

CASE NO.:
Appeal (civil) 2837 of 2008

PETITIONER:
U.P. State Road Transport Corporation

RESPONDENT:
Ramesh Chandra

DATE OF JUDGMENT: 16/04/2008

BENCH:
ASHOK BHAN & DALVEER BHANDARI

JUDGMENT:
JUDGMENT
O R D E R

CIVIL APPEAL NO.2837 OF 2008
[Arising out of S.L.P.(C)No.13005 of 2006]

Delay condoned.
Leave granted.

Respondent in the present case was a conductor with the appellant-Corporation. It is alleged that he did not deposit certain amount collected by him by sale of tickets on 18.05.1987 besides remaining absent from duty without information. He is also alleged to have been found in an inebriated state while on duty. A domestic enquiry was held against the respondent and on the basis of the enquiry report and the reply submitted by him, he was terminated from service. He raised an industrial dispute. The Labour Court passed an award on 21st August 1995 and held against the respondent on the ground that the charges levelled against him are proved.

In a writ petition filed before the High Court by the respondent against the award of the Labour Court, the High Court held that the punishment of dismissal from service was not commensurate with the charges levelled against the respondent. The High Court, therefore, directed reinstatement of the respondent in service with 50% back wages.

C.A.No.2837/08 @ SLP(C)No.13005/06 (contd.)

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Special Appeal filed by the appellant before the High Court was dismissed as withdrawn. Hence, the appellant has filed this appeal challenging the order passed in the writ petition.

After hearing counsel for the parties, we deem it appropriate to uphold the order of the High Court insofar as the reinstatement of the respondent is concerned. However, we deem it appropriate to set aside the impugned order insofar as the award of 50% back wages is concerned. Ordered accordingly.

The appeal is partly allowed. No costs.