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SLP(C)No. 732 OF 2001
ITEM No.47

Court No. 3

SECTION XV
A/N MATTER

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.732/2001

(From the judgement and order dated 06/03/2000 in WA 5025/98
of The HIGH COURT OF KARNATAKA AT BANGALORE)

H.V. LINGAPPA

Petitioner (s)

VERSUS

KARNATAKA STATE ROAD TRANSPORT CORP.

Respondent (s)

(With Office Report)

Date : 26/03/2001 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)

V.N. Raghupathy, Adv.

For Respondent (s)

Mr. K.R. Nagaraja, Adv.

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

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Special leave granted.

The appeal is allowed, the judgment of the Division
Bench is set aside and the decision of the Single Judge is
restored.

(D.P. WALIA)
Court Master

(S.L. GOYAL)
Court Master

(Signed Order is placed on the file)

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IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. OF 2001@@
CC
[arising out of S.L.P.(C) No. 732 of 2001]

H.V. Lingappa ..Appellant(s)

vs.

Karnataka State Road Transport Corporation ..Respondent(s)

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Special leave granted.

We have heard the learned counsel for the parties.

In the instant case, action was taken against the appellant departmentally holding that he was guilty of misconduct by having allowed passengers to travel without tickets in a bus. The Industrial Tribunal came to the conclusion that the charges had not been proved and it directed the reinstatement of the appellant with full back wages.

The award was challenged and the Single Judge, while upholding the order of reinstatement, directed that only 50 per cent of the back wages should be paid. A further appeal was filed by the respondent and the High Court by the impugned judgment directed that his reinstatement will be without any back wages.

It is to be seen that on facts the Industrial Tribunal came to the conclusion that the charges framed against the appellant were not based on any evidence whatsoever. The

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Tribunal considered all the evidence on record and it is only thereafter that it arrived at the aforesaid conclusion. This is a finding of fact which could not be interfered with and that is why neither the Single Judge nor the Division Bench have held that the reinstatement of the appellant was not called for.

Once the Tribunal has come to the conclusion that the charges are not proved and that finding is upheld, then normally full back wages should have been paid unless there were some good cogent reasons for not giving the benefit of back wages. We do not find any ground having been made out for denying back wages, but as the appellant did not challenge the judgment of the Single Judge who had allowed 50 per cent of the back wages, we allow this appeal, set aside the judgment of the Division Bench and restore the decision of the Single Judge.

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

.....J.

(RUMA PAL)

New Delhi;
March 26, 2001.

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