

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

CC 2412-2418

Petition(s) for Special Leave to Appeal(Civil)...../2001

(From the judgement and order dated 01/06/2000 in WA 5506/98 and  
838-843/2000 of The HIGH COURT OF KARNATAKA AT BANGALORE)

SUNDARESHAN & ORS.

Petitioner (s)

VERSUS

M.D., BHARATH GOLD MINES LTD.

Respondent (s)

( With I.As.1-7 ( for c/delay in filing SLPs)

Date : 09/04/2001 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.B. SHAH  
HON'BLE MR. JUSTICE S.N. VARIAVA

For Petitioner (s)

Mr. S.N. Bhat,Adv.

For Respondent (s)

UPON hearing counsel the Court made the following

O R D E R

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Delay condoned.

Petitioners who were employed in Bharat Gold Mines Ltd., KGF, Bangalore were dismissed from services after conducting a departmental enquiry on the charge of theft and fraud. It was alleged that on 23.2.1985 at about 4.45 p.m. seven workmen were found supplying mining sponge gold to one Kunhiman @ Kunjumohideen at his house at Andersonpet. The Labour Court after considering the record arrived at the conclusion that the charge of theft and fraud was proved against the petitioners. Despite this finding, by order dated

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31.9.1993, the Central Industrial Tribunal-cum-Labour Court while exercising powers under section 11-A of the Industrial Disputes Act directed reinstatement of the petitioners without back wages. In writ petition filed by the Management, the learned single Judge directed payment of Rs.1,50,000/- to each of the petitioners in lieu of reinstatement. The Division Bench by the

impugned judgment and order set aside the order of the learned single Judge as also the award of the Tribunal.

In our view, the order passed by the High Court does not for any interference. The Central Industrial Tribunal unjustifiably interfered with the punishment imposed by the authority. Misconduct that was found was serious in nature. Section 11-A of the Industrial Disputes Act does not give an unlimited power to the Tribunal to interfere in such cases. It can interfere only when the order of discharge or dismissal was not justified. Once there is a justification, particularly, in a case of theft or fraud, the Tribunal ought to have refrained itself from disturbing the said order. The High Court rightly observed that taking "any lenient view in the matter and showing sympathy to the delinquent workmen who are found to be guilty of theft and fraud would amount to misplacing the sympathies".

Hence these special leave petitions are dismissed.

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(Vijay Kumar Sharma)  
Court Master

(K.K. Chadha)  
Court Master