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IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Petition for Special Leave to Appeal (C)...../2013
CC 9892/2013

C. DEVARAJAN

Petitioner

VERSUS

SENIOR REG. MNGR.TAMIL NADU C.S.C.LTD.

Respondent

O R D E R

Delay condoned.

The petitioner had been discharged from service on the ground of misappropriation of some amount of the respondent Corporation due to which a criminal case was lodged against him. He was finally acquitted which gave cause to the petitioner to raise an industrial dispute claiming reinstatement in view of his acquittal in the criminal case.

The Labour Court after adjudication was pleased to hold that although the termination cannot be held to be correct, the conduct of the petitioner did not infuse any confidence in the management due to which his reinstatement was not justified. However, the Labour Court granted him compensation of Rs.37,000/-. The petitioner feeling aggrieved with the same filed a Writ Petition claiming reinstatement but the learned Single Judge as also the Division Bench held that the petitioner could not claim reinstatement on the ground that departmental enquiry had not been initiated against him as he had not acquired a permanent status in the job which he was discharging in the Fair Price Shop. The High Court, therefore, refused to allow his writ petition.

Having heard the counsel for the petitioner, we find no infirmity in the view taken by the High Court for although the petitioner was acquitted by the Criminal Court, yet was not entitled to reinstatement as a matter of right especially when he had not acquired permanent status. Besides, the Labour Court also appears to be correct while observing that his conduct did not infuse any confidence in the management so as to grant him reinstatement, which reason in our view is sufficiently weighty as the petitioner who was working on a stipend had not acquired permanent status due to which it is not available to him to contend that his services could not be dispensed with without an enquiry so as to claim reinstatement as a matter of legal right on the ground that he having been acquitted by the Criminal Court and thereafter no enquiry having been held against him, he could claim reinstatement automatically.

The special leave petition is thus not fit to be entertained and hence the same is dismissed.

