



W.P.No.25887 of 2011

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

**W.P.No.25887 of 2011
and M.P.No.1 of 2011**

The Management,
E-1429, Villupuram Agricultural Producers Co-operative Marketing
Society Limited,
Rep.by its Special Officer,
12, Chairman Chidambaram Street,
Villupuram (Po) & (Dt),
Pin:605 602. ... Petitioner

Vs.

1.The Presiding Officer,
Labour Court,
Cuddalore (Po) & (Dt).

2.P.Karunakaran ... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India
praying for issuance of a Writ of Certiorari, to call for the records relating to
the award dated 17.05.2011 passed in I.D.No.90 of 2005 on the file of the
Labour Court, Cuddalore and quash the same.



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For Petitioner : Mr.P.Anbarasan
For Respondents : R1-Court
R2-Died (Steps due)

ORDER

The petitioner is the Co-operative Society and has filed this writ petition challenging the award passed in I.D.No.90 of 2025 dated 17.05.2011. The said I.D.No.90 of 2025 was filed by the second respondent workman challenging the dismissal order dated 12.08.2000. The delinquent workman was dismissed from service, pursuant to the disciplinary proceedings initiated against him, for the alleged shortage of stock. Domestic enquiry was conducted and based on the report of the Enquiry Officer, the second respondent/workman was dismissed from service on 12.08.2000.



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2. The Labour Court, on perusal of the evidence placed before it

and the documents marked on either side, came to a conclusion that no document was produced to prove that the delinquent workman was responsible for the stock deficit. That apart, since the delinquent employee was acquitted from the criminal case filed by the petitioner Society against the respondent/workman, the same was accepted by M.W.1 [Management side witness in his cross-examination] and that in the appointment order of the petitioner, his specific responsibility in respect of the petitioner was not mentioned and the said Industrial Dispute was allowed and reinstatement was ordered with continuity of service and all other attendant benefits. The Labour Court came to a conclusion that the respondent/workman was acquitted from all the charges and the enquiry was not conducted in a just and proper manner. Accordingly, the Labour Court passed an award allowing the Industrial Dispute with continuity of service. Aggrieved by the said award, the present Writ Petition has been filed.



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3. The first respondent is the Labour Court and the second respondent/employee died during the pendency of the writ petition and steps are due with respect to impleading legal heirs of the second respondent.

4. This Court, after carefully going through the award passed by the Labour Court, is able to find that Exs.W1 to W4 were marked before the Labour Court on behalf of the second respondent/workman and as many as 21 documents/Ex.M1 to Ex.M21 were filed by the petitioner Society before the Labour Court and the second respondent/employee examined himself as W.W.1 and one witness was examined on behalf of the petitioner Society.

5. On perusal of the award passed by the Labour Court, it is found that the petitioner was appointed as Weighman and one Pandian was appointed as Salesman. Even as per Ex.W2 marked on behalf of the second respondent/workman, the said Pandian has given a letter that the second respondent/workman is not responsible for the shortage of stock. The petitioner Society has not produced any document to prove that the second



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respondent/workman is responsible for the stock deficit. That apart, the second respondent/workman was acquitted from the criminal case filed by the petitioner Society against him as per Ex.W3/judgment in C.C.No.461 of 1999 on the file of the Judicial Magistrate No.1, Villupuram. It is also pertinent to note that M.W.1/Management witness has also accepted in his cross-examination that the petitioner was appointed as Weighman and in the appointment order of the second respondent/workman, his specific responsibility was not mentioned. M.W.1 had further deposed in his cross-examination that the duty of the second respondent was to weigh the goods and the accounts were maintained by the Salesman. Considering the above circumstances, it is clear that the second respondent was appointed as Weighman and domestic enquiry was not conducted in a just and proper manner and therefore, this Court is able to come out a conclusion that the charges against the respondent/workman were not proved by the petitioner Management with sufficient evidence and documents. Accordingly, the award passed by the Labour Court ordering for reinstatement with continuity of service needs no interference. However, the petitioner Management is



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directed to settle the entire benefits in terms of the award passed in I.D.No.90 of 2005 in favour of the second respondent/employee within a period of eight weeks from the date of receipt of a copy of this order.

6. Accordingly, this Writ Petition is dismissed. There shall be no order as to costs. Connected miscellaneous petition is closed.

05.02.2025

NCC: Yes / No
Index : Yes / No
Speaking Order : Yes / No
ssb

To
The Presiding Officer,
Labour Court,
Cuddalore (Po) & (Dt).



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M.DHANDAPANI, J.

ssb

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