



W.P.No.9470 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.9470 of 2017

M.Ramesh

.. Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Salem.

2.The Management
Raja Crowns and Cans Private Ltd.,
Plot No.70, B-Phase-II,
Sipcot Complex,
Hosur-635 409.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ or Order or Direction more in the nature of Writ of Certiorarified Mandamus calling for the records pertaining to I.D.No.37 of 2011 on the file of 1st respondent and quash the award dated 20.05.2015 passed therein by the 1st respondent and further direct the 2nd respondent to reinstate the petitioner in service with back wages, continuity of service and all other attendant benefits.



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For petitioner : M/s.K.V.Shanmuganathan

For Respondents : Mr.Mr.R.Raghavan for R2

ORDER

Aggrieved by the order passed by the Labour Court in confirming the dismissal order passed by the management, the employee is before this Court by way of this Writ Petition.

2. The Petitioner/Workman has joined the 2nd respondent management as a trainee on 01.03.2006. Thereafterwards, he was promoted as a Senior Machine Operator with effect from 01.07.2008. While in service, he was issued with show cause notice dated 20.04.2009 alleging he has wrongly slitted the tin blocker sheets leading to loss of more than Rs.1,00,000/-. The said show cause notice has been responded by the petitioner stating that his work was continuously monitored and supervised by the supervisor at regular intervals and they have not made any adverse remarks in the production chart. Being not satisfied with the explanation given by the petitioner, the management had ordered domestic enquiry. The enquiry officer after affording an opportunity to both parties and after



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examining the witnesses submitted an enquiry report holding the petitioner guilty of charges. Thereafterwards, second show cause notice dated 30.04.2009 has been issued to the petitioner along with the enquiry report. The said show cause notice was also responded by the petitioner. Being not satisfied with the explanation, the management has passed an order of dismissal against the petitioner. Aggrieved by the said dismissal, the petitioner has raised the Industrial Dispute before the Labour Officer, Krishnagiri. The Tribunal after hearing both sides and considering the evidences adduced and examining three witnesses confirming the order of dismissal. Aggrieved by the same, the present petition has been filed.

3. Learned counsel for the petitioner submitted that there is no adverse remarks against the petitioner in the production charge eventhough, the quality check was done every one hour and he further submitted that there is no documentary evidence produced to prove the loss allegedly caused by the petitioner to the management.



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4. Per Contra, learned counsel for the 2nd respondent/management submitted that on the basis of the oral and documentary evidence, the Labour Court has confirmed the order of dismissal. He further submitted that the petitioner has admitted his mistake. He further submitted that the document in M8 ascertained the quantum of loss caused by the petitioner. Hence the allegation of the petitioner that there is no documentary evidence produced proving the loss is not substantiated. He further submitted that the finding rendered by the Labour Court are based on fresh evidence before the Labour Court and not merely on the materials placed during the enquiry.

5. Heard the learned counsel appearing on either side and perused the materials available on record.

6. It is seen that the petitioner was assigned the job of slitting Tin blocker sheet of size 0.20 * 865 *830 mm. However, on 1804.2009, he has wrongly slitted the sheets resulting in the heavy financial loss to the management. In the reply to the show cause notice he had accepted the



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mistake, but however, contends that had the mistake had been monitored by the supervisor, the loss could have been averted. This submission could not be accepted because if the petitioner had any doubt at the time of slit, he should have sought the help from the supervisor. Having admitted the mistake committed by him finding rendered by the Labour Court that the charges were proved needs no interference.

7. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, connected Miscellaneous Petitions are closed.

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NHS

Index : Yes / No

Internet : Yes / No

Speaking Order/Non-Speaking Order

To

The Presiding Officer,
Labour Court,
Salem.



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M.DHANDAPANI, J.

NHS

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