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WA No.1156 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.10.2024

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.A.No.1156 of 2024

S.909 Anangoor Primary Agricultural
Co-operative Credit Society,
Represented by its Administrator,
Namakkal District.

: Appellant

versus

G.Devi

:Respondent

Cause title accepted,vide order of
Court dated 27.03.2024 made in
CMP No.7046 of 2024 in W.A.SR.No.32555/2024
(SMSJ and KRSJ)

PRAYER: Writ Appeal filed against the order of the learned Single Judge
in WP No.20555 of 2023 dated 10.08.2023.

For the Appellant : Mr.R.Balaramesh

For the Respondent : Mr.S.V.Navin Prabhu

JUDGMENT

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(Made by *M.S.RAMESH. J.*)

This Writ Appeal is filed against the order of the learned Single Judge in WP No.20555 of 2023 dated 10.08.2023.

2. On charges that the respondent herein while serving as a sales girl in the appellant co-operative society had sold 70 kgs of rice and 11 1/2 kgs of sugar to a family ration card holder twice in a month, she was subjected to disciplinary action. After the charges against the respondent herein, were held as proved during the enquiry, she was dismissed from service on 07.10.2006. When the respondent herein had challenged the order of dismissal before the Labour Court, Salem in I.D.No.192 of 2007, the domestic enquiry conducted by the appellant society was held as not fair and proper. In this background, the appellant society had let in oral and documentary evidences before the Labour Court and on adjudication of these evidences, the Labour Court had found that the appellant society had failed to prove the charges against the respondent herein and accordingly, set aside the order of dismissal and directed the appellant society to reinstate the



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respondent herein in service, together 50 % of back wages. When the society had challenged the award of the Labour Court before the learned Single Judge in W.P.No.20555 of 2023, the writ petition was dismissed on 15.06.2023. However, the learned Single Judge had also taken into account that since the respondent had admitted her guilt, had proceeded to impose a punishment of stoppage of increment for a period of one year, without cumulative effect. This order of the learned Single Judge is assailed in the present intra court appeal.

3. The learned counsel appearing for the appellant society would submit that since the respondent herself had admitted her guilt of misappropriation, the learned Single Judge ought not to have modified the punishment into lesser one. He further added that the appellant society was already in financial trouble and her reinstatement would cause further agony to the administration.

4. Per contra, the learned counsel appearing for the respondent



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submitted that though the Labour Court has passed an award way back in 2015, the appellant society had failed to implement the award which constrained her to file an execution petition in E.P.No.8 of 2022. It is only after the execution petition was filed, the appellant society had chosen to challenge the award of the Labour Court after eight years and therefore, the learned Single Judge was correct in dismissing the writ petition.

5. When the Labour Court had found that the domestic enquiry was not conducted in a fair and proper manner, it had permitted the parties to let in evidence before it and on the strength of these evidences, it has come to the conclusion that the charges leveled against the respondent herein were not proved beyond reasonable doubt.

6. The charge against the respondent herein was that she had disbursed 70 kgs of rice and 11 ½ kgs of sugar twice in a month to a family ration card holder, which was impermissible. To substantiate this charge, two vital documents that may be required to be produced by the society would be the family ration card and the two sale receipts issued during one



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month. No other evidence would be more clinching, than these two vital exhibits. However, both these evidences were not produced by the Management before the Labour Court, which lapse was taken note of by the Labour Court and had thereby come to the conclusion that the society had miserably failed to prove the charges.

7. Though the award of the Labour Court was passed way back on 19.02.2015, the society had chosen to challenge the award only in the year 2023, after an inordinate delay of eight years. The Learned Single Judge had also taken note of this aspect, while confirming the findings of the Labour Court. However, it was also found that the respondent herein had admitted her guilt through a letter marked before the Labour Court and in view of such admission, had also imposed a minor punishment of stoppage of increment for a period of one year without cumulative effect. The respondent herein has not challenged this portion of the punishment imposed on her. In our view, the learned Single Judge had rightly appreciated the findings of the Labour Court and we also do not find any perversity or any other illegality in the order. Thus, there is reason to interfere with the order



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passed in the writ petition.

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8. In the light of the foregoing observations and findings, there are no merits in the writ appeal and accordingly, the same stands dismissed. There shall be no order as to costs. Consequently, C.M.P.No.8311 of 2024 is closed.

[M.S.R., J.] [C.K., J.]
01.10.2024

Index : Yes/No
Neutral Citation : Yes/No
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M.S.RAMESH, J.
and
C.KUMARAPPAN, J.

(mrn)

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