

Management of Hindustan Machine Tools Ltd., Bangalore

Vs

Mohd. Usman and Another

Civil Appeal No. 199 (L) of 1978

(D. A. Desai, A. Varadarajan, O. Chinnappa Reddy JJ)

24.08.1983

ORDER

1. In this appeal the only question raised is whether the Labour Court was justified in reducing the punishment awarded by the Management for the misconduct committed by the first respondent. The Management had imposed the punishment of termination of service of the first respondent. The Labour Court in exercise of the power conferred upon it by Section 11-A of the Industrial Disputes Act reduced the punishment by setting aside the punishment of termination of service and in its place imposed the punishment of stoppage of the increments for two years. Section 11-A confers power on the Labour Court to evaluate the severity of misconduct and to assess whether punishment imposed by the employer is commensurate with the gravity of misconduct. This power is specifically conferred on the Labour Court under Section 11-A. If the Labour Court after evaluating the gravity of misconduct held that punishment of termination of service is disproportionately heavy in relation to misconduct and exercised its discretion, this Court in the absence of any important legal principle would not undertake to re-examine the question of adequacy or inadequacy of material for interference by the Labour Court. We are, therefore, disinclined to interfere with the order passed by the Labour Court. Accordingly, the appeal fails and is dismissed with costs quantified at Rs. 2500.

2. If under any interim order of this Court any payment to respondents is withheld the same is directed to be paid within two months from today.

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