



W.A.No. 2443 of 2

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.02.2025

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.A.No. 2443 of 2024
and
C.M.P.No. 17366 of 2024

The Management of Semmandapalayam,
Primary Agricultural Co-operative Credit Society,
K.4218, Rep. by its Secretary (Incharge),
Semmandapalayam Post,
Via Somanur, Coimbatore.

...Appellant

Vs.

S.Santhi

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 19.03.2024 made in W.P.No.28523 of 2019.

For Appellant : Mr.A.S.Balaji

For Respondent : Mr.K.Premkumar

J U D G M E N T

(Judgment of the Court was made by R.SUBRAMANIAN, J.)

The Management is on appeal, against the order of the Writ Court made in W.P.No.28523 of 2019 dated 19.03.2024.

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2. The challenge before the Writ Court was to the award of the Labour Court made in I.D.No.17 of 2011 dated 12.11.2018. The respondent was working as a Senior Clerk with the appellant / Management was charged with certain delinquencies, which according to the Management resulted in a loss of about Rs.60,00,000/- to the Management. The primary charge against the respondent was that she had connived with the Secretary of the appellant to enable him misappropriate various amounts under various accounts. A disciplinary enquiry was conducted and the Management imposed a punishment of dismissal from service and the same was challenged in the ID.

3. The Labour Court held that the enquiry was not fair and proper and permitted the parties to let in evidence before it. While the employee examined herself as P.W.1 and marked Exs.A1 to A15, the Management examined 7 witnesses and marked nearly 45 documents. The Labour Court examined the evidence on record and after having referred to the evidence of each and every witness of the Management concluded that the charges against the respondent have not been proved. Even perusal of the charges



would show that the allegation is that the respondent has connived with the Secretary to enable him to misappropriate funds belonging to the Society.

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4. Once the Labour Court concludes that the charges have not been proved after examining the evidence on record, as rightly pointed out by the Writ Court, the scope for interference under Article 226 is very minimum. Unless it is shown that there is a procedural flaw or that the findings of the Labour Court are perverse, the Writ Court cannot interfere. The Writ Court has refused to interfere only on this ground. The Writ Court had also referred to the judgment of the Hon'ble Supreme Court in ***Bhuvanesh Kumar Dwivedi Vs. Hindal Industries Ltd.***, reported in ***AIR 2014 SCW 3157*** wherein, the Hon'ble Supreme Court has reiterated the principal of law that interference with the awards of the Labour Court is possible only when the Writ Court exercising power under Article 226 is convinced that the Labour Court has made patent mistakes in admitting evidence illegally or have made grave errors in law in coming to the conclusion on facts.

5. Despite his best efforts, the learned counsel appearing for the appellant / Management is unable to show that there has been a procedural



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deviation or that the Labour Court has relied upon material which is not admissible in evidence or that the findings of the Labour Court can be said to be perverse.

6. In the light of the above, we do not see any reason to interfere with the order of the Writ Court. This Writ Appeal therefore, fails and it is accordingly, **dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.M., J.) (G.A.M., J.)
03.02.2025

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Index: No
Speaking order
Neutral Citation : No

To:

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