

REPORTABLE

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO. 5701 OF 2015
(Arising out of S.L.P. (C) No. 26629/2014)

SHRI TALUKDAR SINGH

...Appellant

Versus

TATA ENGINEERING &
LOCOMOTIVE CO. Ltd.

...Respondent

J U D G M E N T

R. BANUMATHI, J.

Leave granted.

2. This appeal arises out of the order passed by the High Court of Bombay in Writ Petition No.3646 of 2001 dated 19.06.2014, in and by which, the High Court enhanced the retrenchment compensation of Rs.6,049/- awarded by the Labour Court to Rs. 1,00,000/- without any interest.

3. A charge-sheet dated 07.05.1988 was issued to the appellant for committing the misconduct of slapping his colleague,

Mr. Kunjumon who was working with the respondent-company. An enquiry was conducted against the appellant and the services of the appellant were terminated on 07.05.1990. The appellant challenged his termination and a reference was made to the Labour Court, Pune. By the award dated 28.02.2000, Labour Court held that the enquiry against the appellant was fair and proper and the misconduct was proved. However, the Labour Court held that the punishment of dismissal from service was shockingly disproportionate and awarded retrenchment compensation of Rs.6,049/- to the appellant. Being aggrieved, the appellant filed writ petition contending that the punishment of dismissal was harsh and that the retrenchment compensation of Rs. 6,049/- awarded was no compensation at all. By the impugned judgment, the High Court while upholding the punishment of dismissal, enhanced the compensation to Rs.1,00,000/- minus Rs.6,049/- which was already paid to the appellant. Still aggrieved, the appellant has preferred this appeal.

4. We have heard Mr. S. Ravi Shankar, the learned counsel for the appellant and the Learned Senior Counsel Mr.

C.U. Singh, appearing for the respondent-management and perused the impugned judgment and material on record.

5. The short question is whether the compensation of Rs.1,00,000/- awarded by the High Court is to be enhanced. Appellant who was an ex-serviceman was employed with the respondent-company as a Turner in the Auto Division w.e.f. 09.01.1978 drawing monthly wage of Rs.2,621/- and he worked till he was terminated on 07.05.1990. It is seen from the record that Mr. Kunjumon used harsh words and shoved the appellant towards the door and evidence would show that it was not a premeditated attack on Mr. Kunjumon. Both the Labour Court as well as the High Court recorded concurrent findings of fact that the misconduct of the appellant was proved on the basis of the evidence and that the punishment of dismissal was shockingly disproportionate. When the Labour Court passed the award, the appellant was about 59 years and he attained the age of superannuation in the year 2002. Considering the number of years which the appellant worked with the respondent and the facts and circumstances of the case, we are of the view that the interest of

justice would be met if the compensation of Rs.1,00,000/- is enhanced to Rs.5,00,000/- which is inclusive of the compensation awarded by the High Court. The judgment of Bombay High Court is accordingly modified and the compensation is enhanced to Rs.5,00,000/- which shall be payable by the respondent within a period of eight weeks and in the event of default the same shall be payable with interest at the rate of 9% p.a. and the appeal is partly allowed. No order as to costs.



.....J.
(T.S. THAKUR)

.....J.
(V.GOPALA GOWDA)

JUDGMENT

.....J.
(R. BANUMATHI)

New Delhi;
July 24, 2015

ITEM NO.1H-For Judgment

COURT NO.2

SECTION XV

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

C.A. No. 5701/2015 @ Petition(s) for Special Leave to Appeal (C)
No(s). 26629/2014

(Arising out of impugned final judgment and order dated 19/06/2014 in
WP No. 3646/2001 passed by the High Court Of Bombay)

TALUKDAR SINGH Petitioner(s)

VERSUS

TATA ENGINEERING AND LOCOMOTIVE CO. LTD Respondent(s)

Date : 24/07/2015 This appeal was called on for pronouncement of
JUDGMENT today.

For Petitioner(s) Mr. S. Ravi Shankar, Adv.

For Respondent(s) Mr. C.U. Singh, Sr. Adv.
Mr. Debmalya Banerjee, Adv.
Mr. Aman Singh, Adv.
Mr. Manish Sharma, Adv.
Mrs. Manik Karanjawala
For M/s. Karanjawala & Co.

Hon'ble Mrs. Justice R. Banumathi pronounced the judgment
of the Bench comprising Hon'ble Mr. Justice T.S. Thakur,
Hon'ble Mr. Justice V. Gopala Gowda and Hon'ble Mrs. Justice R.
Banumathi.

Leave granted.

The appeal is partly allowed in terms of the Signed
Reportable Judgment.

(VINOD KR.JHA)
COURT MASTER

(VEENA KHERA)
COURT MASTER

(Signed Reportable judgment is placed on the file)

SUPREME COURT OF INDIA



JUDGMENT