



WEB COPY



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.28285 of 2011

and

M.P.No.1 of 2011

The Management,
Tamil Nadu Civil Supplies Corporation Limited,
Mayiladuthurai.

... Petitioner

Vs.

1.C.Rajangam (Deceased)

2.The Presiding Officer,
Labour Court,
Cuddalore.

3.Achi

4.Rajalakshmi

5.Rajkumar

6.Rajavelu

... Respondents

*(*R3 to R6 were substituted as the legal heirs of the deceased first respondent, as per the order dated 26.02.2025 made in W.M.P.No.18980 of 2024 in W.P.No.28285 of 2011*)*



WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorari, to call for the records relating to the award made in I.D.No.44 of 2001 dated 09.06.2011 on the file of the second respondent and quash the same.

For Petitioner : Mr.S.Senthil Kumar
For Respondents : R1-Dismissed
R2-Court
R3 to R6-Not ready notice

ORDER

The petitioner herein is the Management. Challenging the award dated 09.06.2011 passed in I.D.No.44 of 2001 on the file of the Labour Court, Cuddalore, ordering for reinstatement of the delinquent employee, the present writ petition is filed.

2. The brief facts required for disposal of this writ petition is that the first respondent who was working as salesman in the Fair Price shop was dismissed from service on account of some financial irregularities and



WEB COPY

preparation of bogus bills. The first respondent was dismissed from service on 18.03.1986 and the same was challenged before the Labour Court by the employee and the Labour Court, after examining the oral and documentary evidence, came to a conclusion that the Management failed to prove the alleged misconduct of misappropriation and since no materials have been produced to prove the same and that the criminal case filed against the delinquent employee ended in acquittal, allowed the Industrial Dispute in part and ordered for reinstatement without continuity of service and backwages. Aggrieved by the same, the present writ petition is filed.

3. Heard the learned counsel appearing for the petitioner Management. The first respondent/employee has died during the pendency of the writ petition and his legal representatives were brought on record as R3 to R6. Though notice has been served on them, no one appears for the said respondents.



WEB COPY

4. It is not in dispute that the first respondent/delinquent employee has died and his legal representatives has not shown interest in prosecuting the case. Even according to the Labour Court, the charges alleged against the delinquent employee were not sufficiently proved by marking the stock Register and the Inspection Report. Thereby, the dismissal order passed by the Management was set aside by the Labour Court itself and the Labour Court had ordered for reinstatement without backwages and continuity of service.

5. Now, at this length of time, wherein the first respondent/delinquent employee himself is not alive, the question of allowing the reinstatement order to be intact will not serve any purpose. Therefore, this Court is inclined to dispose of this writ petition with a direction to the petitioner Management to pay a compensation of Rs.50,000/- to the legal representatives of the delinquent employee within a period of four weeks from the date of receipt of a copy of this order.



WEB COPY

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

12.03.2025

Index : Yes / No
Speaking order / Non-speaking order
Neutral Citation Case : Yes/No
ssb



WEB COPY



M.DHANDAPANI, J.

ssb

To
The Presiding Officer,
Labour Court,
Puducherry.

W.P.No.28285 of 2011

12.03.2025



WEB COPY

W.P.No.28585 of 2011

M.DHANDAPANI, J.

The matter is listed today under the caption “for being mentioned”.

2. It is brought to the notice of this Court that the case number has been wrongly mentioned as W.P.No.28285 of 2011 instead of W.P.No.28585 of 2011 in the order dated 12.03.2025.

3. Considering the same, the Registry is directed to carry out necessary correction in the order dated 12.03.2025 and issue fresh order copy to the parties.

03.07.2025

ssb

Page 7 of 8



WEB COPY



M.DHANDAPANI, J.

ssb

W.P.No.28585 of 2011

03.07.2025