

C. Joseph Vs. The Divisional Controller, KSRTC, Mysore

C. Joseph Vs. The Divisional Controller, KSRTC, Mysore

SooperKanoon Citation : sooperkanoon.com/1182714

Court : Karnataka

Decided On : Aug-02-2016

Judge : The Honourable Chief Justice Mr. Subhro Kamal Mukherjee & Ravi Malimath

Appeal No. : Writ Appeal No. 1744 of 2015 (L-KSRTC)

Appellant : C. Joseph

Respondent : The Divisional Controller, KSRTC, Mysore

Judgement :

(Prayer: This writ appeal is filed U/s 4 of the Karnataka High Court Act praying to set aside the order passed in the Writ Petition No.39139/2011 dated 30/11/2012.)

Subhro Kamal Mukherjee, CJ.

1. This is an appeal against the judgment and order dated November 30, 2012, passed by the Hon'ble Single judge, affirming an award passed by the Labour Court, Mysuru.
2. The appeal is barred by limitation. Since the appellant is a workman, we took up the appeal on merits also.
3. While the appellant was working as a Helper Grade-B, it was found that he was stealthily carrying a new tube in a hand bag. He was caught by the security

personnel. It was followed by a full-fledged disciplinary proceedings resulting in his dismissal from service.

4. A dispute was raised by the workman. The Labour Court found, as findings of fact, that the enquiry was proper, legal and that there has been no violation of the principles of natural justice.

5. A point was raised before the Hon'ble single Judge that the punishment was disproportionate to the misconduct alleged against the workman.

6. We have considered the arguments of Mr.L.Shekar, learned advocate for the appellant.

7. We find that both the Labour Court and the Hon'ble Single Judge were right in holding that the management was right in dismissing the employee, as it was found that he was committing theft of the management's property.

8. Mr.Shekar has taken a point that the order passed by the Labour Court was erroneous, inasmuch as the management did not obtain sanction before passing the order of dismissal, as another industrial dispute, concerning this workman, was pending.

9. Ms.H.R.Renuka, learned advocate appearing for the management, submits that another industrial dispute at the instance of the Workers' Union, was pending, but it is not urged by the workman concerned that he was a member of the said Union.

10. We do not find any material on record to show that the appellant is a member of the Workers' Union, which has raised the industrial dispute.

11. We find no merit in the appeal requiring interference by this court. Therefore, the application for condonation of delay is dismissed.

12. Consequently, the appeal is, also, dismissed.

13. We make no order as to costs.