

(2000) 12 SC CK 0055

In the Supreme Court Of India

Case No : Civil Appeal No: 1065 of 1998

Depot Manager, A.P. SRTC

APPELLANT

Vs

V. Velayudham and Another

RESPONDENT

Date of Decision : 06-12-2000

Acts Referred:

Constitution of India Art 226 Industrial Disputes Act, 1947 Sec 11A

Citation : AIR 2001 SC 216 : (2000) AIRSCW 4104 : (2000) 2 JT 571 Supp : (2000) 7 SCALE 460 : (2001) 1 SCC 151 : (2001) SCC(L&S) 174 : (2000) 7 Supreme 666 : (2001) 1 UPLBEC 649

Hon'ble Judges : S. Rajendra Babu, J; S. N. Variava, J

Bench : Division Bench

Final Decision : Partly Allowed

Judgement

1. Against an award made by the Labour Court a writ petition was preferred before the High Court of Andhra Pradesh at Hyderabad by an employee of the appellant establishment.

2. The services of the said employee had been terminated on the ground that he had unauthorisedly driven a vehicle in a dangerous manner but it was only a fortuitous circumstance that no serious accident took place. These facts were established before the Labour Court, therefore, the Labour Court upheld the order of the dismissal of the said workman from service. The High Court after noticing the entire material on record found no reason to interfere with the award of the Labour Court but nevertheless ordered that on compassionate grounds he be appointed as a cleaner. The Labour Court examined the proportionality of the punishment to the gravity of the charge and whether any sympathy or mercy should be shown to him or not. Having examined that aspect the Labour Court came to the conclusion that the punishment awarded by the appellant was justified and proper. If that is so, there was no reason for the High Court to have substituted its discretion to that of the Labour Court. Therefore, that part of the order made by the High Court is set aside and the order in other respects shall

stand un-disturbed. The appeal is allowed in part accordingly.