

(2009) 07 DEL CK 0491

In the Delhi High Court

Case No : Writ Petition (C) No. 7420 of 2009

Ram Chander, Conductor

APPELLANT

Vs

Delhi Transport Corporation

RESPONDENT

Date of Decision : 16-07-2009

Acts Referred:

Citation : (2009) 07 DEL CK 0491

Hon'ble Judges : S.N. Aggarwal, J

Bench : Single Bench

Advocate : Anil Mittal, for the Appellant; Saurabh Chadda, for the Respondent

Final Decision : Dismissed

Judgement

S.N. Aggarwal, J.

WP(C) No. 7420/2009

1. This writ petition filed by the workman (petitioner herein) is directed against an award dated 26.09.2008 passed by Shri Gurdeep Kumar, Presiding Officer Industrial Tribunal-II, Delhi confirming the penalty of stoppage of 2 increments with cumulative effect imposed by the management of Delhi Transport Corporation upon the petitioner for his proved mis-conduct with regard to the incident that took place on 13.08.1993 while the petitioner was on duty on Route No. 611 at Dhaula Kuan near Ram Lal Anand College.

2. Heard on admission.

3. The petitioner was employed as conductor in Delhi Transport Corporation (respondent herein). On 13.08.1993, he was on duty on bus No. DL-1P-9282, Route No. 611/6-A and when the said bus reached at Ram Lal Anand College, a scuffle took place between the boys and girls in the bus due to which a shameful incident took place but the petitioner did not make a call to the Central Control Room or took the bus to the police station. Due to this inaction on the part of the petitioner, the goodwill of the respondent Corporation allegedly suffered because

the incident was reported in the media pointing out lapse on the part of the Delhi Transport Corporation. The news item with regard to this incident was published in "Navbharat Times" of 16.08.1993 edition. The petitioner was charge sheeted vide charge sheet dated 20.08.1993. Domestic inquiry was held against him. In the inquiry, he was found guilty of charges levelled against him. The Disciplinary Authority, after considering the report of the Inquiry Officer and taking note of conduct of the petitioner, decided to impose the penalty of stoppage of 2 increments on the petitioner with cumulative effect.

4. Aggrieved by the penalty imposed upon the petitioner, the petitioner raised an industrial dispute which was referred by the appropriate Government for adjudication to the Industrial Tribunal. The Industrial Tribunal after following the due procedure and giving opportunity to both the parties and taking stock of the facts and circumstances of the case vide its impugned award dated 26.09.2008 came to the conclusion that the penalty of stoppage of 2 increments with cumulative effect imposed upon the petitioner is justified.

5. Mr. Anil Mittal, learned Counsel appearing on behalf of the petitioner, submits that this Court may consider this petition only on the quantum of punishment and in case, the Court deems appropriate, the penalty of stoppage of 2 increments with cumulative effect imposed upon the petitioner by the management of DTC be reduced to that of stoppage of 2 increments without cumulative effect.

6. I am not impressed with this argument advanced by the learned Counsel appearing on behalf of the petitioner. I am of the view that the Court should not interfere with the quantum of penalty imposed upon the delinquent employee by the management unless to the conscious of the Court, the penalty appears to be highly disproportionate. Once a delinquent employee is found guilty of charges levelled against him, then it is for the management to decide as to what appropriate penalty has to be imposed on him. However, liberty is granted to the petitioner to make a representation to the management of DTC for reconsideration of the penalty imposed on him and in case, any such representation is made by the petitioner, then the appropriate authority in DTC will decide the said representation within 6 weeks of receipt of the said representation as per rules applicable in this regard.

7. In view of the above, I do not find any merit in this petition which fails and is hereby dismissed in limine.