

Yashvir Singh

Vs.

Modern Food Industry (India) Ltd. and another

S.L.P. (C) No. 11724 of 1991

(A.M. Ahmadi, G.N. Ray JJ)

13.01.1992

ORDER -

1. We have heard counsel on both sides and with their consent we proceed to dispose of the matter at the notice stage itself. Mr. Ramamurthi contended that having regard to the fact that the respondent No. 1, who was a witness since it was his car which, it is alleged, the petitioner had stopped and it was with him that he had misbehaved, he ought not to have issued the charge-sheet and at any rate he ought not to have passed the impugned order because to do so would be to appreciate the worth of his own evidence. He further stated that merely because the appellate authority had confirmed the order would not remove the taint which attaches to the order of termination. The order of termination is thus attacked on the ground of violation of the rule of natural justice. The other side would say that since under the standing orders it was respondent No. 1, who was charged with the duty to pass the impugned order, he did so out of necessity and, therefore, the order is not liable to be challenged. After hearing these rival contentions, we thought it proper to put an end to the matter by directing payment of adequate compensation to the workmen but not granting him re-instatement with backwages. We, therefore, do not interfere with the order on condition that Rs. 75,000/- will be paid by way of compensation to the petitioner within a period of one month. The compensation amount may be paid to the petitioner directly. The petitioner will approach the Company on receipt of the letter from the Company in that behalf. The Special Leave Petition is disposed of accordingly. Order accordingly.

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