
(2000) 05 SC CK 0037

In the Supreme Court Of India

Case No : Civil Appeal No. 3240 of 2000 (Arising out of SLP (C) No. 84 of 2000)

U.P.S.R.T.C. and Others

APPELLANT

Vs

Ram Chandra Yadav

RESPONDENT

Date of Decision : 05-05-2000

Acts Referred:

Citation : AIR 2000 SC 3596 : (2000) AIRSCW 3946 : (2000) 86 FLR 776 : (2000) 8 JT 198 : (2000) 2 OLR 298 : (2000) 9 SCC 327 : (2001) SCC(L&S) 79 : (2000) 3 UPLBEC 2152 : (2000) 3 UPLBEC 2151

Hon'ble Judges : U. C. Banerjee, J;G. B. Pattanaik, J

Bench : Division Bench

Final Decision : Allowed

Judgement

G.B. Pattanaik, J.—Leave granted.

2. The only question that arises for consideration in this appeal is whether the learned Single Judge of Allahabad High Court was justified in coming to the conclusion that there has been a violation of the principle of natural justice, in course of the departmental proceeding, and on that score was justified in interfering with an order of termination of service by the departmental authority. It transpires that the respondent, a conductor under the UP. State Road Transport Corporation faced a departmental proceeding on a set of charges, and in course of enquiry, several witnesses were examined in support of the allegations of charges that delinquent was to meet. On the basis of the evidence, the departmental authority came to the conclusion that the charges have been established, and as such inflicted the punishment of termination. The delinquent respondent assailed the legality of the said order of punishment by filing a Writ Petition in Allahabad High Court. The High Court came to the conclusion that the names of the witnesses, who had been examined on a particular date, were really not the witnesses for that date, though, their names had been given to the delinquent earlier, and this procedure adopted must be held to be a violative of principle of natural justice, and the delinquent must be held to have been denied

of the opportunity of defending upon himself, and therefore, the enquiry is vitiated, and the order is also vitiated. The learned Single Judge having allowed the Writ Petition, the Corporation went in appeal to the Division Bench, but the Division Bench held that appeal not to be maintainable, and therefore, the Corporation has approached this Court.

3. It is contended before us by the learned Counsel appearing for the Corporation that the witnesses, who were, in fact, examined on 18th February, the names of those witnesses had already been intimated to the delinquent, but they could not be examined on the earlier date, and were, in fact, examined on 18th February, and therefore, the names having been made known to the delinquent, it cannot be contended that the delinquent was denied of an opportunity, and High Court was in error in coming to the conclusion that there has been a violation of principle of natural justice . The learned Counsel for the respondent, on the other hand, contended that a list of witnesses for being examined on 18th February having been filed and those witnesses not having been examined, but some other witnesses, who were scheduled to be examined earlier, was examined, and the delinquent was not permitted to get an adjournment, the High Court was justified in coming to the conclusion, that there has been a violation of principle of natural justice.

4. Rules of natural justice are not embodied rules. The question whether in a given case the principles have been violated or not has to be found out on consideration as to whether the procedure adopted by the appropriate authority is in accordance with law or not , and further whether the delinquent knew what the charges he is going to meet. In other words, what is required to be examined is whether the delinquent knew the nature of accusation, whether he has been given an opportunity to state his case and whether the Tribunal has acted in good faith. If these requirements are satisfied then it cannot be said that the principle of natural justice has been violated. In the case in hand, it is not disputed that the witnesses were examined on 18th February. The names of those witnesses had already been intimated to the delinquent on an earlier occasion, but they could not be examined on an earlier occasion, and on the date they were examined, some other witnesses, names were there in the list to be examined . In our opinion, this would not constitute a violation of the principle of natural justice, and High Court was totally in error in interfering with the conclusion of the departmental authority on the ground that there has been violation of principle of natural justice. In the aforesaid premises, the impugned judgment of the learned Single Judge of Allahabad High Court is set aside and the appeal is allowed.