

(2005) 03 AHC CK 0049

In the Allahabad High Court

Case No : Civil Misc. Writ Petition No. 5107 of 2002

Vijay Kumar Paliwal

APPELLANT

Vs

Presiding Officer, Labour Court IV, Regional Manager,
U.P.S.R.T.C. and Mandaliya Pradhan Prabandhak, U.P.S.R.T.C.

RESPONDENT

Date of Decision : 17-03-2005

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2005) 6 AWC 5622 : (2005) 106 FLR 504

Hon'ble Judges : Rakesh Tiwari, J

Bench : Single Bench

Advocate : Yar Mohammad and V.K. Jaiswal, for the Appellant; M.M. Sahai and S.C., for the Respondent

Final Decision : Dismissed

Judgement

Rakesh Tiwari, J.—Heard counsel for the parties and perused the record.

2. This writ petition has been tiled against an award dated 30.1.2001 passed by the Labour Court IV, U.P., Kanpur in Adjudication Case No. 106/98; order dated 14.12 1995 passed by the Mandahya Pradhan Prabandhak; and punishment order dated 6.7.1995 passed by the Regional Manager.

3. The case of the petitioners, in brief, is that he was appointed as a Driver in Etawah Depot of the U.P. State Road Transport Corporation (U.P.S.R.T.C) in 1989. He was suspended on 26.6.1992 on the allegations that due to his negligent driving Bus No. 75/1308 collided with a railing on 21.5.1992 on Etawah-Delhi-Meerut route causing loss of Rs. 8267/- to the Corporation and also for causing damage to Bus No. 2381 on 19.6.1992 and Bus No. 4018 on 25.6.1992.

4. The petitioner denied the charges in his reply dated 20.9.1992. Thereafter an enquiry was held and notice was issued to him calling upon him to show cause as to why he should not be removed from service withholding his pay for the period of suspension. The petitioner submitted his reply to the show cause notice by

means of letter dated 8.8.1994. By order dated 6.7.1995 passed by the Regional Manager the petitioner was removed from service and recovery of Rs. 6767/- was also ordered to be made from him for the loss caused by him to the Corporation. Aggrieved by the order dated 6.7.1995 the petitioner filed an appeal before the Mandaliya Pradhan Prabandhak on the ground that the vehicle was not fit to be driven. The appeal of the petitioner was dismissed by the Mandaliya Pradhan Prabandhak vide order dated 14.12.1995 on the ground that if no fitness certificate was given of the vehicle, the petitioner ought not have taken out the same on road and the petitioner had fled away from the place of accident showing that he was guilty. -Again aggrieved by the order of termination the petitioner raised an industrial dispute. On conciliation proceedings having failed the State Government referred the dispute to the Labour Court, Kanpur for adjudication. The English translation of the reference made to the Labour Court, Kanpur is as under: -

"Whether the punishment awarded by the employers by order dated 6.7.1995 the petitioner-workman Vijay Kumar Paliwal S/o Sri Misri Lal Paliwal, Ktawah Depot is justified and/or legal? If not, to what benefit/compensation (relief) is he entitled it and with what other details?

5. On receipt of summons the parties filed their written as Well as rejoinder statements. They also led evidence. The Labour Court by the impugned award dated 30.1.2001 held that the order dated 6.7.1995 awarding punishment to the petitioner was just and legal and that he was not entitled to any relief. The Labour Court further held that from the appreciation of pleadings and evidence led by the parties it was established that the petitioner-workman was negligent in driving the vehicle and he had caused damage to three buses on three different occasions, which proved that he was habitual of negligent driving. The Labour Court concluded its finding by holding that the petitioner-workman was guilty of the charges levelled against him and the Corporation cannot take work from such a negligent driver endangering the lives of passengers. The Labour Court further held that the recovery of damages and the punishment awarded to him was proper and justified.

6. The counsel for the petitioner could show no illegality or infirmity in the impugned award. I have also given my anxious thought to the pleadings and evidence and have perused the record. The Labour Court has come to a definite conclusion that the workman is a negligent driver and has caused damage tip three different busses on three different occasions. A driver is responsible for lives of passengers arid station the bus as well as persons on road. Such a person cannot be entrusted with a vehicle endangering lives of others. The punishment awarded to the workman is just and proper in the facts and circumstances of the case and the findings of the court below do not require any interference under Article 226 of the Constitution.

7. The petition is accordingly dismissed. No order as to costs.