



W.P.(MD)No.15288 of 2013

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 10.11.2022

CORAM

THE HON'BLE MRS.JUSTICE S.SRIMATHY

W.P.(MD)No.15288 of 2013

and

M.P.(MD)No.1 of 2013

Manmangalam Agricultural
Co-operative Society,
(R-1590) Manmangalam Post,
Karur District,
represented by its President,
P.Eswaramoorthy.

... Petitioner

Vs.

1. K.Marimuthu,
2. The Liquidator,
Manmangalam Agricultural
Co-operative Society,
(R-1590) Manmangalam Post,
Karur Taluk,
Karur District.
3. The Presiding Officer/
District Judge,
Labour Court,
Trichy.

... Respondents



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PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari, to call for the records pertaining to the impugned award dated 17.07.2012 made in I.D.No.88 of 2001 on the file of the third respondent and quash the same.

For Petitioner	: Mr.G.Mohan Kumar
For R1	: No appearance
For R2	: Mr.Shanmugavel Additional Government Pleader
For R3	: Labour Court

ORDER

This Writ Petition is filed challenging the impugned order, dated 17.07.2012 passed by the third respondent.

2. The contention of the petitioner Management is that the first respondent who was an employee of the petitioner Society has indulged in misappropriation. Therefore, the disciplinary proceeding was initiated and the first respondent was dismissed from service vide, order dated 16.12.1983. Challenging the dismissal order, the first respondent raised an Industrial Dispute in I.D.No.88 of 2001. The Labour Court has



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directed the petitioner Society to pay backwages to the first respondent from 14.03.1983 till the date of superannuation with all benefits.

Challenging the said order, the present writ petition has been filed.

3. The contention of the petitioner Society is that the Labour Court has come to the conclusion that proper opportunity was not given to the first respondent and there is a violation of principle of natural justice. Having come to the conclusion, the Labour Court ought to have granted opportunity to the Society to let in evidence which was not granted. The first respondent has specifically raised plea in Paragraph 6 of their counter affidavit filed before the Labour Court, to grant opportunity to let in evidence, if the Labour Court finds there is violation of granting opportunity during the enquiry and the said para is extracted hereunder:

“6. Without prejudice to the above contentions, the Management submits that in case if this Honourable Court holds that there was no enquiry or defect in enquiry, it is submitted that the respondent may be permitted to adduce both oral and documentary evidence to establish their case by satisfactory evidence.”



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When a specific plea is raised by the Society, then it is incumbent on the third respondent to grant opportunity to the Society.

4. Therefore, this Court deems it fit to remit back the matter to the Labour Court. The Labour Court is directed to provide opportunity to the petitioner Society to let in evidence, thereafter shall hear the rival submissions and pass appropriate orders. The said exercise shall be completed within a period of four (4) months from the date of receipt of a copy of this order.

5. With the above said direction, this Writ Petition is allowed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
Internet : Yes / No
jbr



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To

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S.SRIMATHY, J

jbr

Order made in
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10.11.2022