

(2010) 08 GUJ CK 0169

In the Gujarat High Court

Case No : Special Civil Application No. 8489 of 2010

Gujarat State Road Transport Corporation

APPELLANT

Vs

Manilal M. Vankar

RESPONDENT

Date of Decision : 25-08-2010

Acts Referred:

Citation : (2010) 08 GUJ CK 0169

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

Bench : Single Bench

Advocate : Sejal K. Mandavia, for the Appellant; Mrudul M. Barot, 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 dated 20th March 2010 passed by the Labour Court, Ahmedabad in Reference (LCA) No. 645 of 2007, whereby the Labour Court set aside the punishment imposed by the petitioner-Corporation.

2. The facts in brief are that the respondent-driver was charge-sheeted for disciplinary proceedings in relation to an incident that had occurred on 16th January 2004 where the respondent was allegedly found to have committed certain irregularities while driving. Ultimately, the disciplinary authority imposed the punishment of dismissal from service.

3. Against the said order of punishment, the respondent raised a dispute, which was referred to the Labour Court, Rajkot. The Labour Court, after hearing both the sides, allowed the reference partly 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 thirty-two (32) 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 five (5) 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 seven months from today. The petition stands disposed of accordingly. Rule is made absolute to the above extent with no order as to costs.