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W.A.(MD)NO.160 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.08.2025

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MR.JUSTICE K.RAJASEKAR

W.A.(MD)No.160 of 2020

A.R.Shanmugam

... Appellant / 1st Respondent

Vs.

1. The Management,

Sri Nachammai Cotton Mills Limited,

Chettinad,

Sivagangai District.

... 1st Respondent / Writ petitioner

2. The Presiding Officer,

Labour Court,

Madurai District.

... 2nd Respondent/ 2nd Respondent

Prayer: Writ appeal filed under Clause 15 of the Letters Patent, to set aside the order passed in W.P.(MD)No.8178 of 2008 dated 24.07.2018 on the file of this Court.

For Appellant : Mr.S.Rajasekar

For R-1 : Mr.V.O.S.Kalai Selvam

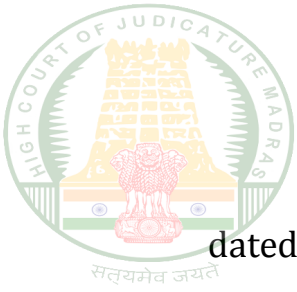
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**JUDGMENT**

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Heard both sides.

2. The appellant Thiru.A.R.Shanmugam was working as Spinning Sider in Nachammai Cotton Mills Limited, Chettinadu. He was suspended by the management on 13.03.1992. Charge memo was also issued alleging that on 12.03.1992, he had thrown a bobin and caused damage to the glass window of the property. In this regard, a domestic enquiry was conducted and the enquiry officer gave a finding that the charge framed against the workman was established. The workman was also terminated from service on 05.02.1993. The appellant raised an industrial dispute and it was taken on file in I.D.No.28 of 1994 on the file of the Labour Court, Madurai. The Labour Court, Madurai passed an award on 17.03.2008 holding that the termination was unjustified and ordered his reinstatement but without backwages. Challenging the order of reinstatement, the management filed W.P.(MD)No.8178 of 2008; seeking backwages, the appellant filed W.P.(MD)No.1848 of 2010. Both the writ petitions were heard together and vide common order



dated 24.07.2018, the writ petition filed by the management was allowed and the award of the labour Court was set aside. The writ petition filed by the appellant was closed as infructuous. Aggrieved by the same, this writ appeal has been filed.

3. The learned counsel on either side reiterated all their respective contentions.

4. The learned counsel for the management on instructions states that the management has brought a sum of Rs.50,000/- and ready to pay the same towards settlement of the appellant's gratuity claim. The learned counsel appearing for the appellant is directed to furnish the bank account details and the same shall be accepted towards full and final settlement on his Gratuity claim.

5. It is seen that the Labour Court had rendered a specific finding that the conclusion of the domestic enquiry that the charge levelled against the workman stood established is incorrect. Paragraph No.14 of the order of the learned single Judge reads as follows:-



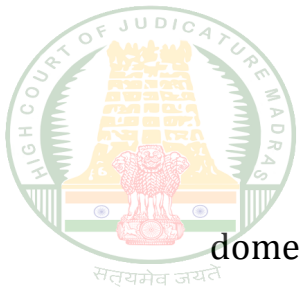
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“14. On perusal of the materials placed before this Court, it is seen that the Tribunal has given a categorical finding that the delinquent has admitted the delinquency, but, it was made without any intention to cause damage to the property or cause loss to the production. While so, the Tribunal considered that fair opportunity was given to the delinquent and enquiry was conducted in a fair and proper manner. But the Tribunal has not given any finding specifically on the issue.”

6. We concur with the learned counsel for the appellant that both the findings are incorrect. Nowhere the workman had admitted his delinquency. Likewise the Tribunal has given a definite finding that the charge has not been established. Nevertheless we have to examine whether the Labour Court was correct in coming to such a conclusion.

7. It is well settled that the Labour Court has to primarily see if the enquiry was fairly conducted by complying with the principles of natural justice. The Labour Court has not given any adverse finding in this regard against the management. We are satisfied that the workman was given full opportunity. He placed his case during the



domestic enquiry. In the domestic enquiry, it was specifically found that the workman had thrown 1.5 kg. of bobbin on the glass window and caused damage to the property. The Labour Court has dislodged this finding only on the ground that the management witness 2 Krishnachand had not stated that Bobbin was handed over to him or that the glass pieces were not found on the bobbin. On this ground, the finding of the enquiry officer could not have been upset. We therefore come to the conclusion that the finding of the Labour Court is perverse. We sustain the order of the learned single Judge in quashing the award of the Labour Court on the ground mentioned above. The learned counsel appearing for the appellant states that PF has also not been settled. We grant liberty to the petitioner to pursue his remedy in accordance with law. Granting such liberty, this writ appeal stands dismissed. No costs.

(G.R.SWAMINATHAN, J.) & (K.RAJASEKAR, J.)
26th August 2025

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