



W.A.No.2584 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.10.2025

CORAM :

THE HONOURABLE MR.JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.A.No.2584 of 2025

and

C.M.P.No.20647 of 2025

The Management,
Erode Sarvodaya Sangam,
Sennimalai Road,
Sarvodaya Nagar, Kasipalayam,
Erode – 638 009.

...Appellant

Vs.

B.Murugesan

...Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent Act to set aside the order dated 21.02.2025 made in W.P.No.329 of 2020.

For Appellant : Mr.S.Shrish
for Mr.N.Manoharan

For Respondent : Mr.V.Ajoy Khose



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JUDGMENT

(Judgment of the Court was delivered by M.S.RAMESH,J.)

The charges against the respondent are that he had failed to collect the money given on credit from the Khadi goods customers, misappropriation of funds, apart from unauthorised absence for the period between 11.01.2005 and 20.08.2005. Based on the proven charges, the respondent was dismissed from service on 01.07.2006. The Labour Court, before whom the dismissal order was challenged in I.D.No.18 of 2007, had set aside the dismissal order and directed for reinstatement with backwages and all other retirement benefits, through its Award dated 27.08.2019. The Writ Court had also confirmed the order of the Labour Court in W.P.No.329 of 2020 on 21.02.2025.

2. The main ground on which the Labour Court had set aside the dismissal order is that the Secretary/R.W.1 does not have the authority to dismiss the employee without prior approval of the Administrative Committee. Insofar as the alleged misappropriation is concerned, the Bye-laws of the appellant-Management was marked as Ex.R.15, which sets forth the authority of the Secretaries. The Labour Court had recorded



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that since the Management did not opt for preferring a criminal complaint, it had doubted the very charge itself. Insofar as the charge of unauthorised absence is concerned, the Labour Court had stated that the relevant attendance registers were not produced before it. This apart, for the charge of unauthorised absence, Exs.R.17 to R.19 are the relevant accident registers for the period of alleged unauthorised absence, which were also misconstrued as if they were not marked. Furthermore, we do not endorse the findings of the Labour Court that the non-failure of preferring a police complaint will have an adverse bearing on the Management's decision to dismiss an employee on the ground of misappropriation.

3. Since the evidences before the Labour Court were not properly appreciated, we deem it appropriate to remand the matter back for reconsideration.

4. At this juncture, the learned counsel appearing for the Management submitted that the respondent had already reached the age of superannuation.



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5. In view of the said submission, it would be appropriate that a time limit be fixed for the Labour Court to pass final orders, based on the evidences already let in before it.

6. In the light of the above observations and findings, the order passed in W.P.No.329 of 2020, dated 21.02.2025 and the Award made in I.D.No.18 of 2007, dated 27.08.2019 are set aside and the matter is remanded back to the Labour Court, Salem, for reconsideration. The Labour Court shall commence the proceedings from the stage of final arguments and after affording due opportunities to both the sides, shall pass final orders, preferably within a period of three months from the date of receipt of a copy of this judgment.

7. Accordingly, the Writ Appeal stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R.,J] [R.S.V.,J]
27.10.2025

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



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To

The Presiding Officer,
Labour Court,
Salem.



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M.S.RAMESH, J.
and
R.SAKTHIVEL, J.

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