

(2000) 12 SC CK 0041
In the Supreme Court Of India
Case No : Civil Appeal 1065 of 1998

Depot Manager, A.P.S.R.T.C.	Vs	APPELLANT
V. Velayudham and Another		RESPONDENT

Date of Decision : 06-12-2000

Acts Referred:

Citation : (2001) 1 LLJ 1117

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

Bench : Division Bench

Final Decision : Partly Allowed

Judgement

S. Rajendra Babu, J.—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 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 undisturbed. The appeal is allowed in part accordingly.