
(2011) 09 UK CK 0193

In the Uttarakhand High Court

Case No : Writ Petition No. (S/S) of 609 of 2010

Dinesh Kumar

APPELLANT

Vs

Uttarakhand State Road Transport Corporation and others

RESPONDENT

Date of Decision : 29-09-2011

Acts Referred:

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

Citation : (2011) 09 UK CK 0193

Hon'ble Judges : Sudhanshu Dhulia, J

Bench : Single Bench

Final Decision : Dismissed

Judgement

Hon"ble Sudhanshu Dhulia, J. (Oral)

1. Heard Mr. Gopal Narain, Advocate for the Petitioner and Mr. Lalit Samant, Advocate for the Respondents.

2. The Petitioner being an employee of Uttarakhand State Road Transport Corporation (from hereinafter referred to as "USRTC") and after having faced a disciplinary proceedings, was dismissed from service vide order dated 16.7.2010. It is this order, which has presently been challenged by the Petitioner before this Court.

3. The counsel for the Petitioner has argued, inter alia, that the punishment which has been imposed upon the Petitioner by the impugned order dated 16.7.2010 is disproportional to the charges against the Petitioner. The only charge against the Petitioner was that he was absent from the duties, on which an extreme punishment of dismissal from service has been passed. The Petitioner has relied upon a decision of Hon"ble Apex Court in Chairman cum Managing Director, Coal India Limited and Another Vs. Mukul Kumar Choudhuri and Others, .

4. All the same, before this Court could hear the matter, counsel for the USRTC

Mr. Lalit Samant has raised a preliminary objection that the Petitioner has not availed the remedy of appeal. Counsel for the Petitioner though has stated that the petition may be decided only on the grounds of disproportionality of punishment. However, since the Petitioner has still not availed the remedy of appeal under Regulation 69 of U.P. Road Transport Corporation Employees (other than officers) Service, Regulation, 1981, the matter is presently dismissed only on the grounds of alternative remedy. The pleadings regarding disproportionality of punishment can be raised by the Petitioner before the Appellate Authority.

5. The writ petition is hereby dismissed.

6. No order as to costs.