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ITEM NO. 114 COURT NO. 7 SECTION XV

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

RECORD OF PROCEEDINGS

CIVIL APPEAL NOS. 5758-5759/1999

MGMT. of Mulkanoor Co. Op Rural Bank .. Appellant (s)
Ltd.

Vs.

Gangireddy Narasiah .. Respondent(s)

DATE : 9.11.2000 : 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. M.N. Rao, Sr. Adv.
M/s R.S. Krishnan, SK Pattanik,
D Mahesh Babu, Adv.

For Respondent (s) : Mrs. K Sharda Devi, Adv.

UPON hearing counsel the Court made the following

O R D E R

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.SP2

The appeals are allowed in terms of the signed order.

.SP1
Charanjit [Meena Trikha]
Court Master

[Signed order is placed on the file]

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. 5758-5759/1999@@
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MGMT. of Mulkanoor Co. Op Rural .. Appellant
Bank Ltd.

Vs.

Gangireddy Narasiah .. Respondent

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The respondent who had been originally employed as a cleaner became a watchman subsequently. When he was discharging duties thus, there was theft of paddy on the night intervening between 16th and 17th July, 1989. The next morning appellants found that out of the fifty bags available in the godown, three bags were missing. Report was made by the godown keeper and it was suspected that the respondent must have committed such theft and on a preliminary inquiry he was placed under suspension and ultimately dismissed him from service on 21.7.1987. A complaint was also lodged with the police. The respondent on his dismissal raised an industrial dispute questioning the correctness of that order. The Industrial Tribunal adjudicated that the Management is justified in removing the respondent from service of the Bank and in view of the seriousness of the charges proved against him held that the order of dismissal against him was proper and dismissed the reference. Against that award the respondent preferred a writ petition before the High Court.

- 2 -

The High Court took the view that the charge levelled against the respondent is proved and the authorities concerned had reached the right conclusion but after making an observation that no interference was warranted, still proceeded to say that punishment is harsh and exorbitant and the same was reduced to reinstatement with continuity of service but without back wages.

Shri MN Rao, learned senior Advocate submitted that in a case of this nature where serious and grave charges are levelled against the employee particularly when it involves integrity of the person the course adopted by the High Court is incorrect. We think there is great force in the submission made on behalf of the appellant. However, Mrs. Sharda Devi, learned counsel for the respondent sought to support the view taken by the High Court by pointing out that there was several flaws in the award made by the Tribunal.

We may state that they are all questions of fact duly considered by the Tribunal and not upset by the High

Court. Hence we do not think it appropriate to reexamine that aspect. Having held that the charge is proved and no interference was warranted we fail to understand as to what circumstances weighed with the High court to direct reinstatement with continuity of service but without back

wages. In the circumstances, we think it appropriate that order that could have been passed was as made by the Industrial Tribunal. We therefore set aside the order made by the High Court and restore that of the Tribunal. The appeals are allowed accordingly.

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[S. RAJENDRA BABU]@@
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[S.N. VARIAVA] @@
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New Delhi,@@
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November 9, 2000@@
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