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Het Ram Vs. Dy. General Manager, U.P.S.R.T.C. and ors.

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Court : Allahabad

Decided On : Aug-21-2002

Reported in : 2002(4)AWC3293; (2002)3UPLBEC2781

Judge : Rakesh Tiwari, J.

**Acts : Uttar Pradesh Industrial Disputes Act, 1947 - Sections 2(3) and 4K;
[Constitution of India](#) - