were suspended from service and finally terminated. The private respondents herein raised industrial dispute before the Labour Court, Tirunelveli in I.D.Nos.90 of 2006 and 91 of 2006. The Labour Court by the impugned awards dated 01.06.2012 allowed both the I.D.s directing the petitioner herein to reinstate the private



respondents without back wages. The said awards are under challenge.

2. Heard the learned counsel on either side and perused the original records also.

3. It is seen that the private respondents herein were dismissed without holding any enquiry. They were not even issued with any charge memo. Of course, the Management is having the right to lead evidence before the Labour Court in support of the charges. But in this case, even the charges were not originally issued. Be that as it may the evidence adduced before the Labour Court did not inspire the confidence of the Presiding Judge of the Labour Court. This Court also went through the deposition of the Management witness Jeyapalan. The details of the alleged misappropriation have not at all been set forth. The case of the Management against the employees in this case is totally vague. That is why the Labour Court allowed the I.D.s raised by the private respondents herein. The award passed by the Labour Court cannot be faulted. The reasons are sound. There is absolutely no merit in these Writ Petitions.

4. The Writ petitions stand dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To
The Presiding Officer,
Labour Court, Tirunelveli.

+2CC to Mr.G.Aravinthan, Advocate, SR.Nos.56296, 59297

ORDER MADE IN
W.P. (MD) .No.13600, 13608 of 2014
19.03.2018

tsg
AM/SV MMS/SAR 3/07.06.2018/2P/4C