

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

Petition(s) for Special Leave to Appeal (Civil) No(s).15270-15271/2013

(From the judgement and order dated 25/02/2013 in WA No.408/2012,WA No.409/2012 of The HIGH COURT OF MADRAS)

M.MOHAMMED IQBAL & ETC.

Petitioner(s)

VERSUS

G.M., BHARAT PETROLEUM CORP. LTD.

Respondent(s)

(With appln(s) for exemption from filing O.T.)

Date: 03/05/2013 These Petitions were called on for hearing today.

CORAM :

HON'BLE MRS. JUSTICE GYAN SUDHA MISRA  
HON'BLE MR. JUSTICE J. CHELAMESWAR

For Petitioner(s) Mr. Shakil Ahmed Syed, Adv.  
Mohd. Parvez Dabas, Adv.  
Mohd. Moonis Abbasi, Adv.

For Respondent(s)

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

Issue notice confined to the question whether the petitioner could claim reinstatement after acquittal although in the departmental enquiry, his termination has been upheld on the ground of preponderance of probabilities.

However, we have noticed that the question as to whether an employee is fit to be reinstated after acquittal from a criminal court is giving rise to conflicting views of several High Courts and, therefore, in the interest of justice, we need to clarify the position and hence, notice be issued to the respondent.

However, the plea of back wages claimed by the petitioner shall stand rejected as back wages cannot be allowed to be claimed in spite of the fact that the petitioner was charge-sheeted for the offence of theft and his services had not been terminated without reason. Even if he has been finally acquitted, the dismissal cannot be held to be so unjustified which would justify grant of back wages as his termination prior to his acquittal was clearly sustainable.

(NAVEEN KUMAR)  
COURT MASTER

(SNEH BALA MEHRA)  
COURT MASTER