

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NO.1065/1998

The Depot Manager, A.P.S.R.T.C. .. Appellant (s)

Vs.

A.M. Goud(dead) by LRs & Ors. .. Respondent(s)

DATE : 6.12.2000 : This/These matter (s) was/were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE S. RAJENDRA BABU
HON'BLE MR. JUSTICE S.N. VARIAVA

For Appellant (s) : Mr. L. Nageswara Rao, Sr. Adv.
Mr. G. Ramakrishnan Prasad, Adv
Mr. Guntur Prabhakar, Adv.

For Respondent (s) : Mr. R. Santhana Krishnan, Adv.
Mr. D. Mahesh Babu, Adv.

UPON hearing counsel the Court made the following

O R D E R

.....L.....I.....J
.SP2

The appeal is allowed.

.SP1

(Meenu Sethi)
Court Master

(Meena Trikha)
Court Master

Signed order is placed on the file

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.....L.....I.....J
.PL55

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.1065 OF 1998@@
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The Depot Manager, A.P.S.R.T.C. .. Appellant

Vs.

A.M. Goud(dead) by Lrs. & Ors. .. Respondents

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A dispute was raised by an employee (original respondent) who was serving in the establishment of the appellant as a driver challenging his dismissal from service. The facts in brief are as follows:

The original respondent while performing the duty on route Hyderabad to Nagpur on 9.9.1982 caused an accident by colliding with a private lorry resulting in huge damage to the vehicle and injuries to 11 persons travelling in the bus. The contention of the appellant was that this was the result of rash and negligent driving of the said employee (original respondent) who did not drive the vehicle with due care. He was chargesheeted on these facts and inquiry was held. Thereafter, show cause notice was issued to him as to why he should not be removed from service and he was removed from service and that was challenged before the Labour Court.

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The Labour Court held that the domestic inquiry was vitiated and the appellant was allowed to adduce evidence in support of the order of removal of original respondent from service. On consideration of the evidence before it, the Labour Court came to a conclusion that the lorry was going in front of him and even the road, as alleged by the employee, was narrow. Being a prudent driver he should not have moved the bus when visibility was poor as it was raining and the wiper on the wind screen was not working. On the basis of this material the Labour Court came to the conclusion that there was rashness and negligence on the part of the said employee. So far as punishment to be imposed upon the employee, his past history was taken into consideration which revealed that that he caused an accident on an earlier occasion also resulting in death of some persons. In these circumstances the Labour Court exercised its discretion and converted the order of removal into one of compulsory retirement and directed payment of terminal benefits.

Challenging this award a Writ Petition was filed before the High Court during the pendency of which the said employee died. The High Court without considering either the material before the Labour Court or the reasons assigned by it merely stated that the refusal to reinstate the original respondent was unjustified. However in view of the fact that

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the said employee had expired during the pendency of the proceedings directed that one of the legal representative of the deceased employee should apply for employment on compassionate grounds and the Management should consider and disposed of the same in accordance with law.

In the first place we thought that this order deserved to be set aside and should be remitted to the High Court for

further consideration but now we are of the view that no useful purpose will be served by adopting that procedure inasmuch as the concerned employee is no more and it will merely result in another round of litigation particularly when the Labour Court has considered all aspects of the matter and has come to the conclusion on facts, one way or the other and had exercised the discretion as contemplated under Section 11-A of the Industrial Disputes Act. We hardly find any justification for the High Court to interfere with the award made by the Labour Court. In these circumstances we find that the award is unexceptionable and should have been accepted by the High Court. Thus we set aside the order made by the High Court and restore the award made by the Labour Court. The appeal is allowed accordingly.

.SP1

.....J@@
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(S. RAJENDRA BABU)@@
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(S.N. VARIAVA)@@
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New Delhi,@@
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December 6, 2000.