



W.P.No.21176 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE **M.DHANDAPANI**

W.P.No.21176 of 2010

S.Selvam

...Petitioner

Vs.

1. The Presiding Officer,
The Labour Court (Additional District Judge),
Puducherry at Karaikal, Karaikal – 609 602.
2. The Management of Karaikal Public Servants Consumer
Co-operative Stores,
111-C, Church Street, Karaikal – 609 602. ...Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records in respect of the Award of the 1st respondent viz., the Labour Court (Additional District Judge) Karaikal dated 11.11.2009 and made in I.D.No.10 of 2000 and quash the same and direct the 2nd respondent / management to reinstate the Writ petitioner into service of the 2nd respondent viz., the Karaikal Public Servants Consumer Co-operative Stores with continuity of service, back wages and other attendant benefits.



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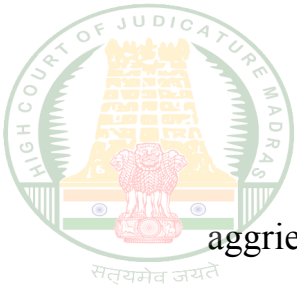
For Petitioner : Mr.V.Govardhan
for M/s. Row and Reddy

For Respondents : Mr.S.Kamadevan, for R2
R1 – Court

ORDER

This Writ Petition has been filed seeking quashment of the Award of the 1st respondent dated 11.11.2009 made in I.D.No.10 of 2000 and to consequently direct the 2nd respondent / management to reinstate the petitioner with continuity of service, back wages and other attendant benefits.

2. It is the case of the petitioner that, he was working as a Junior clerk under the 2nd respondent since 01.09.1983. While so, alleging that the petitioner had indulged in preparing bogus receipts and caused loss of property and money to the 2nd respondent, the 2nd respondent issued two charge memos as against the petitioner and after appointing an Enquiry officer and the like, ultimately, the 2nd respondent dismissed the petitioner from service, vide order dated 16.07.1999. Challenging the said order of dismissal, the petitioner raised an industrial dispute in I.D.No.10 of 2000. However, the labour court had mechanically rejected the prayer sought for by the petitioner, vide impugned order dated 11.11.2009. Feeling



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aggrieved by the said award passed by the labour court, the present writ petition has been filed.

3. Heard learned counsel on either side and peruse the materials available on record.

4. Considering the nature of the case, this Court is not inclined to discuss the arguments and the counter arguments made on each side.

5. A perusal of the materials available on record particularly the impugned award shows that, the petitioner himself has admitted his misconduct and given letters in that regard. Though the petitioner contended that the enquiry was not conducted in a fair manner and the principles of natural justice were not followed. In his cross examination, he has admitted that he was provided with the documents sought for by him and the petitioner has also acknowledged the receipt of such documents. The Exhibits B1 and B2 are the acknowledgements given by the petitioner and he had nowhere stated that his acknowledgement was forcefully taken by the management.



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6. Likewise, the petitioner has given letters dated 06.09.1995 and

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31.10.1995 marked as Exhibits B3 and B4, wherein he has admitted that he had committed manipulation and had requested the President of the 2nd respondent Co-operative Stores not to initiate disciplinary proceedings against him. The petitioner has not disowned these letters nor has stated anywhere that he was coerced to write such letters. The bald statement that the authorities of the 2nd respondent forced him to write the said letters will not hold water for the simple reason that he has not named any such persons responsible.

7. The petitioner also contended that the enquiry was not conducted in a fair manner. It is to be noted that the enquiry commenced on 02.07.1996 and concluded on 23.03.1999. For almost three years, the enquiry has happened. It is not as though the 2nd respondent has rushed through things. One can understand if the enquiry was concluded in a fortnight or within a month. Here, the enquiry had dragged on almost for 3 years. It is not open to the petitioner to raise his little finger and accuse the 2nd respondent management of conducting a farce enquiry.



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8. As already stated, the petitioner has not proved that the exhibits

B3 and B4 were obtained by the 2nd respondent from him. Therefore, the decision can be easily arrived at that the petitioner had voluntarily admitted to his misconduct. Therefore, this Court is of the view that the impugned order dated 11.11.2009 passed by the 1st respondent-Labour Court I.D.No.10 of 2000 is cogent and convincing, warranting no interference by the court.

9. Accordingly, this Writ petition stands dismissed. No costs.

Consequently, the connected miscellaneous petitions, if any, are closed.

04.02.2025

skt

Index	: Yes / No
Speaking order	: Yes / No
NCC	: Yes / No

To:

The Presiding Officer,
The Labour Court (Additional District Judge),
Puducherry at Karaikal,
Karaikal – 609 602.

M.DHANDAPANI, J.



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