

Amar Nath Bhattacharjee Vs. Voltas Ltd.

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Court : Jharkhand

Decided On : Mar-04-2008

Reported in : [2008(2)JCR643(Jhr)]

Judge : R.K. Merathia, J.

Appellant : Amar Nath Bhattacharjee

Respondent : Voltas Ltd.

Advocate for Pet/Ap. : Mr. Ananda Sen

Disposition : Petition dismissed

Judgement :

ORDER

R.K. Merathia, J.

1. Mr. Ananda Sen, appearing for the petitioner, submitted that punishment of termination is disproportionate to the charges.
2. Counsel for the respondent supported the impugned order.
3. The Labour Court has observed as follows in the award :

In view of what has been stated above, it emerges that within a span of about two years, one after another, three charge-sheets alleging misconduct were served

upon the workman and out of them he was given token punishment in connection with the first charge-sheet dated 4.3.1992 and for the rest two charge-sheet he has conceded the fairness and propriety of the domestic enquiry as a result of which the charges leveled in both the aforesaid charge-sheets stands admitted by the workman. The charges levelled in both the aforesaid charge-sheets against the workman are also of serious and grave nature misconduct.

In the instant case the workman has been found guilty in the serious and gross charges of misconduct. For the charge-sheet dated 4.3.1992, he was awarded token punishment of withholding one year's increment. In the rest two charge-sheets also he has been found guilty for committing serious and gross misconduct involving his sincerity and integrity in connection with his performance. Considering the materials available on the record including the gravity of misconduct committed by the workman I find that there is no mitigating circumstances and past good conduct in favour of the workman for reducing his punishment of termination awarded by the management. In view of the gravity of the misconduct committed repeatedly by the workman I am of the opinion that the punishment of termination of services awarded by the management to the workman is not disproportionate to the gravity of his misconduct. This being the position and in the view of the facts and discussions made above I further find that the workman is not entitled to any relief.

4. Petitioner conceded to the fairness and propriety of domestic enquiry in writing.

5. The scope of interference under writ jurisdiction is limited. The said findings cannot be said to be perverse or illegal. In view of the repeated misconduct of the petitioner, it has been rightly held that the order of termination is commensurate to the charges leveled against the petitioner. The Labour Court has taken into consideration the relevant matters. Previous misconduct was part of the charge-sheet. Moreover in the case of Govt. of A.P. and Ors. v. Mohd. Taher Ali : AIR 2008 SC375 , it has been held that the past misconduct can be taken into consideration by punishing the authority, even if it is not part of charge-sheet. In the result, this writ petition is dismissed. However, no costs.

