



WEB COPY



WP.No.30744 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.07.2023

CORAM

THE HON'BLE Mr. JUSTICE **G.K.ILANTHIRAIYAN**

W.P. No.30744 of 2014

and

M.P.No.1 of 2014

The Secretary,  
Thanjavur Sarvodaya Sangh,  
Kambatta Viswanathan Koil Street,  
Kumbakonam,  
Thanjavur District – 612 001.

....

Petitioner

Vs

1. M.Jayaraman

2. The Presiding Officer,  
Labour Court,  
Cuddalore.

3. J.Devi

4. J.Rajnarayanan

5. J.Santhi

6. J.Rajesh

(R3 to R6 are substituted as LRs  
of the deceased 1<sup>st</sup> respondent vide  
Court order dated 17.07.2023 in  
WMP No.19542 of 2023 in  
W.p.No.30744 of 2014)

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Respondents

**PRAYER:** Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorari calling for records relating to the



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order passed in I.D.No.97 of 2001 on the file of the Labour Court, Cuddalore on 18.08.2014 and quash the same.

|                |   |                    |
|----------------|---|--------------------|
| For Petitioner | : | Mr.R.Gopinath      |
| For R1         | : | Died (Steps taken) |
| For R2         | : | Court              |
| For R3 to R6   | : | No appearance      |

### **ORDER**

This Writ Petition has been filed challenging the Award dated 18.04.2014 in I.D.No.97 of 2001 passed by the second respondent, thereby setting aside the order of removal from service and ordered to pay with back wages and all terminal benefits.

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

3. The deceased first respondent was working under the petitioner from 22.02.1966. After completion of his training, he joined as a permanent employee on 02.09.1968. Finally, he acted as a Manager in Thanjavur Sarvodaya Sangam, Thiruppananthal Branch. He was charged for the misappropriation of money and he was suspended from service. The charge was that he had misappropriated the collection of Khadi credit sales repayment amount. On the squad inspection found that the



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deceased first respondent failed to account the money collected from the credit sales to the tune of Rs.1,28,061.66. Without being satisfied with the explanation submitted by the deceased first respondent, an enquiry was conducted. In the domestic enquiry, the charge framed against the deceased first respondent was proved and he was terminated from service. It was challenged before the second respondent and the second respondent concluded that though the charge was framed as against the deceased first respondent that he had misappropriated to the tune of Rs.1,28,061.66/-, no charge was proved.

4. The petitioner also admitted that the said amount was sent to the branch and the same was also very much available in the branch. Therefore, without remitting the amount which were collected from the creditors, holding the money in the hands, would not amount to misappropriation.

5. Admittedly, the deceased first respondent had in his possession cash to the tune of Rs.1,28,061.66/-. It was not the charge. The charge was he misappropriated the said amount, when the said amount was not available. Whereas, the deceased first respondent had



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collected the said amount on behalf of branch and it was very much available in his hand. Therefore, the Labour Court rightly concluded that the charge was not proved by the petitioner and set aside the order of removal.

6. In view of the above, this Court finds no infirmity or illegality in the Award dated 18.04.2014 in I.D.No.97 of 2001 passed by the second respondent. Therefore, the writ petition is devoid of merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

17.07.2023

Lpp  
Index: Yes/No  
Internet: Yes/No

To

The Presiding Officer,  
Labour Court,  
Cuddalore.



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**G.K.ILANTHIRAIYAN,J.**

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