



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.NO.43191 OF 2016

J.Venkatesan

... Petitioner

Vs.

1. The Management,
H.H.525, Kuppam Primary Agricultural
Co-operative Credit Society Ltd.,
Kuppam Village & Post,
Polur Taluk,
Thiruvannamalai District.

2. The Presiding Officer,
Principal Labour Court,
Vellore, Vellore District.

... Respondents

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Certiorarified Mandamus, after calling for the records relating to the Award dated 17.03.2016 passed in I.D.No.17 of 2015, quash the Award and consequently direct the 1st Respondent to reinstate the Petitioner in service with continuity and with full back wages, and other attendant benefits.

For Petitioner : Mr.S.T.Varadarajulu

For 1st Respondent : Mr.L.P.Shanmugasundaram

O R D E R

The Petitioner/employee has come up with this Writ Petition challenging the Award dated 17.03.2016 passed by the Labour Court in I.D.No.17 of 2015 and for a consequential direction to the 1st Respondent to reinstate him in service with continuity, with full back wages and other attendant benefits.

2. Heard the learned counsel on either side and perused the material documents available on record.



3. The Petitioner joined the services of the 1st Respondent/Society as Salesman on 17.02.1982 and was promoted as Clerk in 1984. He was allotted duty as Salesman at Kalkuppam Shop and additional duty was given to look after the part-time shop at Kumbalkottai. The Petitioner was foisted with nine charges, out of which, seven charges were held to be proved. The Petitioner tried to establish his case that, his duty is to handle the Shop and that, there used to be shortage of stocks, which is due to many factors such as seepage in the bag, transit loss, etc. Even assuming for the sake of argument that, the case of the Petitioner is accepted, with regard to the financial irregularities, it has been held by the Labour Court that, the Petitioner has siphoned off the funds. That apart, the Petitioner/employee has admitted his guilt in the enquiry.

4. The Labour Court has held that, the contention of the Petitioner/employee cannot be looked into as one to be viewed by the Criminal Court. But, in the departmental proceedings, the standard of proof is completely different and once the employee admits his guilt and the charges are held to be proved without any duress, the Court cannot simply brush aside the Enquiry Report and pass an order. The Labour Court further held that, the Co-operative Society is running on Government aid.

5. The attitude of the Petitioner/employee in siphoning off the funds of the members of the Respondent/Society cannot be taken lightly. As there is no perversity in the Award passed by the Labour Court, this Court finds no reason to interfere with the same.

Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

aeb

To

1. The Management,
H.H.525, Kuppam Primary Agricultural
Co-operative Credit Society Ltd.,
Kuppam Village & Post, Polur Taluk,
Thiruvannamalai District.



2. The Presiding Officer,
Principal Labour Court,
Vellore, Vellore District.

+1cc to Mr.S.T.Varadarajulu, Advocate, S.R.No.34181

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KV(CO)
PBS/17/08/2021