



WEB COPY



W.P.No.934 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM

THE HON'BLE MS.JUSTICE R.N.MANJULA

W.P.No.934 of 2014

and

M.P.No.1 of 2014

The Management,
A.A.99, Kovai – Erode District.
Co-operative Pal Jaggery Fedaration Limited,
Kunnathoor,
Kunnathoor Post,
Perundurai Taluk,
Erode District – 538103.

... Petitioner

Vs.

1. The Presiding Officer,
Labour Court,
Salem.

2. A.Madasamy (died)

3. Velumani

4. Sivagami

... Respondents

[R3 and R4 are substituted as legal heirs of deceased R2, as per order dated 14.12.2023 made in WMP.No.14842 of 2022 in W.P.No.934 of 2014 by DNRJ]



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WEB COPY Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records in I.D.No.86 of 2000, dated 06.03.2013 on the file of the 1st respondent herein and quash the same.

For Petitioner : Mr.P.S.Sivashanmugasundaram

For R3 and R4 : Mr.S.Umapathy

R1 - Labour Court

R2 - Died

ORDER

This Writ Petition has been filed challenging the award of the Learned Presiding Officer of the Labour Court, Salem, dated 06.03.2013 in I.D.No.86 of 2000.

2. In the Industrial dispute raised by the respondent workman against the order of dismissal, the Labour Court has passed an award by modifying the punishment from dismissal to stoppage of three years increment with cumulative effect along with 40% of backwages. The



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Management has filed the present writ petition challenging the said award.

3. The learned counsel for the petitioner / management submitted that despite the labour court has got sufficient document to examine the fact that a loss has been caused to the society and that the respondent has been found guilty for being negligent, the punishment of dismissal have been reduced, which is not correct. He further submitted that the respondent actually has committed misappropriation and it was not properly appreciated by the Labour Court.

4. From the submission of the learned counsel for R3 and R4, it is known that the 2nd respondent is no more. In such case, no contrary findings with regard to the charges that has been accepted by the Labour Court can be given in his absence. As no fruitful purpose will be served, in view of the death of the 2nd respondent, I feel that the award of the Labour Court cannot be interfered. However, it is observed that the petitioner is entitled to recover the award amount, if any, paid to the employee during his life time, in view of the stay order passed by this



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Court to pay the portion of the award to the second respondent, during the pendency of the proceedings.

5. With these observations, this Writ Petition is closed. No costs.

Consequently, connected miscellaneous petition is closed.

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raja
Index : yes/no
Internet : yes/no
Speaking Order / Non-Speaking Order

To

The Labour Court,
Salem.



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R.N.MANJULA. J,

raja

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