



W.P.No.14130 of 2013

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 21.06.2023**

**CORAM :**

**THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN**

**Writ Petition No.14130 of 2013**

G.Ravi

.... Petitioner

-Vs-

1.The Presiding Officer  
Principal Labour Court  
Vellore District, Vellore.

2.The Management of  
VL.SPL.127, Ranipet Primary  
Agricultural Co-operative Bank Ltd  
Karai, Ranipet, Vellore District.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records relating to the award dated 25.5.2012 of the 1<sup>st</sup> respondent passed in I.D.No.153 of 2001, quash the award and consequently direct the 2<sup>nd</sup> respondent to reinstatement the petitioner with continuity of service, back wages and other attendant benefits with award costs.

For Petitioner : Mr.S.T.Varadarajulu

For Respondents : Mr.P.S.Sivashanmugasundaram – for R2  
R1 - Court



W.P.No.14130 of 2013

**ORDER**

WEB COPY

The petitioner was employed under the respondent as a Salesman. He was originally dismissed from service on 08.06.1993. He challenged the same by way of a writ petition, the writ petition was allowed and the petitioner was reinstated back into service with full backwages. He was suspended from service on 23.04.1994.

2. According to the petitioner, he did not commit any mistake and he did not attend the enquiries held against him, due to want of finance. He was set exparte in the enquiry proceedings and a show cause notice was issued to him. Thereafter, it was followed by an order of dismissal. Challenging the same, he filed I.D.No.153 of 2001 before the labour court at Chennai. His main grievance is he was not paid subsistence allowance pending the order of suspension.

3. The respondent Society filed a counter, bringing to the notice of the labour Court, that the petitioner had misappropriated amounts belonging to the Society and he was directed to repay the amounts by the Deputy Registrar. His appeal against the said order before the District Court, Vellore in C.D.A.No.12 of 1996 was also dismissed and the orders has become final. According to the Management, even the amount of misappropriation of Rs.17,869.65/- has not been repaid till date. The respondent further alleged that he was transferred



W.P.No.14130 of 2013

from Pinji, Ranipettai Cooperative Society to Chettythangal Village Cooperative Society. The petitioner did not obey the transfer order also. Without obeying the transfer order, he initiated proceedings before the labour Court in C.P.No.87 of 1998. The respondent also alleged that he did not report to the place of duty and therefore he was suspended on 23.04.1994. An enquiry officer was properly appointed and he came to the conclusion that the charges levelled against the petitioner stood proved. The respondent would support the order of dismissal, as just and appropriate in the circumstances.

4. The labour Court framed a preliminary issue as to whether the enquiry conducted by the Management was fair and proper and took a view that the enquiry was not proper and therefore permitted the management to enter evidence on its side to support the order of dismissal. The management witness had entered the box and had marked as many as 234 documents. The documents that have been filed have been properly analysed, in particular, M76 to M83, which are the stock registers of the Society and deficiency was found to the tune of Rs.17,869.65/-.

5. Learned counsel for the petitioner would submit that the petitioner was not given an opportunity to cross examine. However, learned counsel for the



W.P.No.14130 of 2013

respondent Society would specifically point out paragraph no.10 of the award. It is stated that the petitioner has made an endorsement that there is no fresh evidence for the petitioner. Therefore, when the petitioner had been given an opportunity by the labour Court and he has not availed of the same, he cannot complain that the labour court has not given him sufficient opportunity.

6. The role of the respondent Society is to run a fair price shop and if the petitioner is going to indulge in misappropriation of the stocks, obviously the Management would lose confidence over him. To give an example, for the period from 03.07.1993 to 09.02.1994, the Cooperative Sub Registrar inspected the Society and came to a conclusion that there was manipulation in ration cards, distribution of essential commodities, deficit of ordinary rice as well as 36 Kgs of additional rice. He directed the petitioner to pay the amount, but the petitioner has not paid the same till date.

7. Further, the labour Court also found on the basis of records that the petitioner did not hand over the records and it was only after a police complaint that the documents were returned. Insofar as the third and most important charge is concerned, the petitioner was casted with the duty of distribution of essential commodities to ration card holders. He not only failed in this duty, but also has prepared bogus bills and made false entries and had sold the products



W.P.No.14130 of 2013

in the open market. Through such a sale, the labour Court has found that the petitioner has profited to Rs.5998.60/-.

8. It is pertinent to point out that on all these aspects, the petitioner did not examine the Management witness at all. When a serious charge is made in the proof affidavit and in the deposition in evidence, duty is cast upon the workman to show that they were false. On the contrary, he failed to cross examine and thereby, the statement of the Management witness should be deemed to have been admitted.

9. I have carefully gone through the records and I do not find any illegality or irregularity in the same. I am not inclined to interfere with the well reasoned award passed by the labour Court. Accordingly, the writ petition is dismissed. No costs.

**21.06.2023**

Index : Yes/No  
Neutral Citation : Yes/No  
Speaking Order / Non-speaking order  
KST

**V. LAKSHMINARAYANAN, J.**

KST

To



W.P.No.14130 of 2013

1.The Presiding Officer  
Principal Labour Court  
Vellore District, Vellore.

2.The Management of  
VL.SPL.127, Ranipet Primary  
Agricultural Co-operative Bank Ltd  
Karai, Ranipet, Vellore District.

**W.P.No. 14130 of 2013**

**21.06.2023**