

(2000) 07 RAJ CK 0083
In the Rajasthan High Court
Case No : Civil Writ Petition No. 2919 of 1999

R.S.R.T.C. and Another

APPELLANT

Vs

Bhagwana Ram and Another

RESPONDENT

Date of Decision : 25-07-2000

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2001) 88 FLR 157 : (2001) 3 LLJ 1285 : (2001) 1 RLW 645 : (2000) 3 WLC 452 : (2001) 1 WLN 632

Hon'ble Judges : B.J. Shethna, J

Bench : Single Bench

Advocate : Sangeet Lodha, for the Appellant; R.S. Saluja, for the Respondent

Final Decision : Allowed

Judgement

Shethna, J.

(1). Heard the learned counsel for the parties.

(2). The respondent workman was working as a Conductor with the petitioner Corporation. He was found guilty for the charge of allowing passengers to travel without ticket for which, he was punished with stoppage of the increment with cumulative effect and to pay to the Corporation Rs. 500/- by way of financial loss incurred by it. However, the Labour Court passed the impugned award whereby the punishment of stoppage of one increment with cumulative affect and order of Rs. 500/- was modified and in place of it, stoppage of one increment without cumulative effect was ordered and the order was Rs. 500/- was also set aside.

(3). This has been challenged by the petitioner corporation by way of this petition.

(4). The Labour Court found that there was a thorough enquiry and after following all the procedure, he was found guilty and accordingly punished. In that case, it was not open to the Labour Court to modify the punishment order. In

fact, punishment of stoppage of increment with cumulative effect and to pay Rs. 500/- itself was lintent, therefore, It should not have been interfered with by the Labour Court.

(5). Hence, the impugned award passed by the Labour Court is required to be disturbed by this Court in its supervisory jurisdiction under Article 227 of the Constitution.

(6). On peculiar facts and circumstances of this case, learned counsel Mr. Saluja was hardly in a position to support the award. In fact, there are series of judgments of the Hon"ble Supreme Court as well as this Court on the point that the Labour Court or the Tribunal can interfere with the punishment only If it is highly disproportionate to the mis-conduct, which is not the case here.

(7). In view of the above, this petition is allowed, the impugned award dated 3.6.98 (Annex.1) is hereby quashed and set aside. The net result is that the punishment imposed by the Corporation against the respondent workman for the mis-conduct committed by him is restored.

(8). Stay petition is also disposed of.