



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2022

CORAM

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.19476 of 2012

P.Krishnan

...Petitioner

.Vs.

1.Inspector of Factories,  
No.36, Sudhakar Nagar,  
Salamedu,  
Vizhudhareddy Post,  
Villupuram - 605602.

2.The Commissioner of Sugars,  
Office of the Commissioner of Sugars,  
No.474, Anna Salai,  
Chennai - 600035.

3.The Management,  
Chengalvarayan Co-operative Sugar Mills,  
Rep. by its Administrator,  
Periyasevalai - 607209.

...Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records in Na.Ka.No.22384/sa.tho.1/99 dated 12.08.2000 on the file of the second respondent and quashing the same and further to direct the third respondent to calculate the salary of the petitioner without reducing the basic pay to the initial stage and pay the same to the petitioner.

For Petitioner : Mr.S.Hariprasad

For Respondents : Mr.R.Bala Ramesh [R3]  
No Appearance [R1 & R2]

ORDER

Based on charges against the petitioner that he had taken the photocopies of certain Registers belonging to the third respondent/Management and forwarded the same to the Inspector of Factories, the petitioner was proceeded with departmental action and accordingly, the third respondent herein, in his proceedings dated 22.04.1999, had imposed the punishment of fixing his basic pay of salary at the initial stage. This punishment came to be



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modified by the second respondent herein in the order in Appeal dated 12.08.2000 whereby, the punishment to calculate his salary on the basic pay at initial stage was restricted to three years. Challenging the same, the present writ petition has been filed.

2. The learned counsel for the petitioner submitted that under Section 111A(iii) of the Factories Act, the worker will have a right to represent to the Inspector of Labour directly or through his representative in the matter of inadequate provisions for protection or safety in the factory and under Section 9(d), The Inspector of Labour has the power to direct the Management to produce any document relating to factories or seize such documents. Hence, he submitted that the charges against the petitioner is not a misconduct.

3. These provisions have no nexus with the charge that is leveled against the petitioner. The very charge states that the petitioner herein had forwarded the photocopies of certain registers which are the properties of the Management and sent the same to the Inspector of Labour without the permission of the Management. In case the petitioner had any grievance in provisions of protection or safety, then he would have an option to give a complaint to the Inspector of Labour, under Section 111A of the Act. But the present delinquency does not relate to matters of protection or safety in the Factory. Thus, taking of photocopies of the properties of the Management without their permission, is a misconduct.

4. Though the original punishment imposed by the third respondent could be termed as disproportionate to the leveled charges, the modified punishment by the second respondent herein, restricting the fixation of his scale of pay at the initial level for three years, seems to be in proportion to the charges. As such, I do not find any infirmity in the modified punishment.

5. In the light of the above findings, I do not find any merits in this Writ Petition and hence, the same stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar



To

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3. The Administrator,  
Management,  
Chengalvarayan Co-operative Sugar Mills,  
Periyasevalai - 607209.

+1cc to Mr.S.Hariprasad, Advocate, S.R.No.12665

+1cc to Mr.R.Balaramesh, Advocate, S.R.No.12410

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RN(22/03/2021)  
MT(CO)