



W.P.No.14124 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.14124 of 2015 and
M.P.No.1 of 2015

The Management,
Ty.SPL 84, Kottiyal Primary Agricultural
Co-operative Credit Society,
Rep. by its President,
Kottiyal Village & Post,
T.Palur, Via Udayarpalayam Taluk,
Ariyalur District.

... Petitioner

Vs.

1.Kulothungan

2.The Presiding Officer,
Labour Court,
Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the passing of the Award in I.D.No.7 of 1998 dated 24.09.2014 on the file of the Labour Court, Trichy and quash the same.

For Petitioner : Mr.L.P.Shanmugasundaram

For Respondents : Mr.C.Prakasam for R1



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ORDER

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This Writ Petition has been filed to issue a Writ of Certiorari, to call for the records relating to the passing of the Award in I.D.No.7 of 1998 dated 24.09.2014 on the file of the Labour Court, Trichy and quash the same.

2. Heard Mr.L.P.Shanmugasundaram, learned counsel for the petitioner and Mr.C.Prakasam, learned counsel for the first respondent and perused the materials available on record.

3. On perusal of the award of the Labour Court, it is seen that the learned Presiding Officer of the Labour Court has considered the evidence against all the charges against the first respondent and arrived at a conclusion that the charges have not been proved. In fact in the preliminary enquiry itself as to the fairness of the disciplinary proceedings, the Labour Court has passed an order stating that the principles of natural justice has not been complied.



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4. Even though the surcharge proceedings has been issued, so far as the disciplinary action taken in respect of the charges, the petitioner has omitted to produce the relevant documents to the satisfaction of the Labour Court to prove that the allegations are true. In fact the petitioner's witnesses have stated in the evidence that they are not aware of the fact whether the first respondent has made the disputed entries in the records.

5. The first charge against the first respondent is that without receiving back the loan amount granted on jewel loan, entries have been made in the registrar as though the loan has been repaid. On that score, the jewels have been returned. So far as the first respondent is concerned, he has been working as an Attender. Even the petitioner's witnesses have not stated that the first respondent is responsible for all the entries made in the books so as to make the loan accounts closed.

6. It is submitted that the first respondent himself has agreed to pay the loan of Rs.70,000/- by admitting his guilt. However, the Court has observed that on the day when Ex.M2 undertaking letter was written, the



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Management witness M.W.1 through whom it has been marked was not serving in the Society. When the first respondent denied Ex.M2, then the petitioner has an obligation to prove the same atleast by examining the Panchayatars in whose presence it is alleged to have been written. Those persons were also not examined in support of the allegations. Without substantiating the allegations with proper documents and not examining the relevant witnesses before the Labour Court, the Management has failed to prove the charges. As the award of the Labour Court has been passed only on proper appreciation of facts and evidence, I do not find any reasons for interference.

7. In view of the above stated reasons, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Index : Yes /No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

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To
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The Presiding Officer,
Labour Court,
Trichy.



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R.N.MANJULA, J.

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