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**(1970) 03 MAD CK 0014**  
**In the Madras High Court**

Workmen of Ruby Works Ltd.

APPELLANT

Vs

Ruby Rubber Works Ltd. and Another

RESPONDENT

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**Date of Decision :** 07-03-1970

**Acts Referred:**

Constitution of India, 1950 — Article 226  
Madras City Police Act, 1888 — Section 75

**Citation :** (1970) 2 LLJ 204

**Hon'ble Judges :** Ismail, J

**Bench :** Single Bench

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**Judgement**

Ismail, J.—This is a petition under Article 226 of the Constitution of India for quashing the award dated 24th February, 1968, and made in

Industrial Dispute No. 49 of 1966 passed by the Presiding Officer, Labour Court, Madras. On 29th September, 1965, the management served a

memo of charge on the workers in question and the substance of the charge was that they hooted and mocked at Messrs. Alex Manuel, personnel

officer, J. Mathew, production in-charge, and O.P. Nambiar, security officer, when they were going out of the factory on 28th September, 1965,

at about 5 p.m. on their way to home by uttering abusive, false, malicious and vulgar slogans from the main gate of the factory till the Thangam

Soda bus stop and that they induced other workers of the factory also, who were there striking work, to do similar acts. The charge memo

indicated that such a conduct was misconduct under Rule 13 (xxxiii) and (xxxvii) and the workmen concerned were required to submit their

explanation. Ultimately, an enquiry was conducted. At the enquiry, the workmen concerned were found guilty of the charge levelled against them

and on the basis of that finding, they were dismissed from service. It is this

dismissal that gave rise to the dispute before the Labour Court, On reference being made by the Government. Before the Labour Court, several contentions were advanced on behalf of the workmen and the Labour Court, after considering them, rejected those contentions and came to the conclusion that the non-employment of the workmen in question was justified. It is to quash that order of the Labour Court that the present writ petition has been filed.

2. Learned Counsel for the petitioner raised two contentions before me in support of the writ petition. The first contention is that the alleged

misbehaviour of the four workmen having taken place outside the factory, it does not offend the rule or the standing order and hence the charge is

unsustainable. The second contention is that the workmen concerned were prosecuted u/s 75 of the City Police Act and they were acquitted. In

view of this acquittal, it is not open to the management to frame charges on the basis of the same allegations and take disciplinary action against the

workmen concerned. So far as the first contention is concerned, the Labour Court in paragraphs 10 and 11 of the award states as follows:

According to the learned Counsel, they abused the four officers, if at all, only outside the factory gate and that consequently the management was

not competent to take cognisance of the alleged offence or to penalise them therefore .Reliance is placed in this connection on the decision in

Agnani v. Badridas, 1963 I L.L.J. 685. This decision has no application because the quarrel which was one of the basis of the charges against the

worker was between him and a shopkeeper who was not an employee of the management concerned though he was allowed to run a shop for the

benefit of the employees The court hence held that the misconduct did not fall within the standing orders. In any case, this decision has to yield to

the later decision in Tata Oil Mills Co. Ltd. v. Their Workmen, (1963) 24 F.J.R. 472. It was held therein that if the disorderly or riotous behaviour

of an employee had some rational connection with the employment of the assailant and the victim, such an act would fall to be covered by the

standing order. In that case, one employee waylaid another while he was returning home after his duty and assaulted him.

Thus, it will be seen that the sole contention that was put forward before the Labour Court was that since the misbehaviour took place outside the

factory, it did not offend the relevant standing orders, and the Labour Court refused to accept this contention. The charge as already extracted

clearly shows that the misbehaviour was indulged in by the workmen concerned against the superior officers when they were going from the main

gate of the factory till the Thangam Soda bus stop. Further, it is also a part of the charge that they induced the other workers who were striking

work to do similar acts. Certainly, this charge which had been held proved concerns the conduct of the workmen with reference to their duty as

workmen in relation to the superiors, and it cannot be said that such a conduct does not come within the scope of the standing orders solely on the

ground that the abuse was indulged in only from the main gate of the factory. Consequently, in my opinion, it cannot be contended that there is any

error of law on the face of the record in the conclusion of the Labour Court as far as this part of the contention is concerned.

3. As far as the second contention is concerned, the learned Counsel for the petitioner himself admitted that the workmen concerned were

acquitted after giving them the benefit of doubt on the ground that the charge against them was not proved beyond reasonable doubt. That finding

of the court is with reference to the basic judicial principles of criminal justice that the burden is on the prosecution to prove the guilt beyond any

reasonable doubt, and if there is any doubt, the accused is entitled to the benefit of the same, and this principle has no application to disciplinary

proceedings that may be taken by a master against a servant. If the workmen had been acquitted on it being found that the charge made against

them was false and they were innocent, the position will be different. While the innocence of the workmen was not established, and they were

acquitted solely on the basis of benefit of doubt having been given to them, it cannot be contended that the enquiry conducted by the management

in relation to the same conduct is barred by that conclusion of the criminal court. Consequently, in my opinion, there is no substance in this

contention either. As the two contentions raised by the learned Counsel fail, this writ petition is dismissed.