

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE T.RAJA

W.P.No.23124 of 2008

V.Sampath

... Petitioner

Vs

1. The Presiding Officer,
I Additional Labour Court,
Chennai-104.

2. The Management of Kancheepuram
District Consumer Co-operative
Wholesale Stores Limited,
No.93, Broadway Street,
Chennai-108.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Award dated 24.4.2008 passed in I.D.No.56 of 2001, quash the same and consequently, direct the 2nd respondent to reinstate the petitioner in service with continuity of service and with back wages and other attendant benefits, award costs.

For Petitioner : Mr.S.T.Varadarajulu

For 2nd Respondent : Mr.L.P.Shanmugha Sundaram,
Spl.G.P.
For Mr.Ravi Bharathi

WEB COPY

ORDER

This Writ Petition has been filed, challenging the correctness of the Award dated 24.4.2008 passed in I.D.No.56 of 2001 by the I Additional Labour Court, Chennai in and by which the Labour Court confirmed the order of punishment imposed against the petitioner on the basis of the admission made by him before the Managing Director, dismissing the disputes raised by him.

2. When the dismissal order passed by the Management, Kancheepuram District Consumer Co-operative Wholesale Stores was reconfirmed by the Labour Court, the contention made by the learned Counsel for the petitioner asking to furnish documents was not considered, has no legs to stand. The reason being that when the petitioner was suspended for charges of shortage of stock by Proceedings dated 29.06.1995 of the 2nd respondent, he was issued with a Charge Memo dated 22.07.1995 stating that from 04.06.1986 till 31.10.1994, there was a shortage of stocks to the tune of Rs.50,656.56 and he has sold away the same in the black market and misappropriated that amount. However, he has not come forward to give his explanation for the charge memo dated 1.8.1995. Therefore, a reminder was given to the petitioner. Only on receipt of the reminder, the petitioner has given his explanation on 07.08.1995 stating that only small amount of shortage of stock was occurred and he is ready to pay that amount.

3. Thereafter, the 2nd respondent issued a notice on 24.02.1996 to pay the shortage of stock amount of Rs.50,656.56. But the petitioner has not come forward to pay the same as he promised. Again, he was served with a Show Cause Notice alleging that why he should not be dismissed from service and he was also asked to appear before the Managing Director. Again, the petitioner has not appeared. Therefore, one more opportunity was given to the petitioner. On 24.7.1999, he appeared before the Managing Director and admitted that he would pay the shortage of stock after verifying the same. After making such an undertaking, the petitioner has not turned up for verification of accounts. Only then, on the basis of the Enquiry Officer's report holding him guilty, he was dismissed from service on 23.03.2000. Therefore, in my considered opinion, the finding of facts given by the I Additional Labour Court, Chennai, cannot be found fault with.

4. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

tsi

To

1. The Presiding Officer,
I Additional Labour Court,
Chennai-104.
2. The Management of Kancheepuram
District Consumer Co-operative
Wholesale Stores Limited,
No.93, Broadway Street,
Chennai-108.

+lcc to Mr.S.T.Varadarajulu, Advocate Sr.12492
+lcc to Mr.M.Ravi Bharathi, Advocate Sr.12002

W.P.No.23124 of 2008

nm[co]
srg 13/03/2019



WEB COPY