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**(1988) 09 AHC CK 0039**  
**In the Allahabad High Court**  
**Case No : Writ Petition No. 7541 of 1986**

Ram Kumar Yadav

APPELLANT

Vs

Assistant Regional Manager and Others

RESPONDENT

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**Date of Decision :** 16-09-1988

**Acts Referred:**

**Citation :** (1988) 09 AHC CK 0039

**Hon'ble Judges :** K.C.Agarwal, J and B.L.Loomba, J

**Final Decision :** Dismissed

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## Judgement

1. The petitioner, Ram Kumar Yadav, was appointed as conductor on January 7, 1981 and, as such, was posted at Sultanpur in Faizabad Region, His service was dispensed with on 7th January, 1981, but on representation being made, the petitioner was reinstated by the U.P. State Road Transport Corporation (hereinafter referred to as U.P.S.R.T.C.) on 7.12.1983. In 1986, the petitioner's bus was checked. In pursuance of the report of the checking staff, the petitioner was served with a chargesheet on 6.6.1985 for carrying passengers without ticket. Explanation was given by the petitioner. He was, however, found guilty and was terminated by the order dated 28.8.1985. The petitioner has challenged the said order by means of the present writ petition filed in October, 1986.

2. One of the grounds taken by the petitioner is that the authority terminating him had no power. As such, the said order was invalid. For the contention, the petitioner relied on a decision of this Court in Bhopal Singh v. Managing Director (1986 U.P.L.B. & E.C. p 634).

3. After the aforesaid decision, the State issued an Ordinance known as Uttar Pradesh State Road Transport Corporation Employees (other than Officers) (Appointing Authorities) Ordinance, 1987. This was converted into an Act, which came to be described as the U.P. Act No. 15 of 1987. Section 3 of the said Act validates the orders relating to termination passed by the authority other than those, which had the power to pass the orders.

This provides that ?.....no orders made, or actions or proceedings taken or jurisdiction exercised on or after June 19, 1981 by the officers authorised as appointing authorities shall be deemed to be illegal or void or to have become illegal or void merely on the ground that such authorised officers were not the appointing authorities.? The validity of the aforesaid Ordinance was challenged before a Division Bench of this court in Writ Petition No. 12382 of 1987 (Nagendra Prakash Sharma v. The Regional Manager, U.P. State Road Transport Corporation, Ghaziabad and others). The Bench upheld it to be valid and found that the defect in the order passed removing the manager involved in that case did not suffer from any error of law and, as such, order survived. This case admittedly covers the controversy raised before us directly.

4. In Shyam Singh v. U.P. State Road Transport Corporation, Lucknow (Writ Petition No. 533 of 1988) another Division Bench took the same view. It held that the order of removal from service passed earlier to the Ordinance had been revived. Consequently, there was no occasion for giving of a direction to hold a fresh enquiry.

5. These decisions cover the controversy fully. The petition is, therefore, liable to be dismissed along with other petitions, listed along with this petition.

6. In addition, in some of these writ petitions the points taken are that even if the authority dismissing the petitioner or punishing him is deemed to have the power on the date of passing of the order, since enquiry was not conducted in accordance with law, although before termination or reversion, the orders imposing punishment are invalid. We cannot go into this question as the petitioner has alternative remedy available to him.

7. The writ petition is dismissed. There is no order as to costs.

(Petition dismissed)