

Punjab State Civil Supplies Corporation Ltd.

Vs

Tilak Raj Sharma

Civil Appeal No. 3685 of 1989

(K. Jagannatha Shetty JJ)

23.08.1989

JUDGMENT

JAGANNATHA SHETTY, J. –

1. Special leave granted.

2. Heard counsel on both sides and perused the material on record. We are of the opinion that the respondent's reinstatement ordered by the High Court cannot be disturbed. The High Court was not off the mark of the initial order dated May 7, 1987 made by the appellate Committee. The respondent had a right to have his reinstatement upon depositing 200 bags of wheat out of 600 bags and also satisfying the other conditions enumerated thereunder. Since he had already complied with those conditions, he shall be reinstated, as rightly observed by the High Court.

3. But, in the facts and circumstances of this case, we cannot approve the High Court's direction to the respondent to pay (sic be paid) back wages from the date he furnished security for 400 bags. Although we agree with the High Court on the interpretation put by it on the order of the appellate Committee, it cannot be said that the Corporation was actuated by any oblique motive in the view it took on the true meaning of the said order. Besides, the conduct of the respondent which caused loss to the Corporation does not justify such a sympathetic order. We, therefore, set it aside.

4. In the result, we allow this appeal partially, modify the order of the High Court and direct the appellant to reinstate the respondent within two weeks from today. The respondent shall comply with the other conditions of the appellate Committee's order dated May 7, 1987, both on furnishing two sureties and also by depositing the remaining 400 bags of wheat by five monthly instalments from the date of reinstatement.

5. The appeal is allowed as indicated above, modifying the order of the High Court. In the circumstances there will be no order as to costs.

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