

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.3460/1998

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

Vs.

V.Velayudham & Anr. .. 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. Ramakrishna Prasad, Adv.  
Mr. Guntur Prabhakar, Adv.

For Respondent (s) :

UPON hearing counsel the Court made the following

O R D E R

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

Appeal is allowed in part in terms of the signed order.

.SP1

(Meenu Sethi)  
Court Master

(Meena Trikha)  
Court Master

Signed order is placed on the file

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

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.3460 OF 1998@@  
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Depot Manager, A.P.S.R.T.C.

.. Appellant

Vs.

V. Velayudham & Anr.

.. Respondents

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

Against an award made by the Labour Court a Writ petition was preferred before the High Court of Andhra Pradesh at Hyderabad by an employee of the appellant establishment.

The services of the said employee had been terminated on the ground that he had unauthorisedly driven a vehicle in a dangerous manner but it was only a fortuitous circumstance that no serious accident took place. These facts were established before the Labour Court, therefore, the Labour Court upheld the order of the dismissal of the said workman from service. The High Court after noticing the entire material on record found no reason to interfere with the award of the Labour Court but nevertheless ordered that on compassionate grounds he be appointed as a Cleaner. The Labour Court examined the proportionality of the punishment to the gravity of the charge and whether any sympathy or mercy should be shown to him or not. Having examined that

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aspect the Labour Court came to the conclusion that the punishment awarded by the appellant was justified and proper. If that is so, there was no reason for the High Court to have substituted its discretion to that of the Labour Court. Therefore, that part of the order made by the High Court is set aside and the order in other respects shall stand un-disturbed. The appeal is allowed in part accordingly.

.SP1

.....J@@  
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( S. RAJENDRA BABU )@@  
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.....J@@  
AAAAAAAAAAAAAAAAAAAAAA  
(S.N. VARIAVA)

New Delhi, @@  
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December 6, 2000.