

(2009) 02 DEL CK 0172

Delhi High Court

Case No: Writ Petition (C) No. 18149 of 2006

The Management of
Shriram Institute for
Industrial Research

APPELLANT

Vs

Deputy Labour
Commissioner
(Implementation Cell)
and Another

RESPONDENT

Date of Decision: Feb. 25, 2009

Acts Referred:

- Industrial Disputes Act, 1947 - Section 10(1), 12(5)

Hon'ble Judges: V.K. Shali, J

Bench: Single Bench

Advocate: B.K. Mishra, for the Appellant; Neelam Tiwari for Rajiv Agarwal, for the Respondent

Final Decision: Allowed

Judgement

V.K. Shali, J.

By virtue of the present writ petition, the petitioner has challenged the award dated 14th October, 2004 passed by Sh. S.N. Gupta, Presiding Officer, Labour Court-X, Karkardooma Courts, Delhi in ID No. 2216/1995 titled as The Management of M/s Shriram Institute Research v. Its workman Sh. Ajay Kumar Manacktala for payment of compensation of Rs. 20,000/- to the respondent/workman.

2. The challenge to the said grant of compensation is on the ground that although the learned Labour Court has upheld the action of the petitioner/Management both in conducting the domestic inquiry against the workman as being fair, proper and in accordance with the principles of natural justice and as well as the imposition of punishment of dismissal, yet the learned Labour Court has shown totally a mis-placed sympathy to the workman by granting compensation of Rs. 20,000/-.

3. Briefly stated the facts leading to the filing of the present writ petition are that the Government of Delhi in exercise of its power u/s 10(1)(c) read with Section 12(5) of the Industrial Disputes Act, 1947 made a reference on 11th October, 1991 to the Labour Court-X in the following terms: ½

Whether the dismissal of Sh. Ajay Kumar Manaktala is illegal and/or unjustified, and if so, to what relief is he entitled and what directions are necessary in this respect?

4. The respondent /workman appeared in response to the notice issued by the learned Labour Court and filed his statement of claim stating therein that he was placed under suspension on 11th June, 1990 on the allegation that he did not proceed on tour to Beladala and Arki, Solan etc. This was construed to be a misconduct and an Inquiry Officer was appointed by the petitioner/Management, who went into the allegations of alleged misconduct. The Inquiry Officer found the respondent/workman to be guilty of misconduct. On the basis of the said inquiry report, the petitioner/Management imposed punishment of dismissal. The learned Labour Court on receipt of the statement of claim and the reply of the Management framed following two issues, namely:

(i) Whether the inquiry conducted by the management is fair, proper and in accordance with the principles of natural justice?

(ii) As per terms of reference.

5. So far as the first issue with regard to the domestic enquiry is concerned, the learned Labour Court came to a finding that the inquiry did not suffer from any infirmity and there was no violation of principles of natural justice. Having held so, the learned labour Court also did not interfere with the punishment of dismissal imposed on the workman and on the contrary observed that the allegations against the respondent/workman were very serious in nature inasmuch as he had disobeyed the orders of his Senior Officers to work at a transferee place. These were the main grounds on which the learned Labour Court did not interfere with the imposition of punishment and the prayer of the petitioner for reinstatement was also turned down.

6. But the Labour Court curiously before disposing of the matter finally, observed that since the respondent had rendered service with the petitioner/ Management, therefore, the interest of justice would be met in the case he is granted compensation. For award of compensation, the Labour Court has taken into consideration the factum that the respondent/workman has served for 12-13 years the petitioner/management and that he was getting wages of Rs. 1,440/- per month.

7. I have heard the learned Counsel for the petitioner. The learned Counsel for the respondent has expressed her inability to assist the Court as she has prayed for date on account of Mr. Agarwal, Advocate being busy in another Court.

8. The request for adjournment was disallowed as sufficient time was given and it is already 4.00 p.m. The respondent/workman is also present and states that the compensation which has been awarded to him is very meager and deserves to be enhanced.

9. I have carefully considered the record. I feel that the Labour Court has fallen into grave error by granting compensation to the respondent/workman despite the fact that it has upheld the fairness and the validity of the inquiry as well as the punishment which has been imposed on him. Once this was done, it was not only illegal but also improper on the part of the learned Labour Court to have shown total mis-placed sympathy with the respondent/workman in granting him the compensation.

10. This is not a case where the learned Labour Court has interfered with the quantum of punishment imposed on the respondent/workman by substituting any other punishment, which would have warranted the grant of some financial benefit as to the respondent/workman.

11. As a matter of fact, the Labour Court has rightly observed that the misconduct of the respondent/workman in disobeying the orders of the Senior Officers was something very serious in nature inasmuch as it not only creates indiscipline in the Organization and prevents its smooth functioning but also is bound to set a bad precedent in the Organization and give impetus to persons with similar proclivities to indulge in disobeying the rightful orders of the senior Officers.

12. For the forgoing reasons, the award dated 14.10.2004 to the extent of grant of compensation of Rs. 20,000/- to the respondent/workman is set aside as being unwarranted and exceeding its jurisdiction. To that extent, the writ petition of the petitioner is allowed. No order as to costs.