
(2010) 09 UK CK 0176

In the Uttarakhand High Court

Case No : Writ Petition No. 805 of 2010 (S/S)

Badari Prasad Pandey

APPELLANT

Vs

State and Others

RESPONDENT

Date of Decision : 07-09-2010

Acts Referred:

Uttar Pradesh State Road Transport Corporation Employees (Other than Officers)
Service Regulations, 1981 — Regulation 69A

Citation : (2010) 09 UK CK 0176

Hon'ble Judges : Brahma Singh Verma, J

Bench : Single Bench

Judgement

B.S.Verma, J.—Heard on stay application No. 7546 of 2010.

2. By means of this writ petition, the petitioner has sought writ in the nature of certiorari quashing the impugned order dated 05.07.2010, passed by respondent No. 2, whereby punishment in the Second Appeal was enhanced.

3. Mr. D.C.S. Rawat, Advocate representing respondents No. 2 to 4 , contended before this Court that in view of Regulation 69A of The Uttar Pradesh Road Transport Corporation Employees (other than officers) Service, Regulations, 1981, Managing Director has power to enhance the punishment. Under Regulation 69A of the Uttar Pradesh Road Transport Corporation Employees Service Regulations, 1981, the Chairman or in his absence, the Managing Director of Uttar Pradesh State Road Transport Corporation may, on its own motion, or otherwise, call for the record of any case relating to dismissal, removal and reduction in rank decided by any of the authorities subordinate to him.

4. It is pertinent to mention here that Second Appeal was filed by the petitioner for quashing the punishment order. The punishment order had already been executed in November 2009 and an amount of Rs. 19,364/- was recovered and pay increments for two years was not paid to the petitioner.

5. In the peculiar facts and circumstances of the case, the operation of the impugned order dated 05.07.2010, is stayed till further orders of this Court.
6. Learned Counsel for the respondents pray for and are allowed three weeks" time to file counter affidavit.
7. List this petition after three weeks.