

(2025) 08 UK CK 0533
In the Uttarakhand High Court
Case No : Special Appeal No. 179 Of 2018

Dheraj Singh Rawat

APPELLANT

Vs

Managing Director Uttarakhand Transport Corporation &
Others

RESPONDENT

Date of Decision : 05-08-2025

Acts Referred:

Uttar Pradesh State Road Transport Corporation Employees (Other Than Officers)
Service Regulation, 1981 — Regulation 63

Citation : (2025) 08 UK CK 0533

Hon'ble Judges : Manoj Kumar Tiwari, J; Subhash Upadhyay, J

Bench : Division Bench

Advocate : Vinod Joshi, N.S. Pundir

Final Decision : Dismissed

Judgement

Manoj Kumar Tiwari, J

1. There is 98 days delay in filing the special appeal. For the reasons indicated in the delay condonation application, we are inclined to condone the delay of 98 days in filing the appeal. Accordingly, delay condonation application is allowed.

2. This intra-court appeal is filed by writ petitioner challenging the judgment dated 09.11.2017, rendered by learned Single Judge, in Writ Petition (S/S) No. 1062 of 2009. By the said judgment, his writ petition, challenging the order passed by Disciplinary Authority as modified by Appellate Authority, was dismissed.

3. Appellant was initially appointed on a Group-D post of Chowkidar in erstwhile Uttar Pradesh State Road Transport Corporation (hereinafter referred to as 'UPSRTC') w.e.f. 01.08.1984 and he was thereafter promoted as Conductor w.e.f. 16.06.1995. Upon State reorganization, services of the appellant were allocated to Uttarakhand Transport Corporation where he served as Conductor till his dismissal vide order dated 26.07.2008. Against the punishment of dismissal

imposed upon him, appellant preferred a departmental appeal, which was partly allowed and the dismissal order was set-aside; and in place thereof, punishment of reduction to a lower stage in the time scale i.e. at the initial stage of Conductor was imposed. Pursuant to the order passed by Appellate Authority, appellant was reinstated in service as Conductor. Appellant, thereafter filed a Writ Petition challenging the punishment order passed by Disciplinary Authority and also the order passed by Appellate Authority, whereby penalty imposed was modified. The writ petition was dismissed by learned Single Judge, vide judgment dated 09.11.2017, which is under challenge in this appeal.

4. Appellant relied upon a Circular dated 30.07.1993, issued by Managing Director, UPSRTC. In the said circular, it was mentioned that punishment, which is not provided in UPSRTC Service Rules 1981, should not be imposed upon the employees of the Corporation.

5. Learned Single Judge repelled the said contention by holding that the relevant Rules do not create any embargo against imposition of the punishment of reduction to a lower stage in the time scale. It was thus held that the reliance upon the circular dated 30.07.1993 is misplaced as the disciplinary authority or appellate authority are well within their right to impose penalty provided in the relevant service regulation.

6. Regulation 63 of UPSRTC Employees Service Regulations, 1981 lays down the penalties which can be imposed upon an employee of the corporation. Clause 5 of Regulation 63 provides that punishment of reduction to a lower grade or post or to a lower stage to a time scale can be imposed upon an employee for good and sufficient reasons. Thus, reliance placed by appellant on circular dated 30.07.1993 is clearly misplaced.

7. Law is well settled that circular or executive instruction, issued by an administrative authority cannot override statutory provisions. When relevant statute permits imposition of a particular penalty upon an employee, then power to impose such penalty cannot be taken away by a circular or executive instruction.

8. The circular provides that punishments which are not enumerated in the relevant Service Regulations, should not be imposed by the Disciplinary Authority. The direction contained in the circular cannot be faulted, as only such penalties can be imposed upon an employee, as are permitted by law.

9. Thus, this Court do not find any reason to interfere in the matter. Special Appeal fails and is dismissed.