

Supreme Court of India

A. K. Dass vs National Fed. Of Coop. Sugar ... on 11 January, 1994

Equivalent citations: 1994 SCC, Supl. (2) 520

Author: Ahmadi

Bench: Ahmadi, A.M. (J)

PETITIONER:

A. K. DASS

Vs.

RESPONDENT:

NATIONAL FED. OF COOP. SUGAR FACTORIES LTD.

DATE OF JUDGMENT 11/01/1994

BENCH:

AHMADI, A.M. (J)

BENCH:

AHMADI, A.M. (J)

PUNCHHI, M.M.

SINGH N.P. (J)

CITATION:

1994 SCC Supl. (2) 520

ACT:

HEADNOTE:

JUDGMENT:

ORDER

1. The appellant who was in service of the respondent- Management as a staff-car driver was dismissed from service on the allegation that he was pilfering petrol and did not handle the car efficiently. The Labour Court on an appreciation of the material placed before it came to the conclusion that the said charge was not well founded. Ordinarily, therefore, the Labour Court would have directed his reinstatement in service on that finding of fact but it did not do so on the ground that 'the job of a staff-car driver is rather a job of confidence' and since the management has lost confidence in the employee, reinstatement in service would not be justified. In taking that view the Labour Court referred to the decision of this Court in Anil Kumar Chakraborty v. Saraswatipur Tea Co. Ltd.¹ and other decisions on the same line. We need not go into the case-law on this subject because it is well settled that if it is a case of loss of confidence the discretion is vested in the Court to refuse reinstatement. This is based on the doctrine of confidence. We agree with the Labour Court

that since the appellant was a staff-car driver even if his termination is quashed on the ground that allegations are not established, that would be a factor which would weigh with the court since the officer occupying the staff- car would not have confidence in the person if he is placed in charge of that vehicle. Therefore, we are not inclined to agree with the learned counsel for the appellant that. this was not a fit case for the Labour Court to refuse reinstatement on the ground of loss of confidence.

2. It appears that at the time when special leave was granted this Court had made an order dated September 3, 1982 directing payment of subsistence allowance of Rs 400 per month till final orders were made in the appeal. There was an indication that adjustment of this payment may be made at the hearing of the appeal. It is, however, an admitted fact that the compensation of Rs 25,000 awarded by the Labour Court was not paid and that amount remained with the management. It is equally true that the appellant received subsistence allowance under the court orders. If one were to calculate the interest on the compensation amount and adjust the same with the subsistence allowance, the figure of subsistence allowance actually received would shrink considerably. The question then is whether the amount which was received by way of subsistence allowance is sufficient to take care of the falling value of the rupee over a 1 (1982) 2 SCC 328: 1982 SCC (L&S) 249 period of time. Balancing these factors, the amount of Rs 25,000 awarded by the Labour Court needs to be increased to Rs 40,000 having regard to the fall in the rupee value. We direct that this amount may be paid within three months from today failing which thereafter it will carry interest at 15% per annum. The appeal will stand allowed accordingly with no order as to costs.