
(2000) 01 AHC CK 0139
In the Allahabad High Court
Case No : C.M.W.P. No. 4023 of 1997

P. N. Srivastava

APPELLANT

Vs

U. P. Cooperative Spg. Mills Federation and others

RESPONDENT

Date of Decision : 24-01-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2000) 2 AWC 1078 : (2000) 1 UPLBEC 624

Hon'ble Judges : M. Katju, J;D. R. Chaudhary, J

Bench : Division Bench

Advocate : H. N. Tripathi, S. M. Mishra and S. P. Singh, for the Appellant; Vinod Mishra, R. K. Ojha and R. Tiwari, for the Respondent

Final Decision : Dismissed

Judgement

M. Katju and D. R. Chaudhary, JJ.—Heard learned counsel for the parties.

2. The petitioner was appointed as spinning master in Sant Kabir Sahkari Katai Mills Ltd.. Maghar, Basti vide appointment letter dated 25.2.1988. True copy of the minutes of resolution and appointment are Annexures-1 and 2 to the petition. Thereafter he was transferred to various mills and he was given additional charge of Secretary/ General Manager of Mau Aima Mill on 23.6.1993 vide Artnexure-6 to the petition. He has alleged that he was given commendation certificate. However, subsequently he was suspended by the letter dated 24.8.1996 on the basis of the inspection note vide Annexure-9A and he was charge-sheeted by letter dated 2/3.9.1996 aide Annexure-10 to the petition. Thereafter an enquiry was held and he was removed from service by the impugned order dated 2.11.1996 Annexure-20 to the writ petition. Hence this petition.

3. The finding of guilt is a finding of fact and we cannot interfere with the same in writ jurisdiction. It has been found that the petitioner committed various irregularities as stated in the order dated 2.11.1996. It has been found that the

petitioner acted in the Interest of private suppliers for facilitating them in the supply of Inferior quality of cotton and thus he harmed the interest of the mill and it was also found that the cotton was consumed without submission of samples which resulted in the consumption of inferior quality cotton causing losses to the mill. Due to the petitioner's misconduct, the mill suffered a loss of more than Rs. 40.00.000 on account of supply of inferior quality of cotton by the supplier. These are findings of fact and we cannot interfere with them in writ jurisdiction. Hence we are not inclined to exercise our discretion under Article 226 of the Constitution. The petition is dismissed.