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SLP(C)No. 12808 OF 2000

ITEM No.201

Court No. 1

SECTION XV
A/N MATTER

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

Petition(s) for Special Leave to Appeal (Civil) No.12808/2000

(From the judgement and order dated 19/04/2000 in WAMP 648/00
of The HIGH COURT OF A.P AT HYDERABAD)

A.P.S.R.T.C.

Petitioner (s)

VERSUS

T. KARUNA KUMAR

Respondent (s)

(With prayer for interim relief)
(With Appln(s). for exemption from filing c/c of the impugned Judgment)
(For Final Disposal)

Date : 04/05/2001 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.N. KIRPAL
HON'BLE MRS. JUSTICE RUMA PAL

For Petitioner (s)

Mr. Guntur Prabhakar, Adv.

For Respondent (s)

Mrs.K. Sarada Devi, Adv.

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

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@

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(Arising out of S.L.P.(C) No. 12808 of 2000)

A.P.S.R.T.C. Appellant

Versus

T. Karuna Kumar Respondent

O R D E R@@

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Special leave granted.

Heard the counsel for the parties.

In the instant case, the respondent was removed from service after the inquiry. The charge was of misappropriation of the amount collected by him as a Conductor. Even the Tribunal decided in favour of the Management and did not give any relief to the respondent. The Single Judge, on a writ petition being filed, upheld the charge of misconduct who observed that the punishment imposed was disproportionate to the offence and directed the reinstatement of the respondent as a fresh appointment. This order of reinstatement was challenged before the Division Bench which by the impugend order has stayed the order of the Single Judge but on the other hand has stated that the appellant will comply with the provisions of Section 17B of the Industrial Disputes Act.
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In the very nature of things, Section 17B is not attracted to the present case because the Labour Court was not in favour of the workman. The latter part of the impugned order of the Division Bench requiring compliance with Section 17B, is set aside, the result of which would be that the order of the Single Judge shall remained stayed pending disposal of the letters patent appeal by the High Court.

The appeal is disposed of in the aforesaid terms.

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.....J
(B.N. KIRPAL)

.....J
(RUMA PAL)

New Delhi,
May 4, 2001.