



W.P.No.29202 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on : 31.01.2025

Orders pronounced on : **13.02.2025**

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.29202 of 2010

K.Anbalagan

.. Petitioner

Versus

1. The Special Officer,
Sithalingamadam Primary Agricultural
Co-operative Bank Ltd.,
Sithilingamadam,
Thirukoilur Taluk - 605 803,
Villupuram District.

2. The Presiding Officer,
Labour Court, Cuddalore.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorari calling for the records from the files of the second respondent in I.D.No.22 of 2005 and quash its impugned award



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made therein dated 06.10.2010 insofar as it has denied to the petitioner herein the relief of reinstatement in service, with continuity of service, with back wages and other attendant benefits.

For Petitioner : Mr.K.M.Ramesh,
Senior Counsel,
Asstd. by Mr.V.Subramani

For Respondents : Mr.S.Gopinathan, for R1
: R2 - Labour Court

ORDER

This Writ Petition is filed challenging the award passed by the Labour Court, Cuddalore in I.D.No.22 of 2005, dated 06.10.2010. By the said award, the Claim Petition, filed by the workman under Section 2A(2) of the Industrial Disputes Act, 1947 claiming reinstatement with back wages and continuity of service, stood rejected.

2. The brief factual background, in which the Writ Petition arises, is that the workman joined the first respondent management in the year 1981



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as a Salesman. While so, in the year 2003, he was placed under suspension.

Thereafter, he was served with a charge memorandum on 29.09.2003.

When the stock was verified, there was a shortage of stock worth Rs.9,378.30 ps. It is alleged that the workman had misappropriated the sale proceeds. A Domestic Enquiry was conducted and in the Domestic Enquiry also, the petitioner did not give any explanation to the charge. In the Domestic Enquiry, it was found that the charge is proved.

3. When the Domestic Enquiry was conducted, the petitioner appeared before the Domestic Enquiry Officer and admitted the guilt and gave an undertaking that he will not commit such mistakes in future. On the basis of the express admission made by the workman, the Domestic Enquiry Officer returned the finding of the guilt. Thereafter, a second show-cause notice was issued, for which also, there was no explanation by the workman. Ultimately, the order of dismissal from service was passed on 21.01.2004. Aggrieved thereby, the workman raised a dispute. The conciliation did not



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yield any settlement.

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4. The claim statement filed by the petitioner was taken on file as I.D.No.22 of 2005. The claim statement was resisted by the management that when the enquiry was conducted as per the due process and the petitioner himself has unequivocally admitted the charge in the enquiry, the punishment is justified. On the strength of the said pleadings, when the Labour Court took up the matter for enquiry, the workman examined himself as *W.W.1* and *Exs.W-1* to *W-6* were marked. On behalf of the management, one *Ezhumalai*, Special Officer was examined as *M.W.1* and *Exs.M-1* to *M-16* were marked. The Labour Court, thereafter, considered the issue and found that when it is clear that the petitioner participated in the Domestic Enquiry and when the petitioner has admitted the guilt, the non-payment is fully justified. Aggrieved by which, the workman filed the present Writ Petition.



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5. Heard *Mr.K.M.Ramesh*, learned Senior Counsel for the workman and *Mr.S.Gopinath*, learned Counsel for the first respondent management.

6. *Mr.K.M.Ramesh*, the learned Senior Counsel for the workman would submit that in this case, the management did not adduce any evidence. Therefore, the Labour Court ought not to have dismissed the claim of the workman. Once the Domestic Enquiry was without any evidence, then, the workman is bound to succeed inasmuch as the management did not even plead that they will adduce evidence before the Labour Court to prove the charge in the event that the Domestic Enquiry is found to be not fair and proper.

7. The said contentions were opposed by *Mr.S.Gopinath*, learned Counsel for the management. He would submit that when the workman unequivocally admitted the guilt, there is no question of letting in any further evidence.



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8. I have considered the rival submissions made on either side and perused material records of the case.

9. In the enquiry records, it is found that when the workman was questioned as to whether proper opportunity was given to him to submit his explanation, he stated in the affirmative. When he is further questioned that whether he gave any explanation, he said no. When he was further questioned that whether he denied the charge, he again said no. By further explanation, he said that he would pay the amount due to the management. He had requested that by showing sympathy, he must be given employment again and that he will see that the mistake like this, will not be again committed. Thus, in view of the categorical admission of the workman, the contentions of the learned Senior Counsel cannot be countenanced.

10. Accordingly, no exception whatsoever can be made to the various



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findings of the Labour Court. Finding no merits, this Writ Petition is

dismissed. There shall be no order as to costs.

13.02.2025

Neutral Citation : no
grs

To

1. The Presiding Officer,
Labour Court, Cuddalore.
2. The Section Officer,
V.R.Section,
High Court of Madras.



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D.BHARATHA CHAKRAVARTHY, J.

grs

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