



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :: 21-04-2023

CORAM

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.A.No.140 of 2023

P.S.Pandurangan

...

Appellant

-VS-

1.The Management of Kallakurichi Co-op.Sugar Mills Ltd.,
rep. by its Special Officer,
Moongilthuraipattu,
Kallakurichi-605 702,
Villupuram District.

2.The Presiding Officer,
Labour Court,
Cuddalore.

...

Respondents

Appeal is filed under Clause 15 of the Letters Patent against the order,
dated 15.09.2022, passed in W.P.No.33294 of 2004, on the file of this Court.

For Appellant : Mr.T.Dhanya Kumar

For Respondent 1 : Mr.T.C.Harinath,
for Ms.S.Anitha,
Spl.Govt.Pleader.



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JUDGMENT
(By *S.Vaidyanathan,J.*)

This appeal has been preferred by the employee, challenging the order of the learned single Judge, dated 15.09.2022, passed in W.P.No.33294 of 2004, setting aside the award of the Labour Court, dated 16.08.2004, passed in I.D.No.40 of 2003.

2. The charge against the appellant-employee was that the farmer, who had registered his sugar cane with the petitioner Mill, had illegally cut the sugar cane to the extent of 30 cents, thereby causing loss to the Mill. The further charge against the employee was that he had not performed his duty and that there was no periodical inspection conducted in the farm. It is further stated that the employee had failed to follow the guidelines and that there was a dereliction of duty.

3. The Labour Court proceeded on the basis that the first charge against the employee was not proved that he failed to inspect and report the cutting of the sugar cane to the Mill. The Labour Court came to the conclusion that there was a dereliction of duty, as could be seen from paragraph 10 of the award. The Labour Court also proceeded on the footing that there was no intention on the part of the employee not to be vigilant.

4. The learned single Judge, after going through the award, came to the conclusion that the award is perverse, as, when the Labour Court came to the conclusion that the employee has committed dereliction of duty, the finding that the employee had



not committed the other two misconducts is wrong. The fact remains that there was illegal removal of sugar cane from the extent of 30 cents.

5. When the matter was heard in detail on 18.04.2023, this Court suggested the Management to release the Provident Fund and Gratuity due to the employee, so that the matter could be given a quietus to, as we found that the order passed by the employer was in order and that the award in granting relief was rightly interfered with by the learned single Judge.

6. Today, when the matter is taken up for hearing, learned counsel for the appellant employee has produced a copy of the letter, dated 20.04.2023, made by the employee, wherein it is stated that he has received the terminal benefits, including P.F., and that he has relinquished his job.

7. Taking note of the fact that the award of the Labour Court has been rightly interfered with by the learned single Judge, which does not call for any interference by this Court, this Writ Appeal, filed by the employee, is dismissed. No costs. The amount lying in deposit with the Labour Court pursuant to the order passed by this Court can be withdrawn by the employer and there is no need for taking consent from the employee in the application.

Index : Yes/No
Internet : Yes/No
Speaking / Non-speaking Order
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(S.V.N.,J.) (R.K.M.,J.)
21-04-2023



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AND
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