

(2010) 07 GUJ CK 0067
In the Gujarat High Court

Case No : Special Civil Application No. 1715 of 2004

Gujarat State Road Transport Corporation	APPELLANT
Vs	
Balakdas N. Laskari	RESPONDENT

Date of Decision : 28-07-2010

Acts Referred:

Citation : (2010) 07 GUJ CK 0067

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

Bench : Single Bench

Advocate : Ashish M. Dagli, for the Appellant; M.B. Parikh and Mukesh N. Vaidya, for the Respondent

Judgement

K.S. Jhaveri, J.—This petition is directed against the judgement and award dated 21st July 2003 passed by Industrial Tribunal, Bhavnagar, in Reference (IT) No. 73 of 1998 whereby the impugned penalty order was set aside and the petitioner was directed to pay all the consequential benefits to the respondent.

2. The respondent was serving as Conductor with petitioner Corporation. On 12th May 1994 it was found that he has committed irregularity of collecting fare without issuing tickets. Departmental inquiry was initiated against him which resulted in the dismissal of the respondent. The first departmental appeal preferred by the respondent came to be dismissed. The second appellate authority substituted the punishment of dismissal with placing the respondent on his original pay scale. The respondent therefore raised a dispute which was numbered as Reference (IT) No. 73 of 1998 before Industrial Tribunal, Bhavnagar. The Tribunal set aside the punishment order against which the present petition has been filed.

3. Heard the learned Advocates for the respective parties and perused the relevant documents on record. As a result of this exercise it is evident from the record that in the inquiry the guilt of the respondent was proved beyond doubt. The misconduct pertains to financial irregularity. There were as many as 23

misconducts on the part of the respondent which fact was not considered by the Tribunal and in spite of this fact without even imposing any penalty the punishment order was set aside. However, having considered the overall facts and circumstances and the fact that long service rendered by the respondent, the penalty of placing him on his original pay scale is too harsh. I am, therefore of the view that interests of justice would be met by imposing a penalty of stoppage of four increments with future effect.

4. In the premises aforesaid, a penalty of stoppage of four increments with future effect shall be imposed upon the respondent. The judgment and award of the Tribunal is modified accordingly. The award shall be implemented within a period of four months from today. Rule is made absolute accordingly with no order as to costs.