

(2010) 03 DEL CK 0286

In the Delhi High Court

Case No : Writ Petition (C.) No. 1324 of 2010

Sh.Brahm Prakash, Assistant Welder

APPELLANT

Vs

Delhi Transport Corporation

RESPONDENT

Date of Decision : 05-03-2010

Acts Referred:

Citation : (2010) 03 DEL CK 0286

Hon'ble Judges : Mool Chand Garg, J;Anil Kumar, J

Bench : Division Bench

Advocate : Anil Mittal, for the Appellant; S. Sharma, for the Respondent

Final Decision : Dismissed

Judgement

Anil Kumar, J.—The petitioner has challenged the penalty of stoppage of next annual increment with cumulative effect imposed upon him pursuant to the disciplinary proceedings which had been challenged by him in OA No.3431 of 2009, titled Sh.Brahm Prakash v. Delhi Transport Corporation before Central Administrative Tribunal, Principal Bench, which has been dismissed by order dated 26th November, 2009 which order is challenged by the petitioner in the present writ petition before this Court.

2. The allegation against the petitioner was that without justification he had refused to carry out an order in the course of his duty. On 4th July, 2008, he was asked by Assistant Foreman to weld an axel shaft which was declined by him on the ground that he was not a welder but only an Assistant Welder. The petitioner had a grouse about positioning unqualified and inexperienced persons above him and consequently he had declined to carry out the work entrusted to him.

3. Charge memo was issued to him and enquiry Officer after following the due process had found the charges against the petitioner made out. The enquiry officer had declined to rely on the statement of the witness of the petitioner, Mr.Yogesh, deposing that it was tea time and the petitioner was not asked by the Foreman to do the work. It was rather suggested on behalf of the petitioner that

the incident had not taken place at all as alleged.

4. After considering the respective depositions, the Inquiry Officer had held that the petitioner had failed to carry out an order in the course of his duties and on the basis of preponderance of probabilities held against the petitioner and had declined to accept his version that the incident had not taken place.

5. The Disciplinary Authority awarded the penalty of stoppage of next one annual increment with cumulative effect. The learned counsel for the petitioner has failed to make out a case that the findings of the Inquiry Officer are based on no evidence or suffers from such irregularity or illegality which would require any interference of this Court. The learned counsel for the petitioner has also failed to make out a case that punishment awarded to the petitioner is excessive in any manner.

6. Therefore, in the present facts and circumstances, for the foregoing reasons, there are no grounds to interfere with the order of the Tribunal dismissing the petition challenging the order of Disciplinary Authority imposing a penalty of stoppage of next one annual increment with cumulative effect.

7. The writ petition is without any merit and it is, therefore, dismissed.