
(2010) 08 GUJ CK 0202

In the Gujarat High Court

Case No : Special Civil Application No. 19027 of 2005

Gujarat State Road Transport Corporation

APPELLANT

Vs

Dinesh Pitambar Thakkar

RESPONDENT

Date of Decision : 11-08-2010

Acts Referred:

Citation : (2010) 08 GUJ CK 0202

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

Bench : Single Bench

Advocate : Hardik C. Rawal, for the Appellant; Bharat Jani, for the Respondent

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, Rajkot in Reference (IT) No. 126/1993 dated 18.01.2005, whereby, the order of punishment dated 18.04.1992 placing the respondent on the minimum scale of Conductor was set aside.

2. The facts in brief are that the respondent was charge-sheeted for disciplinary proceedings in relation to an incident that had occurred on 22.09.1985 where the respondent was allegedly found to have committed certain irregularities in the issuance of tickets. Ultimately, the disciplinary authority imposed the punishment of dismissal from service, vide order dated 16.04.1991. The first appeal filed before the appellate authority came to be rejected. In the second appeal, the appellate authority modified the punishment by imposing the penalty of placing the respondent on the minimum scale of Conductor.

3. Against the said order, the respondent raised a dispute, which was referred to the Industrial Tribunal, Rajkot for adjudication. The Tribunal, after hearing both the sides, allowed the reference by way of the impugned award. Hence, this petition.

4. Heard learned Counsel for the respective parties and perused the documents on record. The respondent was found guilty of serious irregularity/misconduct on

fifteen (15) different occasions in the past. Of these defaults, many defaults related to incidents of similar nature. In spite of being found guilty of similar defaults in the past, the respondent did not improve his behaviour and continued to commit such misconduct, which is highly unbecoming of a public servant.

5. Looking to the facts of the case and the past record of the respondent, I am of the opinion that the Tribunal ought not to have completely set aside the order of punishment, as it would amount to granting premium to a wrong-doer. In my opinion, if the penalty of stoppage of Three Increments with future effect is imposed on the respondent, the same would meet with the ends of justice. Orders accordingly. The impugned award stands modified accordingly. This order to be implemented within a period of six months from today. The petition stands disposed of accordingly. Rule is made absolute to the above extent with no order as to costs.