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W.P.No.11715 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.12.2023

CORAM :

THE HONOURABLE MRS. JUSTICE R.HEMALATHA

W.P.No.11715 of 2019

The Nagammai Cotton Mill Employees Union,
Represented by Ramasamy
Secretary
No.3, Perumal Koil Street,
Vikravandi, Villupuram District.

... Petitioner

Vs.

The Management
Nagammai Cotton Mills Limited
Vikravandi, Villupuram District

... Respondent

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records relating to the Award dated 08.03.2017 and the Preliminary Award dated 04.02.2014 passed by the Labour Court, Cuddalore in I.D. No.137 of 1999, quash the same and consequently direct the 1st respondent to reinstate the workers, namely 1. Krishnamoorthy, 2. S. Muthumanikkam, 3. T.V.Nadarajan,, 4.T.Subramanian, 5. K.Duraisamy, 6. N.Inbaraj and V.Sampath with full back wages, continuity of service and all other attendant benefits.



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For Petitioner : Ms.S.Meenakshi
For Respondent : No appearance

ORDER

Challenge in this Writ Petition is made to the Award dated 08.03.2017 passed by the Labour Court, Cuddalore in I.D. No.137 of 1999. The Writ Petitioner is the Nagammai Cotton Mill Employees Union, Vikravandi, Villupuram District, and they filed the present Writ Petition on behalf of the seven (7) employees, namely, Krishnamoorthy, S.Muthumanikkam, T.V.Nadarajan, T.Subramanian, K.Duraisamy, N.Inbaraj and V.Sampath, who were dismissed from service by the respondent Management.

2. The brief facts of the present case are as follows:

2.1 The petitioner Union amalgamated with INTUC Union and after passing no confidence motion against Ramalingam, President, Subburayan, Vice President and Ramasamy, Secretary (who were later terminated from service), one Selvaraj and Rajamani were elected as the new President and Secretary of the Union. The said Ramasamy (Secretary) filed a Civil Suit in O.S. No.580/1996 before the District Munsif,



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Vikravandi praying for a permanent injunction restraining the newly elected office bearers of the Union from functioning as President and Secretary. The said suit was subsequently dismissed as withdrawn.

2.2. On 27.02.1997, when one A.L. Muthusamy, Assistant Manager and M.Sundara Krishnan, Cashier of the respondent Management were returning to the Cotton Mill in a van bearing Registration No.T.N.01 H 4666, they were prevented by the employees, namely Krishnamoorthy, S.Muthumanikkam, T.V.Nadarajan, T.Subramanian, K.Duraisamy, N.Inbaraj and V.Sampath along with Ramasamy, Ramalingam and Subburayan (expelled members of Union) who were armed with deadly weapons, from entering into the factory premises and also threatened them with dire consequences. They also abused them in filthy language and attacked the van driver C.Thanikaivel, with an iron rod as a result of which he sustained grievous injuries. A Criminal Case in C.C. No.354/1997 was filed by the police against N.Krishnamoorthy, T. Subramanian and 3 others in this regard. Thereafter, the Management issued a show cause notice to all the seven employees on 17.03.1997 and after getting their explanation, conducted a domestic enquiry. The Enquiry Officer in his report had held that the allegations against the employees were proved. Thereafter, the



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Management sent a second show cause notice to the employees and after getting explanation from them, removed them from service. The employees' Union raised an Industrial Dispute before the Conciliation Officer. Since the conciliation failed, the matter was referred by the Government to the Labour Court, Cuddalore, in I.D. No.137 of 1999 with the following points for adjudication.

- 1) Whether the dismissal of the workmen Krishnamoorthy, Muthumanickam, Natarajan, Subramaniam, Duraisamy, Inbaraj and Sampath from service by the respondent Nagammai Cotton Mills is justified.*
- 2) If not, what relief are these workmen entitled to.*
- 3) If the relief could be computed in terms of money, what amount of money should be granted as compensation to these employees.*

The Presiding Officer, Labour Court, Cuddalore, dismissed the petition vide her orders dated 08.03.2017 by holding that the termination of all the seven employees is valid. Aggrieved by the same, the present Writ Petition is filed.

3. Heard Ms.S.Meenakshi, learned counsel for the Writ Petitioner.

Though Mr.H. Balaji, learned counsel entered appearance on behalf of the



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respondent Management, there is no representation.

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4. The contention of the learned counsel for the Writ Petitioner is that though the Criminal Court acquitted all the seven employees, the Enquiry Officer did not take that aspect into consideration before holding that the charges were proved.

5. It is to be pointed out that apart from the above charge, there were four other charges against the seven employees and the Management after following all the procedural aspects had dismissed them from service. The Labour Court, therefore, held that there is no infirmity in the conduct of the domestic enquiry by the Management. The contention of the learned counsel for the Writ Petitioner is that since there was a long standing rivalry between two sets of workmen, false charges were framed against the seven employees. When the Management had conducted the domestic enquiry properly and the Enquiry Officer also had given his findings based on evidence after giving reasonable opportunity to the delinquent employees, the scope of this Court in interfering with the same is very limited. The Labour Court had infact analysed the oral evidence adduced on both sides and had given a factual finding that neither the enquiry conducted by the



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Management is vitiated by the violation of principles of natural justice nor the punishment awarded is too harsh. In the circumstances, I do not see any reason to interfere with the same and accordingly the Writ Petition is dismissed. No costs.

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Index : yes/no

Speaking /Non speaking Order

To

The Management

Nagammai Cotton Mills Limited

Vikravandi, Villupuram District



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R.HEMALATHA, J.

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