Workmen of Ruby Works Ltd. Vs. Ruby Rubber Works Ltd. and anr.

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SooperKanoon Citation : sooperkanoon.com/798369

Court : Chennai

Decided On : Mar-07-1970

Reported in : (1970)IILLJ204Mad

Judge : Ismail, J.

Appellant : Workmen of Ruby Works Ltd.

Respondent : Ruby Rubber Works Ltd. and anr.

Judgement :

Ismail, J.

1. 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 under Section 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 therefor. 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 cn 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.