
(1997) 01 AHC CK 0024
In the Allahabad High Court
Case No : C.M.W.P. No. 8829 of 1982

M.C. Gupta

APPELLANT

Vs

Labour Court and Another

RESPONDENT

Date of Decision : 30-01-1997

Acts Referred:

Citation : (1998) 1 LLJ 1016

Hon'ble Judges : M. Katju, J

Bench : Single Bench

Advocate : K.P. Agarwal, for the Appellant;

Final Decision : Dismissed

Judgement

M. Katju, J.—This writ petition has been filed against the impugned award of the Labour Court, Meerut. dated 27.2.82 as well as earlier award of the Labour Court, Meerut, dated 23.9.81.

2. Heard learned Counsels for the parties.

3. After perusal of the impugned awards I am not inclined to interfere with the same in writ jurisdiction. It appears that the Petitioner was an employee of the Respondent No. 2 and he was charge sheeted on various allegations such as abusing, threatening and beating the officer Sri M. K. Jain, etc. After a domestic enquiry was held in which he was given opportunity of hearing his service was terminated. Aggrieved he raised an industrial dispute but the Labour Court decided against the Petitioner, hence this petition.

4. The findings against the Petitioner are findings of fact and I cannot interfere with the same in writ jurisdiction. The Labour Court has considered the evidence of the parties in great detail and recorded the findings. The Petitioner was given full opportunity of hearing and the allegation regarding the bias against the enquiry officer was not proved. The Labour Court has also held that there is no good reason to interfere with the findings of the enquiry officer that the

Petitioner committed misconduct. The misconducts are in my opinion serious in nature.

5. Learned Counsel for the Petitioner relied on the decision of the Supreme Court in *Ram Krishan v. Union of India and Ors.* AIR 1996 SC 255, and contended that the punishment of dismissal was disproportionate to the offence. In my opinion whether abusive language can be a good ground for dismissal or not will depend on the entire circumstances and the context in which such language was used e.g., against whom was it used, the exact words used, in what circumstances it was used, etc. There cannot be an absolute proposition that abusive language can never be a ground for dismissal and it will all depend on the facts and circumstances of the case.

6. In the present case, the misconduct proved against the workman was very serious. The Petitioner had on 6.1.77 abused and tried to cause physical injury to the Personnel Officer, and thereafter on the same day he caught hold to the Personnel Officer and beat him with shoes. In my opinion, in this case the punishment of dismissal was called for, otherwise discipline cannot be maintained in the organisation.

7. The writ petition is dismissed.