

(2000) 09 SC CK 0107
In the Supreme Court Of India
Case No : Civil 322 and 323 of 1999

Tata Engineering and Locomotive Co. Ltd.	APPELLANT
Vs	
Jitendra Pd. Singh and Another	RESPONDENT

Date of Decision : 20-09-2000

Acts Referred:

Constitution of India, 1950 — Article 136

Citation : (2000) 87 FLR 681 : (2000) 1 JT 222 Supp : (2001) 1 LLJ 595 : (2010) 4 SCALE 483 : (2001) 10 SCC 530 : (2001) 1 UPLBEC 67

Hon'ble Judges : S. Rajendra Babu, J;D. P. Mohapatra, J

Bench : Division Bench

Final Decision : Dismissed

Judgement

S. Rajendra Babu and D.P. Mohapatra, JJ.—These appeals are filed in a proceeding arising out of a reference to the Labour Court on the allegation that certain acts of the first respondent in an incident that took place on April 14, 1985, amounted to misconduct under Standing Order 24 (XIV) of the Certified Standing Orders which reads as follows:

Drunkenness, fighting or riotous or disorderly or indecent behavior or any act subversive of discipline or efficiency.

2. On an inquiry being held, the inquiry authority found that the allegation of misconduct is proved and the disciplinary authority on consideration of the report of the inquiry authority and the other relevant material dismissed the first respondent from service. Thereafter, a reference to the Labour Court at the instance of the first respondent was made. The Labour Court, though held on a preliminary question that the disciplinary inquiry conducted against the first respondent is valid, came to the conclusion after perusing the documentary and oral evidence on record that the dismissal was not justified and held that he was entitled to reinstatement with full back-wages with continuity in service and other consequential benefits. A writ petition was filed in the High Court which was allowed but on the basis of certain offer made, the learned single Judge also

directed that the appellant shall pay, to the first respondent, salary from the date of discharge till the date of the order in a lump sum of Rs. 50,000/-. Thereupon, both the management and the workman filed two appeals. In the appeals several questions were raised as to whether the act attributed to the first respondent would amount to misconduct at all which will entail a disciplinary inquiry at the instance of the management to end up with his dismissal; strong reliance was placed on *Glaxo Laboratories (I) Ltd. Vs. Presiding Officer, Labour Court, Meerut and Others*, . Ultimately, however, the two learned Judges agreed on the aspect of the matter that the question whether on misconduct, attributed to the workman there should have been causal connection between misconduct and employment of the workman may not be of much significance when such acts have taken place within premises of the factory should be decided in an appropriate case. What influenced the Court in deciding the matter is that:

Since as many as three workmen on almost identical charges were found guilty of misconduct in connection with the same incident, though in separate proceedings, and one was punished with only one month's suspension, and the other was ultimately reinstated in view of the findings recorded by the Labour Court and affirmed by the High Court and the Supreme Court, it would be denial of justice to the appellant if he alone is singled out for punishment by way of dismissal from service.

3. As the judgment is rested upon this position, whatever other views may have been expressed in the course of the judgment may be of no significance. In that view of the matter, we think there is no need to interfere with the order made by the High Court, that too in a proceeding arising under Article 136 of the Constitution. Hence, we decline to interfere with the order made by the High Court. The appeals are dismissed accordingly.