

CASE NO.:
Appeal (civil) 5205 of 2003

PETITIONER:
Secretary, Sree Ujjini, J.S.V.V. Sangha

RESPONDENT:
Vs.
R.H.M. Channabasava Swamy

DATE OF JUDGMENT: 25/07/2003

BENCH:
K.G. Balakrishnan & P.Venkatarama Reddi.

JUDGMENT:

J U D G M E N T

(Arising out of SLP(Civil) No. 2603/2002)

K.G. BALAKRISHNAN, J.

Leave granted.

This appeal is preferred against the Judgment of the learned Single Judge of the High Court of Karnataka in Civil Revision Petition No. 4278/98. An Order of the Education Tribunal was challenged before the learned Single Judge and the same was set aside and hence this appeal by way of special leave.

The respondent was employed as a teacher in a school owned and managed by the appellant. An order was passed against the respondent terminating his service w.e.f. 21.8.1981. According to the appellant, the respondent was then working on probation, though the respondent alleged that his probation period was already over. The appellant had also contended that the respondent teacher had offered his resignation voluntarily and his resignation was accepted. The Tribunal came to the conclusion that the termination of the services of the respondent, without there being a valid inquiry was not proper and therefore, the termination of service of the respondent was set aside and he was ordered to be reinstated to the post of 'Teacher' with full back wages from the date of his termination.

The learned Single Judge before whom the matter came up for consideration held that once the Tribunal had come to a conclusion that no proper inquiry had been conducted in accordance with law, the matter should have been remitted back to an Inquiry Committee to decide the issue. The learned Single Judge, therefore, framed certain issues and appointed a District Judge(Retd.) as Chairman of the Inquiry Committee. One representative each from the appellant side and the respondent side were directed to be included in the Inquiry Committee and the Committee was directed to complete the inquiry within a period of six months. It was also directed that dismissal should be treated as suspension and suspension allowance shall be paid in accordance with law.

The order of the learned Single Judge is challenged before us.

We heard both sides. Having regard to the facts and circumstances of the case, we do not think that the learned Single judge erred in remitting the matter for further inquiry. However, we feel that the appointment of the committee is not necessary for the purpose. The District Judge (Retd.) appointed by the High Court can very well conduct the inquiry as Inquiry Officer. The appellant shall pay a sum at the rate of Rs. 500/- per sitting to the Inquiry Officer apart from other incidental expenses. The Inquiry shall be completed

within a period of six months. The Respondent shall be deemed to be under suspension pending such enquiry.

Subject to the above modifications of the order passed by the learned Single Judge, the appeal is dismissed, without any order as to costs.

JUDIS