

(1988) 03 CAL CK 0037**Calcutta High Court****Case No:** None

Steel Authority of India Ltd. and

APPELLANT

Another

Vs

Dilip Kumar Debnath and Others

RESPONDENT

Date of Decision: March 8, 1988**Citation:** 92 CWN 1025 : (1989) 1 LLJ 133**Hon'ble Judges:** K.M. Yusuf, J; G.N. Ray, J**Bench:** Division Bench**Judgement**

G.N. Ray, J.

This appeal is directed against the judgment dated 24th February, 1988 passed by the learned trial Judge in Civil Order No. 6262(W) of 1986. By the aforesaid judgment, the learned trial Judge has set aside the impugned order of dismissal passed by the appellants against the writ petitioner, respondent No. 1, Dilip Kumar Debnath, by invoking power under Standing Order No. 29. The said Standing Order No. 29 authorised the disciplinary authority to terminate the service and/or dismiss an employee without holding any enquiry in an appropriate case after recording reasons therefore. It may be noted that similar provision had been taken into consideration by the Supreme Court in the case of Workmen of Hindusthan Steel Limited and Anr. v. Hindusthan Steel Ltd. and Anr. reported in 1985-I-LLJ-267. The Supreme Court has held that such provision authorising the disciplinary authority to dismiss an employee without holding any enquiry whatsoever and without affording a reasonable opportunity of being heard to the delinquent employee is reminiscent of the days of hire and fire and it is unfortunate that a public sector undertaking will keep such a provision in Standing Order. That apart, from the facts stated in the application for interim order in this appeal it appears that the delinquent was a pillion rider of a motor bike belonging to another employee of the Alloy Steel Plant, Durgapur, and before the driver and the pillion rider could come out of the factory, both of them were apprehended by the Security Staff belonging to the C.I.S.F. and on an enquiry two pieces of ferro crome material had been found in the tool box of

the motor bike. According to the authorities, the said material belonged to the Alloy Steel Plant which were being taken out illegally from the plant. In the aforesaid circumstances, we do not find any reason why an enquiry cannot be conducted in respect of such seizure of goods belonging to Alloy Steel Plant. Hence no interference is called for against the judgment passed by the learned trial Judge. But in the facts of the case, the appellants will be at liberty to start disciplinary proceeding on the basis of such recovery of the said goods against the delinquent employee and if the concerned authorities feel that until such disciplinary proceeding is finally concluded, he should not be trusted to continue in office and to discharge duties and functions, he may be placed under suspension. The appeal is accordingly disposed of treating the same as on day's list. No further order need be passed on the application for interim order. The application is also disposed of accordingly.