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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.09.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.Nos.13618 & 14129 of 2014 and 33698 of 2018
and M.P.Nos.1 & 2 of 2014
& W.M.P.No.39098 of 2018

The Management
Kancheepuram District Consumer
Cooperative Wholesale Stores,
Rep. by its Managing Director,
No.185, Prakasam Salai,
Chennai - 600 108.

...

Petitioner
[in W.P.Nos.13618
& 14129 of 2014]

The Special Officer,
Kancheepuram District Consumer
Cooperative Wholesale Stores,
No.185, Prakasam Salai,
Chennai - 600 108.

...

Petitioner
[in W.P.No.33698 of 2018]

versus

1.P.Paul Devakumar

...

Respondent
[in all W.Ps]

2.The Presiding Officer,
First Additional Labour Court,
City Civil Court Complex,
High Court Buildings,
Chennai - 600 104.

...

Respondent
[in W.P.Nos.13618
& 14129 of 2014]



Prayer in W.P.No.13618 of 2014: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the passing of the award in I.D. No.221 of 2007 dated 26.07.2010 on the file of the First Additional Labour Court, Chennai / second respondent herein and quash the same.

Prayer in W.P.No.14129 of 2014: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records relating to the passing of the order passed in C.P. No.1860 of 2011 dated 11.07.2013 on the file of the First Additional Labour Court, Chennai / second respondent herein and quash the same.

Prayer in W.P.No.33698 of 2018: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, calling for the records of the order passed by the II Additional Labour Court, Chennai in C.P. No.156 of 2016 dated 04.10.2018 and quash the same.

For Petitioner	:	Mr.L.P.Shanmugasundaram
[in W.P.Nos.13618 & 14129 of 2014]		
For Petitioner	:	Mr.V.Selvaraj
[in W.P.No.33698 of 2018]		
For Respondent No.1	:	Mr.P.Solomon
[in all W.Ps]		
For Respondent No.2	:	M/s.M.Jayanthy
[in W.P.Nos.13618 & 14129 of 2014]		Additional Government Pleader



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COMMON ORDER

These Writ Petitions have been filed challenging the award of the learned Presiding Officer, I Additional Labour Court, Chennai, made in I.D.No.221 of 2007 dated 26.07.2010 and the orders passed in two Computation Petitions in C.P.No.1860 of 2011 dated 11.07.2013 and C.P.No.156 of 2016 dated 04.10.2018 respectively.

2. Since the issue involved in all these Writ Petitions is one and the same, these Writ Petitions were heard together and disposed by this common order.

3. On 02.09.2024, this Court has passed the following order:-

“The petitioner has filed W.P.Nos.13618 & 14129 of 2014 and 33698 of 2018 challenging the award of the learned Presiding Officer, I Additional Labour Court, Chennai made in I.D.No.221 of 2007 dated 26.07.2010.

2.Subsequently, two Computation Petitions have been filed in C.P.No.1860 of 2011 and C.P.No.156 of 2016 and in those Computation Petitions, orders have been passed on 11.07.2013 and 04.10.2018 respectively. Those two orders



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passed in computation petitions were also challenged by way of preferring two more Writ Petitions in W.P.No.14129 of 2014 and W.P.No.33698 of 2018.

3.It is learnt from the submissions of the learned counsel for the petitioner that the first respondent has filed one more Computation Petition, the number not given and in which also orders have been passed. The matter is pending from 2014 without any progress. Whatever order that might be passed in the Computation Petition would be only consequential to the award passed in I.D.No.221 of 2007. If the writ petition filed challenging the above award is decided, that will have impact on the other Writ Petitions as well.

4.In view of the same, these matters are listed under the caption “for dismissal” on 18.09.2024.”

4. When these matters are taken up today, the learned counsel for the petitioner made his appearance and submitted that the award of the Labour Court made in I.D.No.221 of 2007 is not correct and it has been passed by not appreciating the materials available on record. The crux of the arguments of the learned counsel for the petitioner is that the first respondent workman has accepted his guilt of causing monetary loss to the society and on that score, he had even repaid a portion of it and it was



recorded by the Labour Court. So the contention of the petitioner is that the above conduct of the first respondent workman is ought to have been considered as admission of guilt and hence, the award for reinstatement is not appropriate.

5. On perusal of the award, it is seen that the Labour Court has tried to make a distinction between the fact of misappropriation and the allegation of deficit in stock. It is the allegation of the petitioner that the first respondent workman has misappropriated the sum and thereby caused loss to the society. It is stated that during the period between July 1999 and September 1999 when the first respondent was working as a salesman in fair price shop, a stock deficiency was noted and hence, he was issued with a charge memo and then subjected to domestic enquiry.

6. Even the charges were not to the effect of committing theft or misappropriation and hence, the Labour Court has made a distinction and observed that the first respondent workman had accepted the deficiency and consequential loss to the society and even he came forward to make out the loss by paying the amount equivalent to the loss. The said fact was not



disputed by the petitioner also. As the award has been passed only on the basis of the above observation, which in my opinion, does not suffer from any infirmity. Hence, I do not find any reason to interfere with the impugned award passed by the labour Court in I.D.No.221 of 2007. Accordingly, the Writ Petition in W.P.No.13618 of 2014 fails and consequentially, dismissed.

7. The other two Writ Petitions in W.P.Nos.14129 of 2014 and 33698 of 2018 have been filed challenging the orders passed by the Labour Court in the Computation Petitions filed in C.P.No.1860 of 2011 and C.P.No.156 of 2016, in which the Labour Court has computed the amount payable to the first respondent workman, which has already been settled in the award passed in I.D.No.221 of 2007. So long as the award is enforceable, there cannot be any quarrel on the point about his entitlement to receive backwages and all other attendant benefits by getting it computed.

8. So far as the relief of reinstatement is concerned, it appears that the first respondent workman has been reinstated on 30.11.2005 and



thereafter, he attained the age of superannuation on 31.05.2017. In fact, the first respondent workman has already been allowed to get 17-B wages till his reinstatement and there is no quarrel that the petitioner Management has settled 17-B wages as well. Since the orders passed in the computation petitions are just consequential to the right of the first respondent workman determined in the award passed in I.D.No.221 of 2007, I do not find any illegality on the same.

9. In fact, the petitioner Management did not raise any dispute as to the calculations made, but the objection was only based upon the entitlement of the first respondent workman to get the award of reinstatement. As stated already, the award passed in I.D.No.221 of 2007 has been upheld and hence, I find no reason to interfere in the consequential orders passed in the Computation Petitions as well. The amount already deposited by the petitioner management in pursuant to the orders of this Court dated 21.12.2018 in W.M.P.No.39098 of 2018 in W.P.No.33698 of 2018 and that can be appropriated against the award amount passed in the computation petitions.



10. In the result, these Writ Petitions are **dismissed**. No costs.

Consequently, connected Miscellaneous Petitions are closed.

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Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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W.P.Nos.13618 & 14129 of 2014 and 33698 of 2014
and M.P.Nos.1 & 2 of 2014
& W.M.P.No.39098 of 2014



To

The Presiding Officer,
First Additional Labour Court,
City Civil Court Complex,
High Court Buildings,
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W.P.Nos.13618 & 14129 of 2014 and 33698 of 2018
and M.P.Nos.1 & 2 of 2014
& W.M.P.No.39098 of 2018



R.N.MANJULA, J.

sri

W.P.Nos.13618 & 14129 of 2014 and 33698 of 2018
and M.P.Nos.1 & 2 of 2014
& W.M.P.No.39098 of 2018

18.09.2024