

## **Management Of Hindustan Machine Tools ... vs Mohd. Usman And Anr. on 24 August, 1983**

**Equivalent citations: AIR1984SC321, 1983LABLC1739, (1983)IILLJ386SC, 1983(2)SCALE402, (1984)1SCC152, AIR 1984 SUPREME COURT 321, 1984 (1) SCC 152, 1983 LAB. I. C. 1739 (1), 1985 LAB IC (NOC) 9 (DEL), 1983 UJ (SC) 804, 1984 SCC (L&S) 92, (1983) 47 FACLR 536, (1983) 63 FJR 138, (1983) 2 LABLJ 386, (1983) 2 LAB LN 655, (1983) 3 SERVLR 393**

**Bench: A. Varadarajan, D.A. Desai, O. Chinnappa Reddy**

### **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 reexamine the question of adequacy or inadequacy of material for interference by 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. 2,500/-.

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.