



W.P(MD)No.10855 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2026

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.10855 of 2022

and

W.M.P(MD)No.7809 of 2022

The Management,
Q.1066 Rajapalayam Consumers,
Co-operative Whole Sale Stores Limited,
Rajapalayam Taluk,
Virudhunagar District.

... Petitioner

Vs

Kottaimadasamy

... Respondent

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari, to call for the records relating to the impugned award made in I.D.No.145 of 1989 passed by the Labour Court, Madurai dated 01.09.2021 and quash the same as arbitrary and illegal.

For Petitioner : Mr.M.Thirunavukkarasu

For Respondent : unserved



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ORDER

Challenging the award passed by the Labour Court, Madurai, in I.D. No.145 of 1989, dated 01.09.2021, the petitioner has filed the present Writ Petition.

2.The learned counsel appearing for the petitioner Management submitted that the respondent was appointed as a Clerk in the petitioner institution in the year 1977. While he was holding charge, a charge memo containing 12 charges was issued to him on 21.06.1985. The respondent submitted his explanation on 05.08.1985. Being satisfied with the explanation, the then Special Officer passed a final order on 04.09.1985 and reinstated the respondent. Subsequently, the said order of reinstatement was cancelled in the year 1987, and it was decided to proceed with a departmental enquiry against the respondent. Accordingly, a second charge memo was issued on 08.01.1987 and a third charge memo was also issued on 11.03.1987. Pending enquiry, the respondent was placed under suspension on 04.03.1987. Thereafter, the respondent submitted his explanation on



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18.03.1987. As the petitioner Management was not satisfied with the explanation offered by the respondent, it decided to conduct a domestic enquiry by appointing an Enquiry Officer. Though sufficient opportunities were afforded to the respondent, he did not participate in the enquiry proceedings. Consequently, the Enquiry Officer recorded the charges as proved and submitted his enquiry report dated 14.08.1987. Upon accepting the findings of the Enquiry Officer, the petitioner Management terminated the services of the respondent.

3. Aggrieved by the order of termination, the respondent raised an Industrial Dispute in I.D.No.145 of 1989 on the file of the Labour Court, Madurai. By an award dated 23.04.2009, the Labour Court allowed the Industrial Dispute and directed the petitioner Management to reinstate the respondent with continuity of service, but without back wages. Challenging the said award, the petitioner Management filed W.P.(MD)No.10483 of 2009 before this Court. By order dated 19.03.2019, this Court allowed the Writ Petition and remanded the matter to the Labour Court for fresh consideration



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on the ground that the Labour Court had not dealt with each and every charge contained in the charge memos. Thereafter, the Labour Court reconsidered the matter and, by the impugned award, directed the petitioner Management to pay a sum of Rs.3,00,000/- to the respondent as full and final settlement in lieu of reinstatement. Challenging the said award, the present Writ Petition has been filed.

4.The learned counsel appearing for the petitioner further submitted that the Labour Court arrived at its conclusion solely on the ground that the earlier charge memo dated 21.06.1985 had culminated in a punishment order dated 04.09.1985, which was marked as Ex.M12. According to the learned counsel, after imposing the said punishment, the Special Officer subsequently cancelled the same and decided to conduct a fresh departmental enquiry by issuing two fresh charge memos dated 08.01.1987 and 11.03.1987, wherein additional charges were also framed. Admittedly, the respondent employee did not participate in the enquiry proceedings before the Enquiry Officer. Consequently, the Enquiry Officer



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recorded the charges as proved and submitted his report, based on which the petitioner Management imposed the punishment of termination from service.

5.The learned counsel appearing for the petitioner further submitted that there was a justifiable reason for initiating the disciplinary proceedings afresh by cancelling the earlier punishment imposed by the Special Officer. However, without considering the same, the Labour Court awarded a sum of Rs.3,00,000/- as compensation, which, according to the learned counsel, was arbitrary and without any basis. It is further submitted that the dereliction of duty on the part of the respondent had been established before the Labour Court by marking Exs.M1 to M35, whereas the respondent workman marked only one document, dated 21.06.1985, and examined himself as W.W.1. On the side of the petitioner Management, two witnesses were examined as M.W.1 and M.W.2 to substantiate its case. Even then, the Labour Court allowed the Industrial Dispute by awarding compensation of Rs.3,00,000/-, which, according to the learned counsel, is unsustainable. Accordingly, he prayed for appropriate orders.



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6.Though the matter was taken up for admission before this Court in the year 2022, till date, the petitioner has not taken any steps to serve notice on the respondent. Considering the facts and circumstances of the case, and in view of the fact that notice has not been served on the respondent till date, this Court has decided to dispose of the Writ Petition on the basis of the available records.

7.The facts of the present case are not in dispute. Admittedly, the respondent was a regular employee who entered service in the year 1977. His initial monthly salary was Rs.285/-. After a lapse of about eight years, he was issued with a charge memo dated 21.06.1985 containing 12 charges. It is also undisputed that the said disciplinary proceedings culminated in a punishment order dated 04.09.1985, whereby the period of suspension was treated as punishment. Subsequently, the very same Special Officer cancelled the said punishment order and decided to initiate fresh disciplinary proceedings by issuing two charge memos.



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8.However, all the charge memos issued in the years 1985 and 1987 are substantially similar in nature. The main allegation against the respondent is one of dereliction of duty and failure to maintain the records properly. The respondent was not the only employee responsible for maintaining the records and collections of the petitioner Management. There were several other employees involved in the said work. However, no charge memo was issued against any of the other employees, and the respondent alone was proceeded against. The earlier disciplinary proceedings culminated in a punishment order dated 04.09.1985, which was marked as Ex.M12. The reason for cancelling the said punishment order has not been properly explained by the Special Officer.

9.Once the disciplinary authority imposed the punishment, it became functus officio and had no authority to cancel its own order. Such an order could have been modified or set aside only by the appellate authority. The said issue was elaborately considered by the Labour Court. The Labour



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Court also found that the respondent had attained the age of superannuation in the year 2012 and that there was no possibility of reinstatement. Accordingly, it awarded a sum of Rs.3,00,000/- as compensation to the respondent workman in full and final settlement. This Court is of the view that the award passed by the Labour Court cannot be said to be perverse or suffering from any infirmity warranting interference under Article 226 of the Constitution of India. Hence, this Court is not inclined to interfere with the impugned award.

10. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs. Consequently, the connected Miscellaneous Petition is closed.

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NCC : Yes / No
Index : Yes / No
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To

The Labour Court,
Madurai.



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M.DHANDAPANI, J.

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