



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 19.01.2022

Coram

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.29712 of 2011

The Management,
Salem District Consumer Cooperative
Wholesale Stores Ltd.,
Pallapatti, Salem 636 009.

...Petitioner

Vs.

1. The Presiding Officer, Labour Court,
Salem.

2. R.Devaki

...Respondents

PRAYER: Writ petition filed under Section 226 of the Constitution of India to issue a Writ of Certiorari Mandamus to call for the records in I.D.No.32 of 2007 on the file of Labour Court, first respondent herein, and quash the Award dated 15.11.2010.

For Petitioner : Mr.M.R.Raghavan

For respondents : Mr.K.V.Shanmuganathan for R2

ORDER

This petition has been filed to quash the Award dated 15.11.2010 passed by the Labour Court in I.D.No.32 of 2007.

2. The case of the petitioner in brief, is as follows:

The petitioner is an institution formed in accordance with the provisions of the Tamil Nadu Cooperative Societies Act and has fair price shops under its control. The second respondent was employed as the Assistant Saleswoman in the petitioner society. During her employment, she had committed irregularities in distribution of controlled commodities to an extent of Rs.3,936.60 and hence she was placed under suspension. Thereafter, on her explanation and on humanitarian consideration, the above order of suspension was ordered to be treated as loss of pay and she was reinstated into service with



severe warning. Even thereafter, she committed similar misconducts. Hence, charge memo dated 4.2.2002 was issued towards the deficit stock to an extent amount of Rs.32,175/- in Jothi Nagar Branch and Rs.33,115.40 in Attur Branch. Another charge memo dated 19.03.2002 was issued towards the deficit stock to an extent of Rs.14,650.10 during the year 2001-2002 and thereafter, enquiry was conducted. The enquiry officer found the second respondent guilty of the charges. Based on the enquiry report, show cause notice was issued and then the second respondent was dismissed from service on 31.05.2003. Aggrieved by the order of dismissal, the second respondent raised the dispute before the Labour court and it was numbered as I.D.No.32 of 2007. The Labour Court, after considering the oral and documentary evidence, set aside the dismissal order passed against the second respondent and directed the petitioner to reinstate the second respondent in the management, without backwages or any other benefits. Hence, this writ petition has been filed to quash the Award passed by the Labour Court by the petitioner management.

3. The learned counsel appearing for the petitioner submitted that, after passing of Award by the Labour Court, the second respondent was allowed to continue the service till her retirement and she retired from service on superannuation, during the year 2014. He also clarified that the second respondent is not entitled for pensionary and other benefits, except Gratuity.

4. The learned counsel appearing for the second respondent also agreed the above fact and the submission made by the learned counsel for the petitioner.

5. In view of the above submission, no further adjudication is required to be made in this writ petition and hence, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar (CS-V)

//True copy//

Sub Assistant Registrar

mst



To

1. The District Judge,
Chief Officer, Labour Court,
Salem.

+1 CC to Mr.K.V.Shanmuganathan, Advocate sr 3570
+1 CC to Mr.M.R.Raghavan, Advocate sr 2898.

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MT(CO)
SP(09/02/2022)