

IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 8954 OF 2011

THE CHIEF TRAFFIC MANAGER, BANGALORE  
METROPOLITAN TRANSPORT CORPORATION

APPELLANT(S)

VERSUS

CHANNABASAVARADHYA

RESPONDENT(S)

WITH

CIVIL APPEAL No. 8953 OF 2011

O R D E R

The respondent/employee served as a conductor from 1984 to 2002 in the office of the appellant-corporation. For an alleged misconduct which he has committed in discharge of duties, he was charge-sheeted. Finally after being held guilty, on the basis of the evidence recorded before the Labour Court, his dismissal was approved by its award dated 01.09.2008. Learned Single Judge of the High Court also affirmed the findings recorded by the Labour Court and upheld order of dismissal from service by its order dated 21.04.2009.

The Division Bench of the High Court while confirming/upholding the finding of guilty, took a lenient view of the matter and held that the punishment of dismissal from

service inflicted upon the employee/workman is disproportionate to the charge proved against him and substituted the punishment of two annual grade increments with cumulative effect and directed the appellant to reinstate the respondent/workman in service by judgment and order impugned dated 03.11.2009, is the subject matter of challenge in appeal(s) before us.

The allegation against the respondent/workman was that he collected fare from the passengers but fail to issue tickets and the allegation was of misappropriation of money.

Learned Counsel for the appellant placed reliance on Para "10" of the judgment of this Court reported in Regional Manager, U.P. SRTC, Etawah and Others Vs. Hoti Lal and Another (2003) 3 SCC 605, which is quoted hereunder:

"10. It needs to be emphasized that the Court or Tribunal while dealing with the quantum of punishment has to record reasons as to why it is felt that the punishment was not commensurate with the proved charges. As has been highlighted in several cases to which reference has been made above, the scope for interference is very limited and restricted to exceptional cases in the indicated circumstances. Unfortunately, in the present case as the quoted extracts of the High Court's order would go to show, no reasons whatsoever have been indicated as to why the punishment was considered disproportionate. Reasons are live links between the mind of the decision taker to the controversy in question and the decision or conclusion arrived at. Failure to give reasons amounts to denial of justice. [See Alexander Machinery (Dudley) Ltd. v. Crabtree (1974 LCR 120)]. A mere statement that it is

disproportionate would not suffice. A party appearing before a Court, as to what it is that the Court is addressing its mind. It is not only the amount involved but the mental set-up, the type of duty performed and similar relevant circumstances which go into the decision-making process while considering whether the punishment is proportionate or disproportionate. If the charged employee holds a position of trust where honesty and integrity are inbuilt requirements of functioning, it would not be proper to deal with the matter leniently. Misconduct in such cases has to be dealt with iron hands. Where the person deals with public money or is engaged in financial transactions or acts in a fiduciary capacity, highest degree of integrity and trustworthiness is a must and unexceptionable. Judged in that background, conclusions of the Division Bench of the High Court do not appear to be proper. We set aside the same and restore order of the learned Single Judge upholding the order of dismissal”.

Learned Counsel for the respondent/workman submits that although the judgment dated 03.11.2009 was stayed by this Court by an order dated 20.08.2010, but the respondent/workman has attained the age of superannuation during pendency of the proceedings in this Court and there is no occasion of reinstatement, he may get some retiral benefits for the period of service which he had actually rendered with the appellant.

We have heard learned Counsel for the parties and taking note of the judgment of which a reference has been made, in our considered view, the finding recorded by the Division Bench of the High Court in the impugned judgment and order is not

sustainable and deserves to be set aside.

Consequently, the appeals are allowed and the impugned judgment dated 03.11.2009 in Writ Appeal No. 2333/2009 (L-K) and order dated 17.06.2010 in Review Petition No. 161/2010 in Writ Appeal No. 2333/2009 are set aside.

Pending application(s), if any, shall stand disposed of.

..... J.  
(AJAY RASTOGI)

..... J.  
(ABHAY S. OKA)

NEW DELHI  
DECEMBER 01, 2021

ITEM NO.104

COURT NO.14

SECTION IV-A

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

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WITH

C.A. No. 8953/2011 (IV-A)

Date : 01-12-2021 This appeal was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE AJAY RASTOGI  
HON'BLE MR. JUSTICE ABHAY S. OKAFor Appellant(s) Mr. R.S. Hegde, Adv.  
Mr. V.M. Prasad, Adv.  
Ms. Farhat J. Rehmani, Adv.  
Mr./Ms. Shanti Prakash, Adv.  
Mr. Rajeev Singh, AORFor Respondent(s) Mr. V. N. Raghupathy, AOR  
Mr. Md. Apzal Ansari, Adv  
Ms. Diksha Sharma, Adv

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

Civil Appeals are allowed in terms of the signed order.

Pending application(s), if any, shall stand disposed of.

(POOJA SHARMA)  
COURT MASTER (SH)(BEENA JOLLY)  
COURT MASTER (NSH)

(Signed order is placed on the file.)