

(2014) 02 KAR CK 0383

In the Karnataka High Court

Case No : Writ Petition No. 101178/2013 (L-KSRTC)

B.P. Sasnoor

APPELLANT

Vs

The Divisional Controller NEKRTC, Koppal Division

RESPONDENT

Date of Decision : 11-02-2014

Acts Referred:

Industrial Disputes Act, 1947 — Section 10(4-A)

Citation : (2014) 02 KAR CK 0383

Hon'ble Judges : Mohan M. Shantana Goudar, J

Bench : Single Bench

Advocate : K. Ravindra, Advocate-Absent, Advocate for the Appellant

Final Decision : Dismissed

Judgement

Mohan M. Shantana Goudar, J.—None appears for the petitioner, however, perused the records and the following order is passed.

2. Petitioner herein was appointed as Trainee Driver-cum-Conductor on 20.09.2007. While he was conducting the bus bearing registration No. KA-37-F-5 on Indragiri to Koppal route, the Checking officials of the respondent checked the bus at Stage No. 1 and found excess cash of Rs. 362/- with the petitioner. It is relevant to note that the petitioner had the total cash of Rs. 4,100/- which included Rs. 3,639/- towards sale proceeds. Based on the said charge of having excess cash of Rs. 362/-, the enquiry was held and during the course of the enquiry, the petitioner except filing statement objections, did not produce any documents to support his claim. The enquiry officer after conducting due enquiry submitted his report. The said report was furnished to the petitioner however, petitioner did not file any objections to the enquiry report, consequently, petitioner has indirectly accepted the finding of the enquiry officer. The Disciplinary Authority on reconsidering the material on record removed the name of the petitioner permanently from the trainee conductors' list maintained by the respondent. The Disciplinary Authority has also noted that the petitioner had involved in six similar cases of pilferage and out of such six, in four of them,

guilty is proved and he is imposed with penalty. Two other matters are still pending. Questioning the order of the Disciplinary Authority, petitioner filed claim petition u/s 10(4-A) of the Industrial Disputes Act, 1947, before the Labour Court in KID No. 184/2010 which came to be dismissed.

3. This Court does not find any ground to interfere with the finding of fact arrived at by the Disciplinary Authority as well as the Labour Court. Admittedly, petitioner was Trainee Driver-cum-Conductor appointed on 20.09.2007. While performing his duty as a trainee conductor, petitioner had earlier involved in six similar incidents of pilferage. In four of the cases, petitioner is held guilty and minor punishments are imposed. In two matters, enquiry is still going on. This is the 7th case. The only explanation offered by the petitioner is that Rs. 362/- excess cash included his personal cash of Rs. 100/- and remaining Rs. 262/- was payable to the passengers. The Disciplinary Authority as well as the Labour Court on facts have concluded that the explanation offered by the petitioner is unacceptable.

4. Ex. M6 is the Way Bill which indicates that there is endorsement in the way bill that the petitioner did not have any personal cash. Even assuming that the petitioner had cash of Rs. 100/-, he is not examined any of the passengers to show that the excess amount of Rs. 262/- lying with him is the amount payable to the passengers. This clearly goes to show that the petitioner was having excess cash as mentioned supra. Moreover, petitioner admits the documents at Exs. M1 to M9 produced by the respondent. Ex. M6 is the way bill which indicates that the petitioner was having excess cash of Rs. 362/-. Ex. M7 indicates that there was sale proceeds of tickets of Rs. 3,639/-. Ex. M8 is the offence memo served on the petitioner. Since the finding of fact arrived at by the Disciplinary Authority as confirmed by the Labour Court is just and proper, no interference is called for.

Accordingly, the petition fails and the same stands dismissed.