

(2000) 11 RAJ CK 0050
In the Rajasthan High Court
Case No : C.W.P. No. 4962 of 1999

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

APPELLANT

Vs

Magha Ram and Another

RESPONDENT

Date of Decision : 27-11-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2002) 4 LLJ 680 : (2001) WLC 208

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

Bench : Single Bench

Final Decision : Dismissed

Judgement

B.J. Shethna, J.—Is it necessary for this Court to exercise its supervisory jurisdiction under Article 227 of the Constitution in each and every case? This is the short question to be answered in this petition.

2. Having regard to the peculiar facts and circumstances of the case, the answer is that this Court is not bound to interfere with each and every case, particularly when substantial justice is done in the matter to the respondent workman by the Labour Court while passing the award.

3. The petitioners Rajasthan State Road Transport Corporation and its Chief Manager have challenged in this petition the impugned award at Annexure 1 dated December 17, 1998 passed by the Industrial Tribunal, Bikaner whereby, the Tribunal modified the penalty of withholding of two annual grade increments with cumulative effect to one without cumulative effect.

4. The misconduct for which the penalty of withholding of two annual grade increments with cumulative effect and censure was imposed that being the Conductor of the Bus he allowed two passengers to travel without tickets. The charge sheet was submitted way back on March 17, 1978. The Inspectors did not find him guilty and recovered the amount from the passengers. However, in spite of this, he was found guilty for allowing two passengers to travel without tickets

and accordingly, by an order dated August 4, 1980 the aforesaid penalty was passed. For some or the other reason the reference could be made only on August 24, 1996 before the Industrial Tribunal, Bikaner. The Tribunal by its award dated December 17, 1998 modified the penalty as stated earlier.

5. In view of the peculiar facts and circumstance of the case, I am of opinion that petitioners ought not to have challenged such an award passed by the Tribunal. It is different case workman has not challenged the impugned award passed by the Tribunal. If he had challenged the same then perhaps this Court would have interfered with the award and also the order of penalty in view of the fact that the Inspectors have not found him guilty and recovered the amount from the passengers, who were travelling without tickets. However, it was stated at the Bar by the learned counsel Shri Chaudhary for the respondent workman that respondent workman has not challenged the impugned award as he was satisfied with the order of penalty modified by the Tribunal.

6. In view of the above, I am of the opinion that though there may be some substance in the submissions of Mr. Lodha that Tribunal could not have modified the order of penalty, but I do not want to interfere with such award when substantial justice is done to both the employer as well as the employee workman.

7. In a recent Supreme Court Judgment, it has been held by the Supreme Court that High I Courts are not bound to interfere with each and every case even though there may be some substance in the matter.

8. Under the circumstances, I am not inclined to exercise my supervisory jurisdiction in this case looking to the fact that the respondent workman has sufficiently suffered for all these times i.e. for a period of 22 years. The mental agony which he has undergone is sufficient for this Court not to interfere with the award passed by the Tribunal.

9. In view of the above discussion, this petition fails and is hereby dismissed. Stay petition is also dismissed.