



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2022

CORAM:

THE HONOURABLE MS.JUSTICE P.T.ASHA

C.R.P. (MD) No.1669 of 2021

and

C.M.P. (MD) No.9028 of 2021

P.Singaraj

... Petitioner/Petitioner

-vs-

The Management,
Q 1066, Rajapalayam Consumers Co-operative
Wholesales Stores Ltd.,
Rajapalayam 626 117.

... Respondent/Respondent

Prayer :- Petition filed under Article 227 of the Constitution of India, to allow the civil revision petition, set aside the impugned order passed in I.A.No.171 of 2021 in I.D.No.211 of 1994 dated 12.10.2021, by the Labour Court, Madurai.

For Petitioner : Mr.T.Ravichandran

For Respondent : Mr.N.Muthuvijayan
Special Government Pleader

ORDER

Aggrieved by the dismissal of his application seeking production of documents, the revision petitioner/workman is before this Court.

2.The brief facts are as follows:-

(i) The revision petitioner had been terminated from the service of the respondent society on the allegation of causing a stock deficit. Along with the petitioner, others had also been charged and their services were also terminated. However, the other employees had been reinstated whereas the petitioner had not been reinstated. The respondent would contend that the petitioner was involved in a criminal case and therefore, he could not be reinstated. When the matter was posted for the evidence, the revision petitioner came forward with the impugned application seeking production of the following documents:-

1.The Service Register and Disciplinary proceedings
file of the employee, Ganesan, R.Thangaiah and
Thuraiyugam.



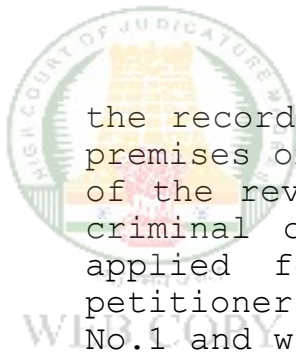
2. Service Register and Disciplinary proceedings files and the Criminal Judgments attached in C.C.No.6/1996 attached with the files of co-employees namely 1.S.Andiyappan, 2.S.Meenakshi, 3.A.Mativanan, 4.A.Tamilselvi, 5.S.Uthandan, 6.P.Rajendrakkani, 7.M.Thuraimugam, 8.T.Chellaiah, 9.K.Marimuthu, 10.M.Ayyadurai, 11.C.Murugan, 12.K.Rajamohammed, 13.S.Shanmugalingam, 14.A.Rajendra, 15.N.Sundarakumar, 16.K.Arumugaperumal, 17.P.Marakkannu 18.M.Mohan with the file of the disciplinary proceedings.

(ii) The respondent has filed a counter *inter alia* contending that the petitioner was terminated from services for the proved misconduct of misappropriation and had also been convicted for the offence by the Commercial Crime Investigation Court. The respondent had marked all the documents relating to the charges levelled against the petitioner in the domestic enquiry conducted as early as in the 1980's. The case of the revision petitioner relates back to over 35 years. The respondent would contend that they are obliged to file the copies relating to the domestic enquiry in respect of the revision petitioner, but not with reference to the others since by efflux of time these documents are not available. That apart, the Office of the respondent had been shifted and in the course of this shifting, documents have been misplaced or destroyed. Therefore, they sought for dismissal of the petition.

(iii) The learned Presiding Officer, Labour Court, Madurai dismissed the said application. The learned Judge took the view that the domestic enquiry was conducted by the respondent society in respect of each of the employees separately and separate decision has been taken for each of them. The petition mentioned documents are not relevant to the case on hand. Challenging the said order, the petitioner is before this Court.

3. Heard the learned counsel on either side and perused the records.

4. A primary argument advanced by the petitioner is that along with the petitioner, others had also been charged for the offence of stock deficit and a calender case was instituted against all of them. However, with reference to some of the similarly placed persons, the respondent Society has reinstated them after receiving of fine. Such a concession has not been extended to the revision petitioner. The reason for seeking production of Service Register and disciplinary proceedings of these reinstated employees, would definitely advance the case of the revision petitioner that he has been singled out for punishment, whereas the others who are similarly placed have been reinstated. The respondent society is bound to retain the Service Registers of its employees as these registers are required on a day-to-day basis. The allegation that



the records have been lost on account of the shifting of the office premises on three occasions, is not palatable. No doubt, the demand of the revision petitioner for a copy of the proceeding before the criminal court is not required as these orders can very well be applied for and got for by the petitioner. Therefore, the petitioner shall only be entitled to the documents listed in Serial No.1 and with reference to serial No.2, he will be only entitled to the service registers and disciplinary proceedings in respect of the co-employees, whose names are listed therein. As regards the criminal judgment, the civil revision petition is dismissed. The copies of the documents shall be handed over within 15 days from the date of receipt of a copy or production of this order to the revision petitioner.

5.In the result, this Civil Revision Petition is partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

Note:-

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the Advocate / litigant concerned.

To

1.The Presiding Officer, Labour Court, Madurai.

2.The Management,

Q 1066, Rajapalayam Consumers Co-operative,
Wholesales Stores Ltd.,
Rajapalayam 626 117.

+1 CC to M/s.T. RAVICHANDRAN, Advocate (SR-688[F] dated 06/01/2022)

+1 CC to M/s.SPL.GP (SR-759[F] dated 07/01/2022)

C.R.P.(MD)No.1669 of 2021
and C.M.P.(MD) No.9028 of 2021
Dated: 06.01.2022

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