

Court No. - 1

Case :- WRIT - A No. - 1495 of 2024

Petitioner :- U.P. State Tourism Development Corporation Ltd. Lko. Thru. Its Chairman And Another

Respondent :- Dilip Kumar Shukla And Another

Counsel for Petitioner :- Nishant Shukla

Counsel for Respondent :- Manish Mishra

Hon'ble Attau Rahman Masoodi,J.

Hon'ble Brij Raj Singh,J.

1. Heard learned counsel for the petitioners.
2. The instant writ petition is directed against the judgement/order passed by the U.P. State Public Service Tribunal vide order dated 31.05.2023 whereby claim petition filed by opposite party no.1 against a special censure punishment awarded vide order dated 17.10.2016 was allowed and the order of punishment was set aside.
3. Learned counsel for the petitioners has argued that learned Tribunal while allowing the claim petition has specifically observed that the inquiry against the opposite party no.1 was not held according to the procedure as prescribed and secondly the punishment imposed upon the delinquent employee not being specified under the U.P. Public Services (Tribunal) Rules,1992 was thus without authority of law.
4. It is thus urged that once the tribunal itself had noticed discrepancy in the inquiry proceedings, the matter ought to have been remitted to the appointing authority for holding the enquiry as per the procedure prescribed afresh. The argument put-forth before us is attractive but on an empirical consideration of the judgement impugned herein, we find that the loss alleged to have been caused to the Corporation is not a loss which may have actually occurred but is rather an estimation of negligence attributed against the conduct of the delinquent employee. Insofar as the imposition of punishment of special censure is concerned, the same admittedly is not prescribed under the rules whereunder the employee was proceeded against.
5. We would have granted the liberty of proceeding

against the delinquent employee afresh but the nature of allegations being only the dereliction of duty coupled with the clear indication that a minor punishment was imposed, hence reopening of the proceedings for no purpose would not be just and proper in the facts and circumstance of the case.

6. We find no error with the impugned judgement rendered by the Public Service Tribunal in the given facts and circumstances of the case which though a possible view, cannot be faulted with, hence the writ petition bereft of any merit is accordingly dismissed.

7. It is however open to the petitioners to make compliance of the order passed by the tribunal within a period of three months and to this extent the judgement passed by the Tribunal is modified.

Order Date :- 29.2.2024

Shahnaz