
(2021) 12 UK CK 0306
In the Uttarakhand High Court
Case No : Special Appeal No. 394 Of 2015

B.K. Bansal

APPELLANT

Vs

Uttaranchal Road Transport Corporation And Others

RESPONDENT

Date of Decision : 27-12-2021

Acts Referred:

Citation : (2021) 12 UK CK 0306

Hon'ble Judges : S.K. Mishra, J;N.S. Dhanik, J

Bench : Division Bench

Advocate : T.A. Khan, Vinay Bhatt, Ashish Joshi

Final Decision : Dismissed

Judgement

S.K. Mishra, J

Upon hearing the learned counsels, the Court made the following Order (Per, S.K.Mishra, J.)

1. Heard Mr. T.A.Khan, learned Senior Counsel, assisted by Mr. Vinay Bhatt, learned counsel for the appellant and Mr. Ashish Joshi, learned counsel

for the Uttarakhand State Road Transport Corporation renamed as Uttaranchal Road Transport Corporation.

2. The petitioner in this case assails the final order dated 11.03.2015 passed in Writ Application (S/S) no. 1620 of 2004, B.K.Bansal vs. Uttaranchal

Road Transport Corporation & others, dismissing his writ application for setting aside the quantum of punishment terming the same to be disproportionate.

3. The petitioner was working as a cashier in the Uttarakhand State Road Transport Corporation and it was alleged that he made certain defalcation

of money though he returned the money later on after his misconduct came into

light. A departmental inquiry was initiated against him. He was found guilty in that case. The inquiring officer reported his guilt and recommended that he should be dismissed from service. However, the authorities called for a second show case, and took a liberal view and issued the punishment of reverting the petitioner to a lowest scale on the post of cashier for five years and directed the Department to recover the amount of 58,000/- from the petitioner.

4. Aggrieved by that order, the writ application was filed in which, the learned Single Judge has held that as per the major penalty reduction to a Lower Grade, Lower Post or to a Lower Stage in the same time scale also means the lowest grade of that time scale and, therefore dismissed the writ application.

5. The learned counsel for the petitioner submits that the order passed by the authorities is illegal and disproportionate to the misconduct alleged against the petitioner. However, it is apparent from the record that once the petitioner, who was working as Cashier of the Transport Corporation, was found to be defalcated to be 58,000/- rupees and a high standard integrity is required from the employees of the State Government Public Sector Undertaking, he should have been dismissed from service by the authorities. However, a lenient view has already been taken.

6. We do not agree with the submission of learned counsel for the appellant that the authorities do not have the jurisdiction to pass an order of reducing him to the lowest scale of the same grade.

7. In that view of the matter, we do not find any merit in this appeal and the same is dismissed.

8. There shall be no order as to costs.

9. Urgent certified copy of this order be granted on proper application.