

(2012) 06 KL CK 0157

In the High Court Of Kerala

Case No : WA. No. 567 of 2007 in OP/1647 of 2000

Kerala Small Industries Development Corporation Ltd.

APPELLANT

Vs

The General Secretary, Cherthala Taluk Industrial
employees" Union (Citu), Aroor P.O., Cherthala and Labour
Court, Kollam

RESPONDENT

Date of Decision : 06-06-2012

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2012) 06 KL CK 0157

Hon'ble Judges : C.N. Ramachandran Nair, J;C.K. Abdul Rehim, J

Bench : Division Bench

**Advocate : R.T. Pradeep, for the Appellant; George Mecheril, Government
Pleader, for the Respondent**

Judgement

C.K. Abdul Rehim, J.—Appellant is the Kerala State Road Transport Corporation, which is the petitioner in W.P.(C).No.18209/2006. Second respondent herein was a bus Conductor under the appellant-Corporation. Disciplinary proceedings were initiated against him for the alleged misconduct and misappropriation of Corporation revenue under Rule 15 of the Kerala Civil Services (Classification, Control and Appeal) Rules. In the enquiry conducted he was found guilty. The disciplinary Authority came to the conclusion that continuance of the 2nd respondent in service will be detrimental and imposed punishment of removal from service, which was eventually confirmed in appeal filed by the 2nd respondent. On further appeal the Tribunal set aside the orders of the disciplinary Authority and the Appellate Authority and ordered reinstatement of the 2nd respondent in service. This was the subject matter of challenge in the writ petition. The learned Single Judge found that the Tribunal has considered all the relevant questions and has given cogent reasons for its decision. Such decision rendered by the quasi-judicial Authority cannot be interfered with under Article 226 of the Constitution of India. It was observed that the confession statement and the signature contained in such statement were found as not genuine by the

Tribunal. It was also observed that the cash bag in question was not verified by the Inspector. Finally the writ petition was dismissed, against which the present appeal is filed. After arguing the matter for some time, this Court suggested to work out the possibilities of reaching a compromise, especially since the Tribunal has ordered reinstatement with all consequential benefits including back wages. The parties thereafter sat together and arrived at a compromise and a joint statement signed by both the counsel appearing for the parties has been filed.

2. Even though the finding of the Tribunal was contended to be not justifiable, the Corporation agreed to reinstate the 2nd respondent. However, in the matter of back wages they pleaded that necessary relief be granted. It was in these circumstances that the parties were directed to work out the compensation payable, in case the 2nd respondent is to be reinstated. It is agreed between the parties that the compensation worked out as the half wages payable from the date of suspension, namely, 11/6/2002 till the date of removal, namely, 15/3/2003 will be paid. It is also agreed that the full amount from May, 2006 to March 2007 will be paid over and above half the back wages as mentioned above. The full emoluments for this period comes to Rs. 1,47,178/-. Thus, the total amount payable comes to Rs. 3,84,175/- and if the subsistence allowance already paid including festival allowance from 2002 to 2006 is deducted therefrom, the total amount payable comes to Rs. 3,33,957/-. The agreement is recorded. Accordingly, we modify the judgment of the learned Single Judge as follows:

- 1) As held by the Tribunal the 2nd respondent will be reinstated in service within two weeks.
- 2) He will also be paid an amount of Rs. 3,33,957/- within a period of one month.