

In the Court of the Principal District Judge Kancheepuram @,
Chengalpattu.

Present:- Thiru. R.Selvakumar B.A.M.L.
Principal District Judge.

Monday the 21st day of December 2015.

Original Suit No. 50/2014

M/S.WABCO INDIA LIMITED
at Plot No.AAA 8,
Central Avenue, Chengalpattu
rep. by its Vice President-Legal
Mahima Datt Pathak.

..Plaintiff.

//Versus//

1. A.Muthumalai
2. S.Padmalosan

..Defendants.

This Suit is coming on 11.12.2015 before me for final hearing in the presence of M/S.Fox Mandal & Associates and Mr.A.Paraneedharan Advocates for Plaintiff, Thiru.V.Nandha Kumar Advocate for the 1st Defendant, and Tr.P.Shoban Babu, Advocate for the 2nd Defendant, and defendants called absent and set exparte and upon perusing the records, having stood over for consideration till this day and this Court delivered the following:

JUDGMENT

This suit has been filed by the Plaintiff directing the defendants jointly and severally for a sum of Rs.31,98,552.92/- together with interest at 12% per annum from 1.3.2014 till the date of realization and for cost.

2. The Point to be considered is :

Whether the Plaintiff is entitled to the decree prayed for against the defendants?

3. The defendants remained exparte. The plaintiff was examined as PW1 and 38 documents were marked as Ex.A1 to Ex.A38.

4. The Point:

The plaintiff is the limited company. According to the plaint the 1st defendant was HR Manager and was in in charge of their plant at plot No.AAA 8, Central Avenue, Mahindra World City, Chengalpattu. The 2nd defendant is the Finance-Site Head. As per the plaint both the defendants colluded together and manipulated the employees details and claimed salary for the persons who already went out of the job, they created bogus employee I.Ds, who had not joined their concern and those who resigned were also shown as continuing in their job. By manipulating such entries as if more number of employees were in service in the plant created bogus pay bills and misappropriated the funds. That has been detected by the internal audit and immediately they resigned their job and went away. They failed to appear for internal enquiry. They had been found guilty of misconduct and misappropriation. They have been removed from service. The defendants are liable to answer misappropriated funds and to recover the same the present suit has been filed.

5. P.W.1 proof affidavit was filed Ex.A1 to A38 documents were marked. As evidenced by Ex.A2 and A4 the defendants are employees of the plaintiff's company as HR Manager and Financial Site Head. As evidenced by Ex.A3 and A5 it appears they are responsible for recruitment, payment of salary and other benefits. Ex.A26 is the detailed report with reference to the misappropriation by the defendants.

6. The defendants were duly served. They entered into appearance through counsel and they have not filed any written statement disputing their liability and they have been set exparte on 29.9.2005. Till date they have not moved any application to set aside the exparte order against them. In the absence of contrary evidence the documents and evidence adduced by the plaintiff remains unchallenged. And thus this court finds the plaintiff entitled to the decree as prayed for.

7. In the result the suit is decreed as prayed for.

Dictated to the Stenographer taken down, transcribed and computerized by her, corrected and pronounced by me in open Court, this the 21st day of December 2015.

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Sd/-R.Selvakumar
Principal District Judge
Chengalpattu.

Plaintiffs side Exhibits:

Ex.A1/23.5.2012	Copy of delegation of power deed
Ex.A2/10.2.2007	Copy of the appointment order of 1 st defendant
Ex.A3/ ..	Xerox copy of the duties of the 1 st defendant

Ex.A4/15.11.2007	Copy of the appointment order of 2 nd defendant.
Ex.A5/ ..	Copy of the duties of the 2 nd defendant
Ex.A6/6.5.2013	Copy of letter from 1 st defendant
Ex.A7/8.5.2013	Copy of the letter from plaintiff to 1 st defendant
Ex.A8/13.5.2013	Copy of the letter from the 1 st defendant
Ex.A9/20.5.2013	Copy of the statement of Arun Kumar
Ex.A10/20.5.2013	Copy of statement of C.Dharmaraj
Ex.A11/24.5.2013	Copy of statement of L.Saravanan
Ex.A12/29.5.2013	Copy of statement of Soundarajan
Ex.A13/29.5.2013	Copy of statement of Murali
Ex.A14/29.5.2013	Copy of the letter from plaintiff to 1 st defendant
Ex.A15/31.5.2013	Copy of the letter from plaintiff to 1 st defendant
Ex.A16/2.6.2013	Copy of statement of 2 nd defendant
Ex.A17/3.6.2013	Copy of the letter from 1 st defendant
Ex.A18/7.6.2013	Copy of statement of S.Leo
Ex.A19/10.6.2013	Copy of statement of Vijay Kumar
Ex.A20/10.6.2013	Copy of letter from plaintiff to 1 st defendant
Ex.A21/13.6.2013	Copy of the letter of 1 st defendant
Ex.A22/17.6.2013	Copy of the letter from plaintiff to 1 st defendant
Ex.A23/20.6.2013	Copy of the complaint given to DSP, District Crime Branch, Kancheepuram District.
Ex.A24/21.6.2013	Copy of the Charge sheet issued to the 1 st defendant .
Ex.A25/24.6.2013	Copy of the reply statement by the 1 st defendant.
Ex.A26/17.7.2013	Photocopy of Report of KPMG.
Ex.A27/27.8.2013	Copy of the enquiry report by Enquiry Officer.

- Ex.A28/27.8.2013 Copy of the order passed in O.P.NO.20998/2013
- Ex.A29/21.10.2013 Copy of the dismissal order issued to the 1st defendant.
- Ex.A30/ .. Photocopy of the process flow for recording attendance, roll process, bonus disbursement and leave encashment.
- Ex.A31/ .. Copy of Statement of calculation
- Ex.A32/28.3.2008 Scheme of arrangement copy
- Ex.A33/27.3.2008 Copy of appointment order to Muthumalai
- Ex.A34/27.3.2008 Copy of appointment order to Padmalosan
- Ex.A35/28.3.2008 Copy of appointment order to Muthumalai
- Ex.A36/28.3.2008 Copy of appointment order to Padmalosan
- Ex.A37/23.7.2012 Copy of notice to Muthumalai
- Ex.A38/23.7.2012 Copy of notice to Padmalosan

Plaintiff's side Witness:

PW1/ Thiru. Thirupachanur Srinivasan Rajagopalan

Sd/-R.Selvakumar
Principal District Judge
Chengalpattu.

Fair Judgment

O. S. 50/2014

Date : 21.12.2015

**Prl. District Court
Chengalpattu**

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