

In the Court of Labour Court, Kancheepuram

**Present: Tmt.S.Sujatha, M.A., M.L.,
Presiding Officer, Labour Court,
Kancheepuram.**

Friday, the 19th day of June 2026

I.D.No.309/2019

CNR No.TNKP18-000606-2019

P.Rose,
Emp.No.UPI00112)
S/o.K.Ponnusamy,
No.2, Kuyavar Street,
Sriperumbudur,
Kancheepuram District - 602 105.

--- Petitioner / Workman

//vs//

Unipress India Private Limited,
RNS-6, SIPCOT Industrial Growth Centre,
Oragadam Vadakkupattu Post,
Sriperumbudur Taluk,
Kancheepuram District.

--- Respondent/Management

This Industrial Dispute came up on 08.06.2026 for final hearing before this court in the presence of M/s.T.Ramkumar, K.Sudalaikannu, A.Rekha, and M.Suresh Advocates for the Petitioner. M/s.P.Rathika, S.Mahalakshmi and B.P.Manivelan Advocates for respondent and upon perusal of records and hearing the both side arguments and having stood over for consideration till this day, this court delivered the following

AWARD

1. This Industrial dispute is filed U/s 2A(2) of the ID Act 1947, praying to direct the respondent management to re-instate the petitioner in service, with full backwages, continuity of service, and all other consequent and attendant benefits.

2. The averments in the claim statement filed U/s 2A(2) of the ID Act by the Petitioner is as follows:

The Industrial dispute has been filed as against the petitioner's dismissal from service vide the order dated 07.01.2015 having been approved by the Assistant Commissioner of Labour, Sriperumbudur by the order dated 23.08.2017.

The petitioner joined the service of the respondent/management as trainee on 02.02.2010 and he was confirmed in service as 'Spot Welder' with effect from 01.08.2013 and he had unblemished record in service. The petitioner was qualified upto 9th standard and prior to his appointment with the respondent/management he had experience of about 8 years as Spot Welding and CO2 welding. The petitioner was appointed on the strength of his previous experience in welding.

Petitioner was served with a charge memo dated 02.09.2014 alleging he had submitted bogus ITI certificate at the time of his personal interview, for the same, Petitioner submitted his explanation dated 13.09.2014, not satisfied with

the same, respondent proceeded to held domestic enquiry by appointing one Mr.Singhpal as enquiry officer.

The HR.Admin Mrs. Uma required the petitioner to submit the bio data as guided by her in order to get employment with the respondent company. Therefore the petitioner submitted the Bio-data mentioning as if his qualification is ITI and 10th pass. The information furnished was done at the instance of the HR Manager itself, no document was required to be produced at the time of appointment. Petitioner had not produced any document before respondent as to his qualification.

The respondent/management has vindictively levelled the said allegations against the petitioner. The petitioner is a active member of Unipress India Employees Union which is a recognized union representing the workers of the respondent factory. The domestic enquiry was not conducted by the management in accordance with the Principles of Natural Justice, the enquiry officer's report, the findings of the enquiry officer are perverse and biased, it is only to favour the management.

The management has vindictively fostered charges against the petitioner for his trade union activities and concocted documents, taking advantage of the entries made in the application form, which was done at the instance of the management, to deter the petitioner from continuing his membership.

The management having failed to prove the allegation of submitting bogus document, the punishment of dismissal is illegal and untenable. The petitioner out of his innocence entered the information as guided by the management which remains unrebutted by the management.

Dismissal of the petitioner is a premeditated one and only as a measure of victimisation for his active involvement in organising the workers of the respondent factory to form a union.

The Industrial disputes raised by the union was pending before ACL. the respondent had filed application u/s.33(2)(b) of the ID Act and the petitioner herein had also filed petition u/s.2(A) of ID Act requesting the ACL to grant approval to the management, without prejudice to his right to question the legality and correctness of the impugned dismissal order by filing a memo to that effect in the approval application. The ACL did not accept the memo and issued failure report on 28.04.2017 even prior to the disposal of the Approval Petition.

