



W.A.(MD) No.144 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: **23.11.2023**

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THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**
AND
THE HONOURABLE **MR.JUSTICE V.LAKSHMINARAYANAN**

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1.Tamil Nadu News Printing and Papers Limited,
represented by its Chairman,
67, Mount Road, Guindy,
Chennai – 600 032.

2.The General Manager,
Human Relations,
Tamil Nadu News Printing and Papers Limited,
Kagithapuram,
Karur District – 639 136.

3.The Inspector,
Vigilance Division,
Tamil Nadu News Printing and Papers Limited,
Kagithapuram,
Karur District – 639 136. ... Appellants/Respondents

-Vs.-

S.Anbarasu ... Respondent/Writ Petitioner

PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent Act, to
set aside the order dated 11.01.2022 made in W.P.(MD)No.17221 of 2016
on the file of this Court.



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For Appellants : Mr.V.M.Shivakumar

For Respondent : Mr.P.Thirumahilmaran

J U D G M E N T

(Judgment of the Court was delivered by **V.LAKSHMINARAYANAN, J.**)

The Writ Appeal is preferred against the order of the learned Single Judge in W.P.(MD) No.17221 of 2016 dated 11.01.2022.

2. For the sake of convenience, the parties shall be referred to as workman and management.

3. The workman joined the service on 28.11.2015 and he was working till 23.03.2016. On 25.02.2016, a resignation letter was taken from the workman and the acceptance thereof by the management was put in challenge before the Writ Court.

4. Mr.V.M.Sivakumar, learned counsel appearing for the appellant management stated that following the Standing Orders of the management, the management commenced a process of verification of credentials. The experience certificate submitted by the workman and the



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education certificate came to be verified. The latter turned out to be true.

Similarly, the experience certificate given by the workman with respect to one Sri Balamurugan Paper Boards at Erode also came out to be true. They obtained a letter during the discrete enquiry from one R.Kalaiselvan, who was then working in Sri Krishna Paper Industries to the effect that no certificate had been given by the said Sri Krishna Paper Industries in favour of the workman for having worked for the period from 25.06.2000 to 02.07.2009. Reading this report along with the Standing Orders, the learned counsel would submit that the workman had indulged in acts of furnishing false information and hence, he had to resign.

5. It is here that the experience certificate of the workman, which has been enclosed in the typed set at page 58, looms large. From the said letter it is clear that there were two institutions, which are being run by the same firm, namely, Sri Muhuntha Paper Boards, Tiruchencode and Sri. Krishna Paper Industries, Mettur.

6. The Managing Partner of Muhuntha Paper Boards had given a letter stating that the workman Anbarasu was in fact working between



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25.06.2000 and 02.07.2009. The workman seems to have been employed by Sri Muhuntha Paper Boards but was attending maintenance work at Sri Krishna Paper Industries. This confusion on the existence of two entities under the same firm created an issue to the enquiry officer. In fact, the Managing Partner of both the firms is one and the same. He has specifically stated that the letter given by Mr.R.Kalaiselvan to the Vigilance Officer was without the knowledge of the firm.

7. In the light of the letter, the learned Single Judge had quashed the order of acceptance of resignation and remitted the matter to the appellant Management to re-enquire the whole issue and to come to a fresh conclusion. We do not find any error in the order, since the letter of the Managing Partner itself shows that the workman was enrolled and was paying Provident Fund during the relevant period (25.06.2000 to 02.07.2009). This period of experience also tallies with the period given by him in his application.

8. No prejudice would be caused to the management by re-verification of the certificate. On the contra, if on verification, if it is found that the petitioner was infact worked in Sri Muhuntha Paper



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Boards and was carrying on maintenance work at Sri Krishna Paper Industries and the certificate issued by Mr.R.Kalaiselvan was one without any authorisation, then the workman would be put to serious prejudice. In the light of the above, since the matter has been remitted back to the appellant, we are not inclined to interfere with the order.

9. The exercise, as directed by the learned Single Judge, should be completed within a period of twelve weeks from the date of receipt of a copy of this order.

10. Accordingly the Writ Appeal is dismissed. No costs.

[S.M.S.J.] & [V.L.N.J.]
23.11.2023

NCC :Yes/No
Index :Yes/No
SJ



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SJ

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