
(2010) 07 GUJ CK 0020

In the Gujarat High Court

Case No : Special Civil Application No. 9069 of 1994

G.S.R.T.C.

APPELLANT

Vs

Gandabhai Mohanbhai Rawal

RESPONDENT

Date of Decision : 28-07-2010

Acts Referred:

Citation : (2010) 07 GUJ CK 0020

Hon'ble Judges : K. S. Jhaveri, J

Bench : Single Bench

Advocate : Yogesh S. Lakhani, for the Appellant;

Final Decision : Dismissed

Judgement

K.S. Jhaveri, J.—By way of this petition, the petitioner has prayed to quash and set aside the judgment and award passed by the Industrial Tribunal, Ahmedabad in Reference (IT) No. 184/1992 dated 15.02.1993, whereby, the said reference was allowed and the order of punishment was substituted by imposing the penalty of stoppage of one increment without future effect.

2. The facts in brief are that on 15.07.1988 while the respondent was discharging his duties as a Driver, the Conductor of the bus left the bus on account of some unavoidable circumstances. The respondent drove the bus from one station to the other without any Conductor and had also not reported the said fact to the petitioner-Corporation. In connection with the said episode, inquiry was initiated against the respondent and ultimately, the penalty of stoppage of three increments with cumulative effect came to be imposed. The first appeal preferred by the respondent, against the said order of the disciplinary authority, came to be rejected. During the pendency of the second appeal, the respondent raised a dispute by way of Reference (IT) No. 184/1992, which was partly allowed, by way of the impugned award. Hence, this petition.

3. Heard learned Counsel for the petitioner and perused the documents on record. Though served, none appears on behalf of the respondent. It is the case

of the petitioner that the respondent was found guilty of serious irregularities/ misconducts on 16 different occasions in the past. However, the Default Card of the respondent has not been produced on record. In such circumstance, the Court could not believe the said say of the petitioner-Corporation.

4. After appreciating the evidence on record, the Tribunal found the punishment imposed by the disciplinary authority of the petitioner-Corporation to be highly disproportionate in comparison with the misconduct alleged to have been committed by the respondent. At the most, the misconduct alleged to have been committed can be said to be of a technical nature. There does not appear to be any intention on the part of the respondent to commit the alleged misconduct but, for the circumstances at the relevant time, the said episode took place.

5. Looking to the facts and circumstances of the case, in my opinion, the penalty imposed by the Tribunal is just and proper. I am in complete agreement with the reasonings given by and the findings arrived at by the Tribunal in the impugned award and hence, find no reasons to interfere with the same.

6. For the foregoing reasons, the petition is dismissed. Rule is discharged. Interim relief, if any, stands vacated.