The ACL, Sriperumbudur vide his order dated 23.08.2017 in A.P.No.20/2015, granted approval to the dismissal order of the petitioner dated 07.01.2015. The reasoning's assigned by the ACL is also highly unsustainable. The petitioner is qualified only upto 9th standard and he is married and having school going children.

Hence to direct the respondent management to re-instate the petitioner in service, with full backwages, continuity of service, and all other consequent and attendant benefits.

3. The averments in the Counter statement filed by the Respondent is as follows :-

The petition is not maintainable either in law or on facts and the same is liable to be rejected in limine.

The petitioner at the time of joining respondent management as trainee on 02.02.2010 submitted a bio-data form stating his academic qualification as 10th pass and technical qualification ITI.

The plea of the petitioner that only at the instructions of the HR Executive Mrs.Uma, Pettioner filled his qualification as 10th pass and ITI is not acceptable by any prudent man. The contention of the petitioner that respondent was convinced with his qualification as 9th pass and based on his previous experience was given employment and employment was not given based on his bio data is denied.

The petitioner has submitted false particulars and false declaration for entering into the service under the management of the respondent is per se criminal and the management has with a view to maintain cordial relationship with the ex-employee has simply dismissed him from service after proper domestic enquiry contemplated under ID Act and also as per the Certified

Employment Standing Order by appointing an impartial and independent enquiry officer upon the charge memo dated 02.09.2014. Domestic enquiry was conducted by following the Principles of Natural Justice and enquiry report was filed on 24.11.2014.

The management has appointed an independent investigation agency M/sG4 Secure Solutions India Private Limited to collect all personal bio-data and the political connections of the petitioner and the educational qualifications and the said detective agency has submitted a report.

Petitioner was issued with the second show cause notice dated 11.12.2014 as to the proposed punishment to be inflicted upon him for which petitioner submitted his explanations dated 22.12.2014, not satisfied with the same, petitioner was dismissed from service on 07.01.2015 and the same has been approved by the ACL Sriperumbudur under A.P.20/2015 on 23.08.2017.

The charges has been proved, the management has rightly dismissed the petitioner from his employment and therefore the ACL has rightly approved the dismissal and no cause of action would arise out of crime is the trite position of law under the maxim of "Ex Turpi causa non oritur actio" which simply means that no one is permitted under law to trade out of his own felon. As the dismissal of the petitioner is not by way of a discharge by simplicitor, the above claim petition is nothing but an abuse of process of court and the same deserves to be nipped at the bud. Hence to dismiss the petition with exemplary cost.

4. The fairness of domestic enquiry had been taken as preliminary Issue and it had been decided by this court by order dated 18.10.2024 that domestic enquiry was conducted in a fair and proper manner. Subsequent to the same following issues were framed

- 1) Whether the findings of the Enquiry Officer is perverse?
- 2) Whether the petitioner has committed the alleged act of misconduct?
- 3) Whether the act of respondent/management amounts to victimisation and Unfair Labour Practice?
- 4) To what relief petitioner is entitled ?

Answer to the Issue Nos. 1 to 4

5. For enquiry u/s.11(A) of ID Act, the petitioner to prove his case has examined himself as WW1 and has marked Ex.W19 to Ex.W25 and Ex.M1 is marked during cross examination of WW1.

6. The petitioner had been issued with a show cause notice dated 02.09.2014 under Ex.W5 stating that petitioner submitted his application on 23.11.2019 stating he is ITI welder and had obtained the certificate from Annai Indira Industrial Training Centre managed by Meenakshiamman Educational Trust NCVT affiliated in 6(10)(40)/87/TC, Bangalore Main Road Sunguvarchatram whereas he is only 9th qualified and thereby he has submitted false informations and bogus certificates, thereby committed misconduct as per clause 16(c) and 16(j) of Model Standing Orders.

