



W.A.(MD)No.1433 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND
THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

W.A.(MD)No.1433 of 2021

M.Samsudeen

...Appellant

- Vs. -

1.The Management,
Co-optex Sales Emporium,
Tiruchirappalli-1,
Rep. by its Senior Regional Manager,
Thanjavur.

2.The Labour Court,
Trichy.

3.The Tamil Nadu Handloom Weavers,
Co-operative Society Limited,
(Apex Society), 350, Pantheon Road,
Chennai - 18.

... Respondents

Prayer: Writ Appeal filed under Clause 15 of Letters patent against the order passed by this Court in W.P.(MD)No.4535 of 2011, dated 08.01.2021.

For Appellant : Ms.J.Mathu



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For Respondents : Mr.G.Mohan Kumar for R1
Mr.D.Sadiq Raja,
Additional Government Pleader for R3

JUDGEMENT

(Judgement of the Court was delivered by **C.KUMARAPPAN, J.**)

The present writ appeal has been filed against the order of the learned Single Judge in W.P.(MD)No.4535 of 2011, dated 08.01.2021, by and in which, the learned single Judge set aside the award passed in I.D.No.35 of 2003 on the file of the Labour Court, Trichy.

2. The brief facts which are necessary for the disposal of the present Writ Appeal is that the appellant was issued with a charge memorandum for the charge of misappropriation and manipulation of records. The Management after conducting domestic enquiry found that the charge framed against the appellant was proved and imposed punishment of 'dismissal from service'. Aggrieved with the said order, the appellant has raised Industrial Dispute before the Labour Court, Trichy in I.D.No.35 of 2003. The Labour Court after elaborate trial has ultimately found that the charge of misappropriation has not been proved, though the other charge of manipulation of records is proved through the available materials. In



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view of the above fact finding, the Labour Court interfered with the punishment and set aside the order of dismissal and directed to pay all the terminal benefits. Aggrieved with the same, the Management filed the Writ Petition and the learned single Judge after analysing various aspects, ultimately allowed the writ petition. Aggrieved with the same, the appellant who was the first respondent before the writ Court preferred the present Writ Appeal.

3. Heard both sides.

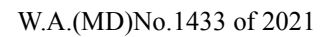
4. The learned counsel appearing for the appellant would vehemently contend that the learned single Judge has interfered with the factual finding of the Labour Court in contravention to the settled legal principles. It is her further contention that the mere possibility of different conclusion by the learned single Judge will in no way empower the writ Court to interfere with the findings rendered by the Labour Court. She would further submit that the Labour Court is justified in interfering with the punishment, but the learned single Judge did not weigh such decision and has interfered with the same without there being any



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compelling necessity. Hence, prayed to interfere with the order of the learned single Judge.

5. The said contention was totally objected by the learned counsel for the first respondent / Management, who would contend that the imposition of punishment is in the realm of the Management and in the case in hand, even according to the findings of the Labour Court, there is manipulation of records. It is his further submission that such manipulation is a grave charge. Therefore, notwithstanding the failure on the part of the Management to prove the charge of misappropriation, since the proved charge of manipulation of document being a grave charge, the Labour Court ought not to have interfered with the imposition of punishment, as the punishment of dismissal is proportionate to the gravity of the charges. He would further contend that the learned single Judge has gone into this aspect and has rightly interfered with the order of the Labour Court and would contend that there are no materials to interfere with the order of the learned single Judge. Hence, prayed to dismiss the appeal.



7. It is an admitted fact that the charge of manipulation of records is proved and as against such finding, the workman did not prefer any appeal. Therefore, such finding has reached finality. Now, the point for consideration in the present appeal is whether interference by the Labour Court in respect of the punishment imposed by the Management is valid or not.

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"21) Once such discretion is exercised by the appointing authority in inflicting the punishment (whether minor or major) then the Courts are slow to interfere in the quantum of punishment and only in rare and appropriate case substitutes the punishment. Such power is exercised when the Court finds that the delinquent employee is able to prove that the punishment inflicted on him is wholly unreasonable, arbitrary and disproportionate to the gravity of the proved charges thereby shocking the conscience of the Court or when it is found to be in contravention of the Rules. The Court may, in such cases, remit the case to the appointing authority for imposing any other punishment as against what was originally awarded to the delinquent employee by the appointing authority as per the Rules or may substitute the punishment by itself instead of remitting to the appointing authority."

9. While looking at the reasoning of the Labour Court, having arrived at a conclusion that there are materials to prove the manipulation of records, it misdirected itself by considering the irrelevant facts, namely, loss of family member and the workman's attaining superannuation, and interfered with the punishment, which according to this Court is illegal as found by the learned single Judge. It is pertinent to mention here that loss of family member of the delinquent or his attaining superannuation cannot be a mitigating circumstance as the same has no nexus with the delinquency committed by the delinquent. As rightly observed by the



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learned single Judge, tampering of records is a grave charge and such charge has been proved. Therefore, interference by the Labour Court in the punishment is contrary to the settled principle. Therefore, this Court absolutely does not find any ground to interfere with the order of the learned single Judge.

10. Accordingly, the Writ Appeal is dismissed. No costs.

[A.S.M.,J.] & [C.K., J.]
11.11.2025

NCC : Yes / No
Index : Yes / No
Internet: Yes

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