



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.23262 of 2013

A.M.Loganathan

...Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Vellore.

2.The Special Officer,
Abdullapuram Primary Agricultural Co-operation Bank,
Abdullapuram Village and Post,
Vellore Taluk & District.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the entire records pursuant to the order of the 1st respondent dated 27.03.2013 in I.D.No.163 of 2005 quash the same and consequently direct the 2nd respondent to reinstate the petitioner with full back wages and all other attendant benefits.

For Petitioner : Mr.G.B.Saravana Bhavan
For R1 : Court
For R2 : Mr.M.E.Rani Selvam

ORDER

The petitioner herein, while employed as a salesman in the fair price shop at Karugambattur, was levelled with charges of stock-shortage, shortfall in cash remittance, storage loss and neglect of duty. Based on the charges, an enquiry was conducted, in which the Management had let in oral and documentary evidences. After due opportunity to the petitioner, the charges were held to be proved and accordingly, the petitioner was dismissed from service on 16.06.2003. The dispute raised by the petitioner before the Labour Court, Vellore, in I.D.No.163 of 2005 was also rejected on 27.03.2013, which Award is under challenge in the present writ petition.



2. A perusal of the impugned Award reveals that the Labour Court had taken into account the evidence of the Enquiry Officer in totality and while dealing with the each and every charge separately, had placed reliance on the evidences before the Enquiry Officer, as well as the documents marked by the petitioner in the Labour Court and accordingly, had come to the conclusion that there was no perversity in the findings of the Enquiry Officer. The Labour Court had also taken into consideration of the exhibits marked before it and hence cannot be said that the Award was based "no evidence".

3. The charges as such, when leveled against a salesman of a fair price shop, is serious in nature and the Labour Court had also placed reliance on the decision of the Hon'ble Supreme Court in the case of Regional Manager, U.P.SRTC vs. Motilal reported in 2003 (3) SCC 605, and held that the charge of deficit stock and non-remittance of amount to the bank cannot be dealt with leniently. Hence the proportionality of the punishment was also properly considered by the Labour Court. While that being so, I do not find any reason to interfere with the well considered Award of the Labour Court.

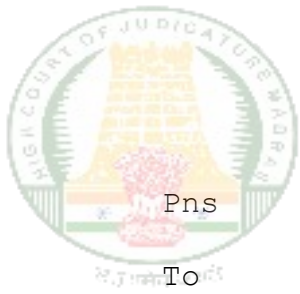
4. Accordingly, this Writ Petition stands dismissed. No costs.

5. At this juncture, the learned counsel for the petitioner submitted that he was placed on suspension on 02.02.2003 and he was terminated on 16.06.2003, during which period he was not paid the subsistence allowance. It is also his submission that the contributions made towards LIC has not been refunded to the petitioner. The petitioner would be eligible for these two monetary benefits, if not already paid. In this regard, the petitioner is granted liberty to make an appropriate representation seeking payment of subsistence allowance and refund of the contributions made towards LIC and on receipt of the same, the second respondent herein, shall consider it and pass appropriate orders, within a period of two weeks from the date of receipt of a copy of the representation.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

WEB COPY

1.The Presiding Officer,
Labour Court,
Vellore.

2.The Special Officer,
Abdullapuram Primary Agricultural Co-operation Bank,
Abdullapuram Village and Post,
Vellore Taluk & District.

+1 CC to Mr.G.B.Saravana Bhavan, Advocate sr 22294.

W.P.No.23262 of 2013

GSM(CO)
SP(26/04/2022)