7. For the said charge petitioner has admitted that he is not a 10th pass and ITI welder holder and has stated that at the time of filling up the bio-data form, only on the instructions of the HR.Executive Mrs.Uma he had made such entries as if 10th pass and ITI welder and further has stated that he was selected only based on his previous experience as a welder and not based on his educational qualifications, Further he has stated that he had not produced any certificate regarding his 10th pass and ITI Welding and has further stated that he has not given any informations as if he has undergone ITI welding at Annai Indira Industrial Training Centre and has claimed that the certificate in the name of the petitioner from the said institute is created by management with intention to terminate the service of the petitioner for his active involvement and participation in trade union activities.

8. When petitioner takes such a stand that certificates in the name of the petitioner were created by respondent. Petitioner himself has produced the copy of the certificates from Annai Indira Industrial Training Centre dated 02.07.2010, during domestic enquiry proceedings which is secured by private detective agency. Petitioner denies that he had furnished the same to respondent. whereas petitioner has not taken any steps to prove who has obtained the same from the said institute on behalf of the petitioner. Petitioner ought to have taken steps to prove that the certificate was not obtained by him from the said institute by summoning the authorities of the said institutes. If petitioner had taken steps to examine the authorities of said institute, there

would have been proof to find out, who had obtained the said certificate in the name of the petitioner. It is petitioner who denies the certificate in his name alleged to have been issued by Annai Indira Industrial Training Centre. But petitioner has miserably failed to disprove the contentions of the respondent.

9. The fact that petitioner is only qualified with 9th pass and he has not qualified with 10th pass and he is not holder of ITI welder is admitted by petitioner. The petitioner himself has admitted that he has given informations in the bio-data as if 10th pass and ITI Welder on the instructions of the HR Executive of respondent/management namely Uma. To prove the said contention petitioner has not taken any steps to examine the said Uma though she is employee under respondent/management.

10. Giving false informations regarding educational qualifications on their own or on instructions of any other persons is definitely a misconduct and wrong action. When an employee is found using forged or false educational qualification, he cannot be permitted to continue service. The Honble Supreme Court has consistently held that securing employment through fake certificates or false information is a great misconduct and further it has held that securing a job or promotion by defrauding, affects the route of the employment and such employee can be terminated on furnishing false informations and further it is held that though dismissal is the standard stance employee must follow procedural fairness before terminating the employee.

11. Appointments secured through fraud, misrepresentation, or fake informations or suppressing material facts is violable.

An employee cannot claim protection or right to remain in a job obtained through fraud.

If the false information has a direct bearing on the employees fitness, suitability, the employer has the discretion to take termination action.

12. Though in the present case, respondent/management has not taken a stand that for appointing as welder, 10th pass and ITI welder is a prescribed Minimum qualification and no rules and regulations are produced regarding their stand, it doesn't mean that respondent/management has to accept the false informations furnished by petitioner. It is purely discretion of the respondent/management not permit the petitioner to continue in service or to terminate for furnishing of false informations.

13. Petitioner claims false informations was given by him at the instructions of HR Executive Tmt.Uma at the time of interview petitioner has not proved the said contention through concrete evidence. It is also not case of the petitioner that said Uma is already acquainted with petitioner. In such circumstances what necessitated said Uma to direct the petitioner to give false Educational Information and to engage him under respondent/management.

14. Further petitioner has not stated what is the required minimum Educational qualification for the post of welder under respondent/management, he has not stated whether person holding less qualification than 10th pass or ITI

Welder are engaged under respondent/management in the cadre of welder, whether petitioner alone is terminated for holding only 9th pass qualification. Petitioner has not pleaded or adduced regarding these aspects.

15. Encouraging the false acts, or ordering reinstatement of such persons will shake the edifice of legality.

Petitioner is if really aggrieved by the instructions of the said Uma, he can very well file complaints against her for abetting or cheating.

Taking advantage of ones own wrong is a foundational and equitable Principle which states, no person should benefit, profit or escape liability through their own unlawful, fraudulent or wrongful actions. Petitioner tries to manipulate circumstances in his favour after causing the initial act of misconduct.

