



WEB COPY

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 08.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.A.No.2439 of 2013

The Superintendent of Post Offices,
Department of Posts,
Dharmapuri Division,
Dharmapuri - 636 701.

... Appellant/Petitioner

versus

1.J.Shanmugam

2.Central Government Industrial Tribunal cum
Labour Court, Chennai.

... Respondents/Respondents

Prayer:

Appeal filed under Clause 15 of the Letters Patent against the judgment dated 15.07.2011 passed by his Lordship Justice K.Chandru in W.P. No.6833 of 2009 on the file of this Court.

Prayer in W.P. No.6833 of 2009

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorari calling for the records relating to the impugned order passed in I.D.No.57 of 2007 on 31.1.2008 by the Second Respondent herein holding termination of the services of the First Respondent is not Legal and justified and made reinstatement with continuity of services and other attendant benefits and back wages and quash the same.

For Appellant : Mr.Venkatasamy Babu

For Respondents : Mr.R.Thamaraiselvan for R1

R2-Court



JUDGMENT

(Judgment of this Court was delivered by T.RAJA,J.)

WEB COPY This writ appeal has been directed against the impugned order dated 15.07.2011 passed in W.P. No.6833 of 2009 wherein the learned Single Judge, after going into details the findings and conclusion reached by the Labour Court, Chennai holding that the appellant did not even come forward to take part in the proceedings and remain absent and that the appellant have not come forward to file any counter affidavit, dismissed the writ petition, granting the relief of re-instatement, back wages and other attendant benefits to the first respondent, bearing in mind that three charges levelled against the first respondent were devoid of any merit. Aggrieved thereby, the appellant has come to this Court.

2.Learned counsel appearing for the appellant submitted that since the appellant did not appear before the Labour Court, Chennai, the learned Single Judge should have given a chance to the appellant to conduct the case, by remanding the matter back to the Labour Court, Chennai, as the charges levelled against the first respondent were serious in nature.

3.In this regard, we wish to re-state the charges levelled against the first respondent. The first charge levelled against the first respondent is that while he was working as a Branch Post Master, Mampatti, an amount of Rs.811.75 was short on 14.12.1998; the second charge levelled against the first respondent is that he failed to bring into account Rs.600/- along with penalty Rs.7/-, which he accepted as deposit for the month from November 1997 to December 1997 in respect of R.D. Account No.277910 of one Mr.K.K.Ramamoorthi; and the third charge framed against him is that he failed to bring into account a sum of Rs.14/-, which he accepted towards RD deposit from December 1997 to November 1998 in respect of one Mr.Ponnusamy. Considering the fact that none of the charges were established before the Enquiry Officer, the Labour Court, Chennai, came to the conclusion that the first respondent was ignorant and he did not know that he was entitled to have an assistance of a co-employee and he was also ignorant of the domestic enquiry proceedings because the same were recorded in English and the first respondent was not conversant in the said language. Further the Labour Court, Chennai has recorded an interesting finding that on the directions of the Enquiry Officer, the first respondent affixed his signature in the statement recorded by the Enquiry Officer without knowing the implications and with a fond hope to get back the employment. Therefore, the Labour Court, Chennai came to the conclusion that the first respondent was only a mere signatory to the



proceedings and that there was no enquiry in reality in the domestic enquiry and that no evidence was placed in the enquiry to show that there was shortage as alleged by the appellant, hence, the enquiry was conducted in utter violation of principles of natural justice and that the punishment of dismissal imposed on the first respondent was grossly disproportionate to the charges.

4. When the first respondent raised the Industrial Dispute before the Tribunal, the appellant did not care to take part before the Tribunal and the appellant has not come forward to file counter affidavit to deny the allegations. Moreover, when the charges levelled against the first respondent were not even proved on the basis of the records available, the Tribunal has rightly come to the conclusion that the charges put against the first respondent were not even established and the findings and conclusion reached by the Labour Court have been rightly confirmed by the learned Single Judge.

5. Since the charges levelled against the first respondent were not even proved, in our considered opinion, the learned Single Judge has rightly upheld the same. We are, therefore, inclined to dismiss this appeal. Accordingly, the appeal fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vga

To

1. Central Government Industrial Tribunal cum
Labour Court, Chennai.

2. The Superintendent of Post Offices,
Department of Posts,
Dharmapuri Division,
Dharmapuri

W.A.No.2439 of 2013

GT (CO)
PR (03/08/2021)