

SUPREME COURT OF INDIA

The Management of Bank of Madura Ltd.

Vs.

Dy Commissioner of Labour, Chennai

(S. R. Babu and S. V. Patil JJ.)

19.07.2000

ORDER

1. The grievance in this appeal is that the termination order passed against respondent No. 2 has been wrongly upset by the appellate authority-respondent No. 1 under Section 41 of the Tamil Nadu Shops and Establishments Act 1947 and that order has not been interfered with by the High Court either by the learned Single Judge in its writ jurisdiction or by the Division Bench in its appellate jurisdiction.
2. We have been taken through the charges framed against respondent No. 2, the inquiry proceedings, the order made by the appellate authority which is a very detailed and exhaustive one and the order of the learned Single Judge as well as of the Division Bench of the High Court. The findings recorded by the appellate authority go against the appellant and the charges framed against the respondent No. 2 were found not proved, which findings stand affirmed. The decision of the appellate authority is based on facts arising in the case and cannot be faulted with.
3. In these circumstances, there is hardly any justification to interfere with any of the orders questioned hereunder. The appeals are dismissed accordingly.
4. It is made clear that while reinstating the respondent No. 2 and paying the back wages to him, the amounts that have been paid to the appellant pursuant to the orders of this Court or of the High Court, shall be deducted.