

(2014) 02 KAR CK 0249

In the Karnataka High Court

Case No : Writ Petition No. 102255 of 2013 (L-RES)

Chandrakanth Gaikwad

APPELLANT

Vs

The Management of MSK Mills

RESPONDENT

Date of Decision : 12-02-2014

Acts Referred:

Citation : (2014) 4 KarLJ 687

Hon'ble Judges : Mohan M. Shantanagoudar, J

Bench : Single Bench

Advocate : P.N. Kapannor and Sri B.K. Patil, for the Appellant;

Final Decision : Dismissed

Judgement

Mohan M. Shantanagoudar, J.—The award of the Central Government Industrial Tribunal-cum-Labour Court in C.R. No. 52/2008 dated 29.09.2011 is called in question in this writ petition. The Central Government referred to the following matter for adjudication, which reads thus:

Whether the terminal benefits in terms of voluntary retirement of Shri Chandrakanth Gaekwad has been satisfied in accordance with the provisions of law and the scheme applicable to him? To what relief is the workman concerned entitled?

The only question that has to be adjudicated by the Labour Court was as to whether the terminal benefits paid in favour of the petitioner are in accordance with law or not pursuant to the voluntary retirement tendered by him.

Though the aforementioned dispute was referred to the Labour Court, the workman raised contention once again before the Labour Court to the effect that the voluntary retirement of the petitioner is forcibly taken. Such a question is rightly not adjudicated by the Labour Court inasmuch as that is not the dispute referred to the Labour Court for adjudication.

2. To support the rival contentions, MW-1 was examined on behalf of the

management whereas the workman examined himself as WW-1 and has produced the records. The witness for management has produced the resignation letter of the petitioner dated 22.03.1991 with a letter of request for adjustment of dues payable by him towards mills quarters, licence fee and water charges and due to non submission of accounts from gratuity and other benefits payable to him. Relieving letter dated 22.03.1991 intimating the petitioner that his resignation letter dated 22.03.1991 is accepted and is relieved from duties with effect from 30.03.1991. Seven letters were written to the petitioner by the management calling upon him to pay dues and to receive gratuity payable to him. Exs. M1 to M6 are the orders passed in the various writ petitions and writ appeals.

While examining him-self as WW-1 on 01.03.2011, the petitioner got marked the Photostat copy of relieving order issued by the management on 15.04.2002 in respect of another person by name Lakshman S/o Kallappa to show that higher retirement benefits are paid to him. The statement of accounts for the amount disbursed by him on 09.03.1991 clearly reveals that there is an allegation that the petitioner has misappropriated an amount of Rs. 18,600/-. The letter dated 27.06.2001 clearly discloses that the petitioner was called upon to pay arrears of quarters licence fee and water charges amounting to Rs. 62,029/- covering the period upto 31.05.2001 and the amount misappropriated by the petitioner i.e. Rs. 18,600, totaling to Rs. 80,629/-. The management repeatedly requested the petitioner to pay the said amount of Rs. 80,629/- and to collect his gratuity dues.

Since the petitioner did not pay the dues of Rs. 80,629/-, the management thought it fit to deduct the said amounts from out of the terminal benefits to be paid to the petitioner and remaining amounts were paid to him. In this view of the matter, the Labour Court is justified in holding that the terminal benefits paid in favour of the petitioner in terms of voluntary retirement are in accordance with law. Since the award of the Labour Court is just and proper, no interference is called for.

Petition fails and the same stands dismissed