
(2000) 01 AHC CK 0052

In the Allahabad High Court

Case No : Civil Miscellaneous Writ Petition No. 4023 of 1997

R.N.Srivastava

APPELLANT

Vs

U.P.Co-operative Spinning Mills Federation,B-2,Sarvodaya
Nagar,Kanpur & Ors.

RESPONDENT

Date of Decision : 24-01-2000

Acts Referred:

Citation : (2000) 01 AHC CK 0052

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

Final Decision : Dismissed

Judgement

1. 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 2521998. 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 Manger of Mau Aima Mill on 2361993 vide Annexure 6 to the petition. He has alleged that he was given commendation certificate. However, subsequently he was suspended by the letter dated 2481996 on the basis of the inspection note vide Annexure 9A and he was chargesheeted by letter dated 2/391996 vide Annexure 10 to the petition. Thereafter an enquiry was held and he was removed from service by the impugned order dated 2111996 Annexure 20 to the writ petition. Hence this petition.

3. The finding of guilt is a finding of fact 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 2111996. It has been found that the petitioner acted in the interest of private supplier 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 finding 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.