

(2003) 03 GAU CK 0035
In the Gauhati High Court
Case No : W.A. No. 542 of 2002

Sibanath Deuri

APPELLANT

Vs

Assam State Transport Corporation and Others

RESPONDENT

Date of Decision : 06-03-2003

Acts Referred:

Citation : (2003) 3 GLR 10 : (2003) 3 GLT 21 : (2004) 1 LLJ 475

Hon'ble Judges : P.P. Naolekar, C.J;Ranjan Gogoi, J

Bench : Division Bench

Advocate : Y.K. Phukan, D. Das, M. Lahkar and B. Mazanka, for the Appellant;
U. Baruah, for the Respondent

Final Decision : Dismissed

Judgement

1. The petitioner-appellant, who was a Conductor in the Assam State Transport Corporation, was charge-sheeted for carrying 17 passengers without ticket after collecting fares from them. He was also charge-sheeted that he has been penalised departmentally on four earlier occasions with punishment such as stoppage of annual increments, severe warnings, etc. In spite of repeated warnings he had failed to rectify himself and again involved in the present case of misappropriation of Corporation money by deliberately carrying 17 passengers without tickets on 30.12.1999. After conduct of necessary enquiry, charges framed were found to be true and as a result thereof, he was removed from service by order dated 10.12.2001. Aggrieved by the said order, the petitioner-appellant, instead of going to the Labour Court, directly approached the High Court by filing the writ petition.

2. The only contention raised before the learned Single Judge as well as before us is that the imposition of punishment for the allegations found to be true against the petitioner-appellant are disproportionate. The punishment should commensurate with the offence found to have been committed by the petitioner. For this purpose, it is sufficient to say that the Corporation's income is solely based on the money received from the passengers who travel in their buses. For

collecting the fare money, the Conductor is the only person who is present in the bus. There is no direct control over the Conductor while the bus is in motion and the Conductor collects fare from the passengers. Thus, the Conductor of the bus holds a very important position in the Corporation. So far as the financial gains of the Corporation are concerned, the Conductor is supposed to discharge his duties at great caution and with utmost sincerity and honesty. The defalcation of money of the tickets issued by the Conductor is a very serious misconduct for which due punishment of removal from service is the only appropriate punishment. Besides this, it has been proved that he has been punished departmentally four times and various punishments in the nature of censure, warnings, withdrawal of annual increments, etc., were issued against him. Yet he has not amended his conduct and indulged in the activities which are detrimental to the interest of the Corporation.

3. In the circumstances, we do not find any disproportion in the imposition punishment on the petitioner-appellant. The appeal is without substance and is dismissed.