

v,

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 7153 OF 2014  
(Arising out of S.L.P.(Civil) No.8629/2014)

s) Vishwanath .. Appellant(

Versus

(s) Divisional Controller, NEKRTC .. Respondent

O R D E R

Leave granted.

Heard Ms. Kiran Suri learned senior counsel appearing for  
the apapellant and Mr. S.N. Bhat learned counsel fo  
r the respondent.

The appellat workman was proceeded in a domestic enquiry  
by the Management and vide order dated 28 th June, 2007 he was  
dismissed from service. The allegation against him was that he  
has deliberately not issued tickets to four passengers. T  
he said

Award being assailed before the Labour Court, it found that the  
domestic enquiry was defective and thereafter the Man  
agement adduced evidence to establish the charges levelled against the  
workman. Considering the evidence adduced before the Labour

Court by the Management as well as by the workman, the Labour  
Signature Not Verified

Digitally signed by  
Usha Rani Bhardwaj  
Date: 2014.08.05

Court found that the charges were though proved to some extent  
14:17:24 IST  
Reason:

but there was some doubt. Taking note of the entire facts into  
consideration it directed for reinstatement of workman without

back wages and continuity of service.

The Management assailed the same in a Writ Appeal before the High Court of Karnataka, Circuit Bench at Gulbarga and the learned Single Judge agreed with the view expressed by the Labour Court. Being dissatisfied with the said order passed by the Writ Court an appeal was carried before the Division Bench which by an order dated 15th April, 2013 modified the order and Award passed by the Labour Court and directed that the workman would be entitled to only subsistence allowance from the date of dismissal till the date of award. Be it clarified, that the said order passed by the Division Bench was assailed by the Management in SLP(C) No.25592 of 2013 which has faced dismissal. It is submitted by learned counsel for the appellant that the Division Bench has fallen into error and came to a categorical finding that there was misconduct as alleged was proved. On a scrutiny of the order passed by the Writ Court we feel that the analysis made by the Court is not correct. In view of the same, we are inclined to set aside the order of the Division Bench. However, we direct that the appellant workman be appointed afresh by giving an appointment letter within a period of eight weeks from today. Needless to say, as it would be a fresh appointment the workman would not be entitled to any back wages and continuity of service or any other benefit except the subsistence allowance inasmuch as that has been affirmed by this Court.

The appeal is allowed in part and the order passed by the  
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Division Bench is set aside. There shall be no order as to costs.

.....J.  
[ DIPAK MISRA ]

.....J.  
[ V. GOPALA GOWDA ]

NEW DELHI,

August 01, 2014.

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ITEM NO.7

COURT NO.7

SECTION XV

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (C) No(s). 8629/2014

(Arising out of impugned final judgment and order dated 15/04/2013  
in WA No. 10262/2011 passed by the High Court Of Karnataka at  
Gulbarga)

VISHWANATH

Petitioner(s)

VERSUS

DIV.CONTROLEER, NEKRTC

Respondent(s)

(with appln. (s) for c/delay in filing SLP and interim relief and  
office report)

Date : 01/08/2014 This petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE DIPAK MISRA  
HON'BLE MR. JUSTICE V. GOPALA GOWDA

For Petitioner(s) Ms. Kiran Suri, Sr.Adv.  
Mr. Ankur S. Kulkarni ,Adv.  
Mr.Anand Srivastava, Adv.  
Mr.Shubham Jaiswal, Adv.

For Respondent(s) Mr. S. N. Bhat ,Adv.

UPON hearing the counsel the Court made the following  
O R D E R

Leave granted.

The appeal is allowed with no order as to costs.

(USHA BHARDWAJ)  
AR-CUM-PS

(RENUKA SADANA)  
(COURT MASTER)

Signed order is placed on the file.