

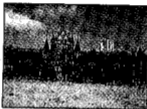
'Assaulting colleague can lead to dismissal'

Shibu Thomas | TNN

Mumbai: Assaulting a colleague can be a ground for dismissal of the employee, the Bombay HC has held.

Upholding the dismissal of a **BEST** employee who was found guilty by a departmental inquiry for assaulting a fellow worker, justice Dhananjay Chandrachud ruled that "an act of assault cannot be regarded as a minor breach of the rules of discipline" while emphasising the need for courts not to interfere in disciplinary action against an employee unless an appropriate case is made out.

The judgment comes in a series of orders by the court cracking down on employees. Last year, the SC had held that an employee using abusive lan-



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guage against his superior is liable for dismissal. Justice Chandrachud reiterated the change in trend while dealing with industrial and labour matters. While earlier the trend was to protect the interests of the employee, the judge noted that now the aim was to balance it with the "object of ensuring industrial growth".

The present case is over 10 years old. On February 5, 1996, H Siddiqui, a medical atten-

dant deputed at the Santa Cruz depot, allegedly assaulted a security guard after an altercation. Following an inquiry, Siddiqui was dismissed. He challenged the order, which was struck down by the labour court. Later, the industrial court ordered his reinstatement. **BEST** challenged this order in the HC.

Siddiqui's counsel claimed that **BEST** was victimising him, but admitted there was nothing on record to prove it. **BEST's** advocates said under the rules of discipline, an assault on a fellow employee, even if it is not committed at the workplace, was a misconduct. The judge agreed. "A breach of discipline cannot be countenanced," the judge said and quashed the order of reinstatement.