



W.P.(MD)No.13485 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.06.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.13485 of 2024 &
W.M.P.(MD)No.11900 of 2024

M.Ilangovan

... Petitioner

VS.

1.The Joint Commissioner of Labour,
Appellate Authority under
Tamil Nadu Shops & Establishments Act,
O/F Joint Commissioner of Labour,
Collectorate, Dindigul.

2.The Management,
M.D. Sp.16, Cumbum Public Servants
Co-opertative Stores Ltd.,
Cumbum, Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of the order dated 09.10.2023 passed by the first respondent in T.N.S.E.No.3 of 2022, quash the same, direct the second respondent to reinstate the petitioner into their service with full back wages and continuity of service and attended benefits.

For Petitioner	:	Mr.T.Ravichandran
For Respondents	:	Mr.N.Ramesh Arumugam, Government Advocate for R2



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ORDER

Heard Mr.T.Ravichandran, learned counsel appearing for the petitioner and Mr.N.Ramesh, learned Government Advocate appearing for the second respondent.

2. The petitioner has filed this petition seeking to issue a Writ of Certiorarified Mandamus calling for the records of the order dated 09.10.2023 passed by the first respondent in T.N.S.E.No.3 of 2022, quash the same, direct the second respondent to re-instate him in service with full back wages, continuity of service and attendant benefits

3. The petitioner who was working as a Manager in the second respondent Co-operative Store was dismissed from service, vide orders of the second respondent dated 10.03.2021. The appeal filed by the petitioner before the first respondent in T.N.S.E.No.3 of 2022 has also been dismissed on 09.10.2023 by confirming the orders of the second respondent. Hence, the writ petition.



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4. Mr.T.Ravichandran, learned counsel appearing for the petitioner submitted that originally the petitioner has been issued with the charges on the allegation that he had fabricated the accounts and thereby, he caused loss to the Government to the tune of Rs.13,46,810/-. However, on perusal of the discussions in the enquiry report, it is seen that the petitioner had failed to collect a sum of Rs.13,46,810/- which is due to be recovered from the Government Departments.

5. Though, initially charges have been issued stating that the petitioner had fabricated the accounts and caused the loss, enquiry report would reveal that the petitioner had failed to recover the amount due to be paid by certain Government Departments. Even if the above allegation was proved, the allegation against the petitioner that he has falsified the records has not been proved. Though the petitioner has been imposed with a capital punishment of removal from service despite there is a contradiction between the charges and the findings, the above fact has not been looked into by the first respondent while confirming the order of the second respondent. Hence, I feel that the impugned order is liable to be



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set aside and the matter shall be remanded back to the first respondent for re-consideration.

6. In the result, the writ petition is **disposed of** and the impugned order dated 09.10.2023 passed by the first respondent in T.N.S.E.No.3 of 2022 is set aside and the matter is remanded back to the first respondent and the first respondent is directed to re-consider the issue in the light of the above observations and pass an order afresh within a period of four weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petition is closed.

25.06.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

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To
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R.N.MANJULA, J.

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