

W.P.No.34692 of 2022

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M.DHANDAPANI,J.

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

2. Learned counsel appearing for the petitioner submitted that though this Court accepted the submissions of either side and ordered a sum of Rs.3,00,000/- to be paid in full quit to the petitioner, however, the order is ambiguous and it shows as if over and above the amount of Rs.2,50,000/- which has already been deposited, a sum of Rs.3,00,000/- has been granted. Therefore, necessary correction may be made in paragraph No.8 of the order dated 29.04.2025.

3. A perusal of the papers reveal that inadvertently, a typographical error has occurred in Paragraph No.8 of the order dated 29.04.2025 in line with the submission made by the learned counsel for the petitioner. Therefore, paragraph 8 of the order dated 29.04.2025 shall stand replaced with the following:-

“8. In view of the misconduct committed by the respondent, there developed a strain relationship between



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the petitioner management and the respondent-workman and also considering the service rendered by the respondent, this Court with a view to give quietus to the whole issue, directs the petitioner management to pay lumpsum compensation of Rs.3,00,000/- (Rupees three Lakhs only) in full quit, less the amount already deposited, to the respondent, within a period of two (2) weeks from the date of receipt of a copy of this order. On such deposit being made, the respondent is permitted to withdraw the sum of Rs.2,50,000/- already deposited by the petitioner management with accrued interests and costs, and also the balance amount that is ordered to be deposited by this Court by making appropriate application before the concerned Court.”

4. Registry is directed to carry out the necessary correction in the order dated 29.04.2025 and issue fresh copy of the order to the parties.

03.07.2025

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M.DHANDAPANI,J.

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W.P.No.34692 of 2022

23.04.2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.04.2025



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THE HONOURABLE MR JUSTICE M.DHANDAPANI

WP No. 34692 of 2022

AND

WMP Nos. 34115 of 2022 & 18270 of 2025

The Management,
Sathyamangalam Sarvodaya Sangam,
9/467, Main Road,
Sathyamangalam,
Erode - 638 401.

.....Petitioner

Vs

R.Murugan

Respondent(s)

PRAYER Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari to call for the records of the award passed by the Labour Court, Salem in I.D.No.221 of 2010 dated 30.08.2022 quash the same.

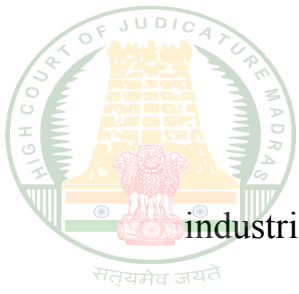
For Petitioner(s): Mr.M.S.Palaniswamy

For Respondent(s): M/s.K.V.Shanmuganathan

ORDER

This writ petition has been filed seeking to the award passed by the Labour Court, Salem in I.D.No.221 of 2010 dated 30.08.2022.

2. It is the case of the petitioner that the respondent was working as an Assistant in the Sales Counter at Thalavadi Branch of the petitioner Sangam. While working in the said firm he has misappropriated a sum of Rs.29,718/-. Upon conducting enquiry, a charge memo was issued and an order of dismissal was passed on 11.10.2002. Subsequently, the respondent / workman raised an



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industrial dispute in I.D.No.221 of 2010 before the Labour Court, wherein the Labour Court without appreciating the evidence and documents had passed an award on 08.02.2018 and set aside the order of dismissal while granting backwages to the respondent. Against which, the management filed a writ petition before this Court in W.P.No.17201 of 2018 wherein this Court remanded the matter to the Labour Court to decide the matter after providing opportunity to the respondent. On remand, the Labour Court without giving sufficient opportunity to the petitioner to let in fresh evidence, had granted relief in favour of the respondent and ordered for backwages. Challenging the same, the present writ petition has been filed.

3. The learned counsel for the management submits that while the respondent was in service, he was committing serious irregularities by way of making alteration in the sale receipts, forging the signature of the customers and misappropriating the funds of the said branch. On the basis of the complaint of the Secretary of the petitioner Sangam, a committee has been filed an a report has been submitted. The contents in the said report proved the charge of misappropriation. Hence, disciplinary action has been initiated against the respondent. However, the Labour Court without analysing the materials produced regarding the charges leveled against the respondent had granted relief in favour of the respondent which is *per se* unsustainable.



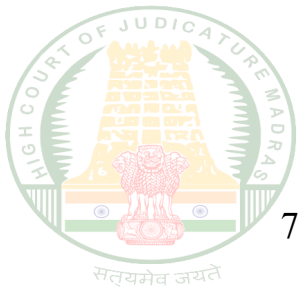
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Though the respondent was dismissed from service on 11.10.2002, however, he has raised the dispute only in the year 15.11.2010 after a lapse of 8 years which is illegal and against law. Hence, he prayed to allow this writ petition.

4. The learned counsel for the respondent / workman submits that the Labour Court upon considering the oral and documentary evidence, has granted relief in favour of the respondent which does not require any interference.

5. Heard the learned counsel for the petitioner and the learned counsel for the respondent and perused the materials placed on record.

6. The employee-employer relationship is not in dispute. It is alleged that the respondent had involved in misappropriation of funds. For the said misconduct, the petitioner management has initiated disciplinary proceedings against the respondent and terminated him from service. Though the Labour Court has passed an order in favour of the respondent, however, subsequently, this Court remanded the said issue to the Labour Court since he was not given sufficient opportunity. Again the Labour Court had passed an order awarding backwages. Assailing which the present writ petition has been filed.



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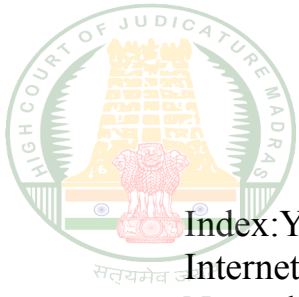
7. Insofar as the backwages awarded by the labour court, this Court perused the claim statement filed by the respondent, which reveals that he has not pleaded anything with regard to his gainful employment during his non-employment period. In the absence of any such pleadings, ordering backwages in favour of the respondent is *per se* unsustainable.

8. In view of the misconduct committed by the respondent, there developed a strain relationship between the petitioner management and the respondent-workman and also considering the service rendered by the respondent, this Court with a view to give quietus to the whole issue, directs the petitioner management to pay lumpsum compensation of Rs.3,00,000/- (Rupees Six Lakhs only) in full quit apart from the amount already deposited by the petitioner to the respondent, within a period of two (2) weeks from the date of receipt of a copy of this order. The respondent is permitted to withdraw the sum of Rs.2,00,000/- already deposited by the petitioner management with accrued interests and costs.

9. With the above observation and direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

29.04.2025

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Index: Yes/No

Internet: Yes

Neutral Citation: Yes/No

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To

The Labour Court, Salem



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29.04.2025