

(2019) 07 DEL CK 0454

In the Delhi High Court

Case No : Civil Writ Petition No. 1977 Of 2019, Civil Miscellaneous No. 9243 Of 2019

Dharam Singh

APPELLANT

Vs

Delhi Transport Corporation

RESPONDENT

Date of Decision : 31-07-2019

Acts Referred:

Citation : (2019) 07 DEL CK 0454

Hon'ble Judges : J.R. Midham, J

Bench : Single Bench

Advocate : Rupesh K. Sinha, Aditi Gupta

Final Decision : Dismissed/Disposed Of

Judgement

1. The petitioner has challenged the award of the Labour Court whereby his claim was rejected.
2. The petitioner was working as a driver with the respondent. On 26th July, 2004, the petitioner was on duty on bus No.3460 from Kanpur to Delhi. When the bus reached near Bilsuri police post, the bus collided with a tree on the right side of the road and it caught fire. According to the respondent, the accident occurred due to the negligence of the petitioner. The bus suffered loss to the tune of Rs. 2,85,000/-. The respondent imposed penalty of stoppage of next two annual increments on the petitioner who raised an industrial dispute which was referred to the Labour Court.
3. The Labour Court held that the respondent had fairly conducted the inquiry against the petitioner and there was no violation of principles of natural justice.
4. Learned counsel for the petitioner urged at the time of hearing that the accident occurred as the pin of the right shock absorber came out. It is submitted that there was no negligence on the part of the petitioner. It is further submitted that the accident occurred due to the mechanical error and there was no negligence on the part of the petitioner. The petitioner also disputes the loss

incurred by the respondent to the bus. It is further submitted that the petitioner has been acquitted by the Court in the accident case registered against him.

5. Learned counsel for the respondent urged at the time of hearing that the inquiry was fairly conducted by the respondent and fair punishment was imposed on the petitioner. It is submitted that the bus was driven by the petitioner over the speed limit and the petitioner lost the control of the bus as per the inquiry report. The bus hit a tree and the engine of the bus entered 4- 5 feet inside the tree. The inquiry report records that the accident could have been avoided if the speed of the bus was less.

6. This Court is of the view that there was no infirmity in the inquiry conducted by the petitioner and the penalty of stoppage of next two annual increments on the petitioner is commensurate to the charge against the petitioner. The subsequent acquittal of the petitioner is of no consequence as the approach, objective and standard of proof in a criminal case and in departmental proceedings are altogether different. Whereas in a criminal case, it is essential to prove a charge beyond all reasonable doubt, preponderance of probability would serve the purpose in a departmental proceeding.

7. The writ petition is dismissed. Pending application is also disposed of.

8. Copy of this judgment be given dasti to learned counsels for the parties under signature of Court Master.