

(2000) 07 RAJ CK 0069
In the Rajasthan High Court
Case No : Civil Writ Petition No. 162 of 1996

R.S.R.T.C., Parivahan Marg, Jaipur

APPELLANT

Vs

Madanlal and Others

RESPONDENT

Date of Decision : 20-07-2000

Acts Referred:

Constitution of India, 1950 — Article 227

Citation : (2002) 4 LLJ 689 : (2001) 1 RLW 185 : (2000) 3 WLN 109

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

Bench : Single Bench

Advocate : Vivek Gupta, for the Appellant; K.S. Yadav, for the Respondent

Final Decision : Dismissed

Judgement

Shethna, J.

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

(2). The respondent workman while working as driver with the petitioner corporation was punished with stoppage of one increment with cumulative effect on the charge that when the bus was checked on 8.1.1981 and 14.1.1981 by the checking party it was found that some passengers were travelling without tickets. Without supplying the copy of enquiry report the penalty was imposed. On the reference made before the Labour Court, it was partly accepted and the order of penalty of stoppage of one increment with cumulative effect was modified and reduced to stoppage of one increment without cumulative effect on 14.11.1994. The same is challenged in this petition by the petitioner corporation.

(3). It was submitted that Labour Court has no powers to reduce the penalty. On peculiar facts of this case, I am of the opinion that the order, of penalty itself was not maintainable and it was required to be set aside, but the same was never challenged by the respondent workman, therefore, I am not required to go into that.

(4). Be that as it may. In the instant case when the Labour Court exercised its discretion and modified the punishment order then I do not see any reason to interfere with the same in my supervisory jurisdiction under Article 227 of the Constitution of India.

(5). Infact, I am of the confirmed opinion that in such type of trival cases the corporation should not make it as a prestige issue and file petition before this Court. This is nothing but simply wastage of time of every one including corporation, the other side and of this Court.

(6). With these observations, this petition is dismissed.