



WEB COPY



W.P.No.22706 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM

THE HONOURABLE MR.JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.22706 of 2015
and M.P.No.1 of 2015

The Management,
S.518,A.Kullampatty Primary Agricultural
Co-operative Credit Society,
Kullampatty Post,
Edappadi via Sankari Taluk,
Salem.

... Petitioner

-Vs-

1. P.Palanisamy

2.The Presiding Officer,
Labour Court,
Salem.

... Respondents

Prayer:- Writ Petition filed under Article 226 of Constitution of India praying for the issuance of Writ of Certiorari, call for records relating to the passing of the award in I.D.No.231 of 2010 dated 26.02.2015 on the file of the Labour Court, Salem and quash the same in the interest of justice.

For Petitioner	: Mr.L.P.Shanmugasundaram
For R1	: Mr.N.Manokaran
R2	: Court



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ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorari, calling for the records relating to the passing of the award in I.D.No.231 of 2010 dated 26.02.2015 on the file of the Labour Court, Salem and to quash the same.

2. Heard the learned counsel for the petitioner and the learned counsel for the first respondent and perused the materials available on record.

3. The first respondent was appointed as a Salesman by the petitioner Society. Thereafter, he was promoted to the post of Clerk. During his tenure as a Clerk, he has not effectively supervised the Salesmen working in the Fair Price Shop, due to which, the salesmen had committed misappropriation of the funds of the Society to the tune of Rs.2,47,698.15/-. Hence, the first respondent was served with a charge memo dated 01.06.2005. The first respondent submitted his explanation. However, without being satisfied with the said explanation, an enquiry was conducted by the Enquiry Officer. The Enquiry Officer found the



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charges framed against the first respondent as proved. On second show cause notice, the first respondent submitted his explanation. Without being satisfied with the same, the petitioner imposed a punishment of dismissal from service of the first respondent.

4. The dismissal order was challenged by way of raising Industrial Dispute before the second respondent in I.D.No.231 of 2010. By an order dated 26.02.2015, the second respondent set aside the order of dismissal from service and ordered to reinstate the first respondent into service with service continuity, 25% of backwages and other attendant service benefits. Accordingly, the first respondent was permitted to join the duty on 01.07.2015.

5. In view of the above, this Court finds no infirmity or illegality in the award passed by the second respondent in I.D.No.231 of 2010 dated 26.02.2015 and this writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition is dismissed. Consequently, connected Miscellaneous petition is closed. No costs. However, the first respondent was not paid any terminal benefits and other attendant



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benefits so far, as ordered by the second respondent. Therefore, the petitioner Management is directed to disburse the terminal benefits and other attendant benefits to the first respondent as awarded by the second respondent, within a period of four weeks from the date of receipt of a copy of this order.

10.08.2023
(1/2)

Internet : Yes
Index : Yes/No
Speaking order/Non-speaking order
mn

Note: Issue order copy on
or before 05.09.2023



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G.K.ILANTHIRAIYAN, J.

mn

To

The Presiding Officer,
Labour Court,
Salem.

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and M.P.No.1 of 2015

10.08.2023