



1

IN THE HIGH COURT JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.No.20253/2014 and M.P.No.1 of 2014

E.2594, Vadakailasam Primary Agricultural  
Co-operative Credit Society Limited  
rep. by its Secretary,  
Kamaraj Nagar, Panruti-607 106,  
Cuddalore District.

... Petitioner

Vs

1.The Presiding Officer,  
Labour Court, Cuddalore.

2.C.Ganesan

... Respondents

Writ Petition filed under Article 226 of the Constitution of India  
seeking for issuance of a Writ of Certiorari, calling for the records of  
the 1<sup>st</sup> respondent in his award in I.D.No.72 of 2003 dated 26.03.2014  
and quash the same.

For Petitioner : Mr.M.S.Palaniswamy

For Respondents : No appearance

**ORDER**

WEB COPY

The charge against the 2<sup>nd</sup> respondent herein is that while he was serving as a cashier, he had belatedly remitted the collections after four days. On the basis of the proven charges, the Disciplinary Authority had awarded punishment of dismissal from service. The challenge to the same by the 2<sup>nd</sup> respondent herein resulted in the impugned award dated 26.03.2014 whereby the order of dismissal was set aside and the management was directed to pay 25% of the last drawn wages to the petitioner from the date of dismissal till the date of superannuation.

2. Apparently, the charge against the petitioner does not seem to be a major one which may warrant a punishment of dismissal from service. It is not the case of the petitioner Management that the 2<sup>nd</sup> respondent had misappropriated the amount. The Labour Court had found that the enquiry was fair and proper and ultimately had found that the punishment to be proportionate to the charges. It was further found that there was a misconduct on the part of the 2<sup>nd</sup> respondent herein and therefore, had also reduced the back wages to 25%. I do not find any infirmity in such a findings. Since this Court is



of the view that the punishment is disproportionate to the levelled charges, no interference is required to the impugned award of the Labour Court. Accordingly, the Writ Petition stands dismissed.

3. In view of the dismissal of the writ petition, the petitioner Management shall forthwith disburse the monetary benefits awarded by the Labour Court to the 2<sup>nd</sup> respondent herein in the impugned award in I.D.No.72 of 2003 dated 26.03.2014, within a period of four weeks from the date of receipt of a copy of this Order. No costs. Consequently, connected Miscellaneous Petition is closed.

02.11.2022

Speaking/Non-speaking Order

Index : Yes/No

Internet : Yes/No

tsi

To

The Presiding Officer,  
Labour Court, Cuddalore.



WEB COPY



4

**M.S.RAMESH, J.**

tsi

W.P.No.20253/2014

02.11.2022