

IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 2339 of 2013 (M/S)

Uttarakhand Transport Corporation and another
.....Petitioner

Versus

Om Pal Singh
.....Respondent

Mr. Vinay Kumar, Advocate holding brief of Mr. Ashish Joshi, Advocate for the petitioner.

Mr. Alok Dalakoti, Advocate for the respondent.

Hon'ble Alok Singh, J. (Oral)

Present petition is filed assailing the award dated 15.05.2013, passed by the Labour Court, Haldwani whereby respondent was directed to be reinstated with all consequential benefits.

Brief facts of the present case, inter alia, are that respondent was Conductor in U.P.S.R.T.C.; he was on duty in Bus No. U.P.-02/6380 on route Kichha to Rudrapur on 19.05.1997; Traffic Inspector stopped and checked the bus and on checking, it was found that 13 passengers were traveling without ticket; in the waybill starting station of other passengers were although recorded, however, final destination of other passengers were not written; on being asked, respondent Conductor told to the Traffic Inspector that he had already issued one common ticket to all 13 passengers, however, due to shortage of time, he could not write in the record about the one common ticket of 13 passengers as well as destination of the other passengers. Departmental inquiry was initiated and respondent was found guilty for the alleged mis-conduct of allowing 13 passengers to travel without tickets; respondent was dismissed from the services vide order dated 05.10.1999; on the representation of the respondent, matter was referred to the Labour Court; learned Labour Court has passed the impugned award reinstating the respondent with all consequential benefits. Feeling aggrieved, employer petitioner herein has approached this Court by way of present writ petition.

I have heard Mr. Vinay Kumar, Advocate holding brief of Mr. Ashish Joshi, Advocate for the petitioner and Mr. Alok Dalakoti, Advocate for the respondent and have carefully perused the record.

Undisputedly, respondent was on duty as Conductor in Bus No. U.P.-02/6380 on route Kichha to Rudrapur; after one kilometer from Kichha, bus was stopped by the Traffic Inspector and checking / inspection was carried out in the Bus; 13 passengers were found travelling without tickets.

Respondent Conductor does not dispute that 13 passengers were traveling without ticket in the bus. He, however, states that he had taken the money from all the 13 passengers and had prepared one common ticket for all 13 passengers and he was in the process of filling up the record and meanwhile bus was checked and passengers were found traveling without ticket.

Defence / explanation of the respondent was rightly disbelieved in the Departmental inquiry. In my considered opinion, issuance of one common ticket for 13 independent passengers seems to be highly doubtful.

In my considered opinion, allowing the passengers to travel without ticket is a serious misconduct for which dismissal from the service seems to be totally justified.

Learned Labour Court has not assigned any valid reason to come to the contrary to the view taken by the Disciplinary Authority. Therefore, impugned award does not sustain in the eyes of law.

Consequently, writ petition is allowed. Impugned order is set aside.

(Alok Singh, J.)

Dated 26th September, 2014

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