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IN THE HIGH COURT OF JUDICATURE AT BOMBAY***CIVIL APPELLATE JURISDICTION******LETTERS PATENT APPEAL No. 42 OF 2007******IN******WRIT PETITION No.6287 OF 2004******Union of India and Ors.******....Appellants/Petitioners******Vs.******G.S. Kubal******....Respondent***

Mr. Suresh Kumar for Appellants/Petitioners

None for the Respondent

CORAM : V. M. KANADE &***Mrs. SWAPNA S. JOSHI, JJ******DATE : SEPTEMBER 16, 2016******P.C. :***

1. Heard Shri Suresh Kumar, learned counsel appearing on behalf of the Appellants.
2. Brief facts, which are relevant for the purpose of deciding the LPA, are as under:
3. The Respondent was working as Section Supervisor in the office

of the Sub-Regional Provident Fund Commissioner Office. Charge-sheet was issued to the Respondent on 29.6.1993 and, thereafter, a departmental enquiry was conducted against him. The Enquiry Officer submitted his report, holding the Respondent guilty of the charges. Thereafter, the Respondent was dismissed by the Disciplinary Authority. Respondent, filed an application before the Regional Labour Commissioner and, thereafter, the matter was referred to CGIT-II, Mumbai.

4. By order dated 31.2.2002, the penalty of dismissal was reduced to that of stoppage of two increments with cumulative effect. Against this order, the Appellants have preferred a writ petition in this Court, which was also dismissed by the Learned Single Judge. The Learned Single Judge has considered the observation made by the Labour Court and has also observed that the Tribunal while exercising its power under section 11 A of the Industrial Disputes act, 1947 has held that the punishment imposed by the Petitioners on the respondent was disproportionate to the misconduct committed by the Respondent workman and reduced the sentence of dismissal from service to a lesser punishment of stoppage of increments.

5. We do not find any infirmity in the reasoning given by the Learned Single Judge while passing the impugned order. Hence, no case

is made out for interfering with the order passed by the Learned Single Judge while exercising the jurisdiction under letters patent. The LPA is dismissed. Interim order is vacated.

Mrs. SWAPNA S. JOSHI, J.

V.M. KANADE, J.

Vaishali Tikam