

(1983) 02 KAR CK 0017
In the Karnataka High Court
Case No : W.P. 2398/83

Bharath Gold Mines Ltd.

APPELLANT

Vs

Regional Labour Commissioner and Others

RESPONDENT

Date of Decision : 07-02-1983

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1983) 1 KarLJ 488

Hon'ble Judges : M. P. Chandrakantaraj Urs, J

Judgement

1. This petition is directed against the orders of the Assistant Labour Commissioner, Bangalore and the Regional Labour Commissioner,

Bangalore, respondents 2 and 1 respectively. The petitioner Bharath Gold Mines Ltd. is aggrieved by the orders passed by the 1st and 2nd

respondents in regard to the payment of gratuity to the 3rd respondent who was an employee of the petitioner on the sole ground that he was not

entitled to payment of gratuity as his termination was on account of theft committed by him and that act of theft was an act involving moral

turpitude. This view came to be rejected as is evident from the order of the 1st respondent dt. 6th Octr. 1981 in Appeal No. PGA. 1/82. The

authorities came to the conclusion that theft cannot be an act of moral turpitude on account of the decision rendered by this Court in W.P. No.

13303 of 1978 (D.D. 30-6-1980). In that case this Court took the view that theft does not involve any moral turpitude. The reasons have been

given in the judgment of this Court after distinguishing the case of Mr. Pan, Advocate (AIR 1963 SC 1313). No appeal was filed by the

Management against the judgment rendered in the aforementioned Writ Petition. In other words, the Management came to accept the judgment as

correct. Now, nearly three years after the judgment, it is not open to urge the same ground before this Court asking for rule nisi only on the ground

that the earlier decision should be reconsidered. I do not think that would be the correct thing to do.

2. Sri K. Jagannatha Shetty says that other petitions have since been admitted. I do not know on what grounds. Therefore, I do not see sufficient

reason to issue rule nisi in this case. As the point has already been decided by this Court in an earlier Writ Petition to which the petitioner was a

party who came to accept it, this petition is rejected.