16. In the present case respondent has conducted domestic enquiry before terminating the service of the petitioner and the same also has been held by this court as fair and proper.

17. As there is admission on the part of the petitioner that he is only 9th qualified but has given information in bio-data as if he is 10th qualified and ITI welder, the plea of the petitioner that he was victimized for active participation in the trade union activities and relying on the Exhibits related to trade union are not acceptable. Though the respondent management has taken steps against petitioner nearly 4 years after entry into service the same cannot be taken as advantage in the favour of the petitioner. As there is admission on the part of the petitioner regarding the educational qualification then the question of

perversity in the findings of enquiry officer will not arise, and hence it is concluded that there is no perversity in the findings of the enquiry officer and further it is held that petitioner has committed the act of misconduct as stated under Ex.W4 and the Honble Supreme Court has in catena of judgments has held that persons who secure employment on bogus certificates should not be permitted to continue in service, thereby termination of service of petitioner by respondent/management is not illegal or unlawful. If petitioner is permitted to continue in service, despite his furnishing of false informations, the same will amount to supporting the act of fraud and forgery Hence Petitioner is not entitled to any of the reliefs as claimed by him. Considering the facts and circumstances of the case it is decided that parties to bear their own cost. Points No.1 to 4 are answered accordingly.

In the result, this Industrial dispute is dismissed. Parties to bear their own cost.

Dictated to the steno typist, directly typed by her, corrected and pronounced by me in the open court, this the 19th day of June 2026.

Presiding Officer,
Labour Court,
Kancheepuram.

List of witnesses examined
For the Petitioner/Workman:

W.W.1 P.Rose

For the Respondent / Management: Nil

List of exhibits marked

For the Petitioner/Workman: (Documents Ex.W1 to 18 are marked by consent in preliminary issue)

Ex.W.1	---	Copy of Application form and Bio-data
Ex.W.2	---	Copy of Personal Data Form
Ex.W3	01.08.2013	Copy of confirmation order
Ex.W4	15.07.2014	Copy of letter given to respondent/management by G4S Secure Solutions
Ex.W5	02.09.2014	Copy of show cause notice
Ex.W6	03.09.2014	Copy of letter given to the petitioner by respondent/managment.
Ex.W7	08.09.2014	Copy of letter sent by the petitioner to the respondent.
Ex.W8	08.09.2014	Copy of letter sent by the respondent to the Principal, Annai Indira Industrial Training Centre.
Ex.W9	09.09.2014	Copy of letter sent to the respondent by Annai Indira Industrial Training Centre.
Ex.W10	13.09.2014	Copy of petitioner's explanation
Ex.W11	23.09.2014 to 21.11.2014	Copy of enquiry proceedings
Ex.W12	11.11.2014	Copy of objection letter sent to the enquiry officer by the petitioner.
Ex.W13	17.11.2014	Copy of affidavit filed by the petitioner to the enquiry officer
Ex.W14	24.11.2014	Copy of enquiry findings

Ex.W15	11.12.2014	Copy of second show cause notice
Ex.W16	22.12.2014	Copy of explanation of petitioner.
Ex.W17	07.01.2015	Copy of Termination order and u/s.33(2)(b) petition filed by respondent.
Ex.W18	09.01.2015	Copy of letter sent to the respondent by the petitioner.

Documents marked during enquiry u/s.11A of ID Act.

Ex.W19	08.01.2023	Copy of Trade union Registration Certificate.
Ex.W20	19.05.2014	Copy of Industrial dispute raised regarding wage increases.
Ex.W21	03.06.2014	Copy of notice of Assistant Commissioner of Labour
Ex.W22	01.08.2014	Copy of reply by respondent
Ex.W23	14.10.2014	Copy of counter filed by respondent.
Ex.W24	29.06.2015	Copy of Failure report.
Ex.W25	23.08.2017	Copy of order in A.P.No.20/2015

For the Respondent/ Management:

Ex.M.1	Copy of Application form and Bio-data
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Presiding Officer,
Labour Court,
Kancheepuram.