



W.P.No.2736 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.01.2024

CORAM:

THE HONOURABLE Dr. JUSTICE D. NAGARJUN

Writ Petition.No.2736 of 2015
and M.P.No.1 of 2015

The Management of Vemandampalayam
Primary Agricultural Co-operative Bank
Anjanoor, Vemandampalayam
Gopichettypalayam Taluk
Erode District-638 462.

... Petitioner

Vs.

1.The Presiding Officer
Labour Court,
Salem.

2.S.P.Kaliappan

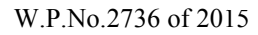
...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorari, calling for the entire records relating to the order dated 16.10.2014 in I.D.No.212 of 2010 on the file of the Labour Court, Salem, quash the same.

For Petitioner : Mr.D.Shivakumaran

For R1 : Labour Court

For R2 : Mr.R.M.D.Nasarullah



This Writ Petition is filed to set aside the orders dated 16.10.2014 in I.D.No.212/2010 on the file of the Labour Court, Salem.

2. The facts in brief as per the affidavit enclosed to this petition are that the second respondent has joined the petitioner Bank on 01.07.1991 and he was made permanent on 09.01.1998. He was removed from service on 19.11.2001 on the allegation that the second respondent has not remitted the sales amount Rs.5412.30. Challenging the said orders of removal, the second respondent has raised the Industrial Dispute in I.D.No.212 of 2010 before the Labour Court, Salem and the Labour Court has set aside the order dated 19.11.2001 and directed the petitioner Bank to pay backwages and other attendant benefits from 01.07.2000 till 28.02.2010. Aggrieved by the same, petitioner has preferred this Writ Petition.

3. No counter affidavit has been filed on behalf of the respondent.

4. It is submitted by the learned counsel for the petitioner that Labour



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Court has committed error by setting aside the order of removal of the second respondent and failed to consider the serious charges that were leveled against the second respondent.

5. Learned counsel for the respondents has submitted that petitioner management has not followed the principles of natural justice while removing the second respondent from service on 19.11.2001.

6. Heard both sides and carefully perused the entire records including the impugned orders passed in I.D.No.212 of 2010.

7. The petitioner was originally joined as Clerk in the petitioner Bank on 01.07.1991 and his services were made permanent on 09.01.1998. The second respondent has demanded arrears of salary and Earned Leave for the period from 14.11.2000 to 16.11.2000, on which the second respondent was transferred by way of letter dated 16.11.2000.

8. On a perusal of the records it is clear that the petitioner/Management has served with two charge memos against the second respondent stating that he has not discharged his duty in a



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responsible manner, he has not remitted the sales amount, he has ignored the orders of the Special Officer and he was absented himself from duty. It is recorded by the Labour Court that second respondent was removed from service on the ground that his appointment was irregular. There is no record placed before this Court or before the Labour Court, explaining the reasons as to why the second respondent was removed from service. The principles of natural justice requires that prior to removal of a person from service a show cause notice must have been given and proper enquiry should have been conducted by following procedure known to law and finally should have imposed major punishment if at all the enquiry report goes against the second respondent. However, admittedly without issuing any show cause notice or without enquiry the petitioner was removed from service. Though two charge memo were allegedly prepared, it was not served on the second respondent. Initially the petitioner/Management has taken a stand that second respondent was removed from service on account of his irregular appointment but in respect of that also there is no material to substantiate said contention.

9. On perusal of the grounds of this Writ Petition there are no serious grounds leveled which inspires this Court to set aside the orders of Labour



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Court in I.D.No.212 of 2010. On going through the orders of the Labour Court and the grounds raised by the petitioner in this Writ Petition, this Court is of the view that the petitioner has not made out any ground to interfere with the orders of the Labour Court.

10. Considering the circumstances, the removal of the second respondent is without any basis and against the principles of natural justice, therefore the impugned orders of the Labour Court in I.D.No.212 of 2010, setting aside the termination of the second respondent from service with effect from 19.11.2001 is justified, thereby it cannot be intervened. Accordingly, this Writ Petition is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

08.01.2024

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Index: Yes/No

Speaking Order: Yes/No

Neutral Citation: Yes/No



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Dr.D. NAGARJUN, J.

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To

The Presiding Officer
Labour Court,
Salem.

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