

SUPREME COURT OF INDIA

Abdul Wahab

Vs.

Divisional Engineer, M.P. Electricity Board

C.A.No.2199 of 1970

(Y. V. Chandrachud and V. R. Krishna Iyer, JJ.)

05.03.1976

JUDGEMENT

CHANDRACHUD, J.:-

1. Seven charges were framed against the appellant in a departmental enquiry held by the Madhya Pradesh Electricity Board. Those charges were accepted by the Enquiry Officer and as a result of his findings, an order of dismissal was passed against the appellant. The appellant challenged that order before the Labour Court under Section 31 (3) of the Madhya Pradesh Industrial Relations Act, 1960. The Labour Court upheld the order of dismissal but its award was set aside in revision by the Industrial Court. Being aggrieved by the latter judgment, the Electricity Board filed an application in the High Court of Madhya Pradesh under Articles 226 and 227 of the Constitution. The writ petition was allowed by the High Court by its judgment dated April 13, 1970. The High Court reopened the order passed by the Labour Court upholding the appellant's dismissal. This appeal by special leave is directed against the judgment of the High Court.

2. Mr. Naunit Lal who appears on behalf of the appellant contends that the appellant's dismissal is

indefensible, biased as it is on an alleged misconduct entirely unconnected with his official duties. Having gone through the judgments of the Labour Court, Industrial Court and the High Court and having had a fresh look at the evidence we see no reason for interfering with the view that the order of dismissal is justified and is supported by evidence relating to the appellant's official discharge of duties.

3..This appeal must therefore fail, but there will be no order as to costs. We must record that learned counsel for the Madhya Pradesh Electricity Board has assured this Court that if the appellant applies afresh for the post of a lower division clerk, that application will be considered favorably and sympathetically.

Appeal dismissed.