

(1993) 11 SC CK 0063

In the Supreme Court Of India

Case No : C.A. No's. 7604 and 7605 of 1993 (Arising out of SLP (C) No's. 13090 to 93 and 14108/93)

Kerala Solvent Extractions Ltd.

APPELLANT

Vs

A. Unnikrishnan and Another

RESPONDENT

Date of Decision : 30-11-1993

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (1994) 1 KLJ 595 : (1994) 1 KLT 651 : (1994) 2 LLJ 888 : (1994) 1 SCALE 631

Hon'ble Judges : M. N. Venkatachaliah, C.J;S. Mohan, J;B.P. Jeevan Reddy, J

Bench : Full Bench

Final Decision : Partly Allowed

Judgement

1. We have heard learned Counsel on both sides. Special leave granted.
2. The appellants challenges the order dated 4th June, 1993 passed by the High Court of Kerala at Ernakulam in Writ Appeal No. 269 of 1993. The proceedings relate to the empanelling of 'badli' workmen. One of the conditions for eligibility for appointment was that the educational qualification of the candidates should not be more than the 8th Standard. Respondent produced a certificate issued by the School authorities to the effect that he had passed the 7th Standard on 15.5. 1974. The purpose of this was to show that his qualifications were not more than the 8th Standard. He, accordingly, succeeded in having himself empanelled as a 'badli' workman. On receiving certain complaints that the respondent had secured employment by suppression of truth and by false representation, the appellant issued a show-cause notice to the respondent asking as to why action should not be taken against him under the standing orders. In reply the respondent admitted that he had completed 10th Standard and pleaded for sympathy. On 3.3.1989, the appellant terminated the services of the respondent for fraudulent misrepresentation.
3. The Labour Court by its award dated 23rd March, 1992 held that the conduct

of the respondent did not amount to false representation. The Labour Court held:

According to the management if the candidates who acquired more qualifications than what is required in the notification are appointed there are so many practical difficulties as the qualification prescribed for the supervisors is only SSLC failed. But it is to be noted that the qualification is not the criterion to supervise and control the subordinate. There is no question of complex or any other things would arise if a supervisor is supervising and controlling his subordinate who acquired more qualifications than that of the supervisors. Therefore the contention of the management that if the more qualified persons are appointed as Godown badli there would be so many practical difficulties would arise will not hold good.

4. In the appellant's writ petition preferred against the award, the learned Single Judge of the High Court rightly disapproved the above view of the Labour Court and said:

...Workers were expected to give correct information as to their qualification. They failed to do so. They were in fact over qualified and therefore ineligible to apply for the job. It has been stated that applications received from some overqualified candidates were rejected. The petitioner as also the workers are bound by the terms of Ext. PI which had to be given effect to. Over qualification is certainly, in the circumstances, a disqualification, which aspect the first respondent failed to grasp. Ext. P10 in these cases is unsustainable and is accordingly set aside.

5. But, the learned Single Judge said that there would be no hardship or prejudice caused to the appellant if the respondent was' reinstated. The learned Single Judge said:

... As a special case and not by way of a precedent, the petitioner shall not implement the dismissal order and let the two workers continue in employment as directed.

6. Accordingly, the writ petition came to be dismissed. The appellant preferred a writ appeal in the High Court against this order of dismissal. The Division Bench of the High Court persuaded itself to the view that such illegality and irregularity as obtained in the Labour Court's order did not render it obligatory for the High Court to interfere, and that this case was not a fit one for interference under Article 226. The dismissal of the writ petition was supported on this view.

7. The writ appeal came to be dismissed.

8. Sri Vaidyanathan, learned senior counsel for the appellant submitted, in our opinion not without justification, that the Labour Court's reasoning bordered on perversity and such unreasoned, undue liberalism and misplaced sympathy would subvert all discipline in administration. He stated that the Management will have no answer to the claims of similarly disqualified candidates which might have come to be rejected. Those who stated the truth would be said to be at a

disadvantage and those who suppressed it stood to gain. He further submitted that this laxity of judicial reasoning will imperceptibly introduce slackness and unpredictability in the legal process and in the final analysis, corrode legitimacy of the judicial process.

9. We are inclined to agree with these submissions. In recent times, there is an increasing evidence of this, perhaps well-meant but wholly unsustainable tendency towards a denudation of the legitimacy of judicial reasoning and process. The reliefs granted by the courts must be seen to be logical and tenable within the framework of the law and should not incur and justify the criticism that the jurisdiction of courts tends to degenerate into misplaced sympathy, generosity and private benevolence. It is essential to maintain the integrity of legal reasoning and the legitimacy of the conclusions. They must emanate logically from the legal findings and the judicial results must be seen to be principled and supportable on those findings. Expansive judicial mood of mistaken and misplaced compassion at the expense of the legitimacy of the process will eventually lead to mutually irreconcilable situations and denude the judicial process of its dignity, authority, predictability and respectability.

10. In this case, we have no hesitation to hold that both the Labour Court and the High Court have erred. We allow the appeal, set aside the orders of the Labour Court and of the High Court in the writ petition, and dismiss the dispute raised by the respondent before the Labour Court.

Civil Appeal No...of 1993

(Arising out of SLP (C) No. 14108 of 1993)

Special leave granted.

11. The appeal is allowed, the orders of the Labour Court and of the High Court in the writ petition are set aside and the dispute raised by the respondent before the Labour Court is dismissed.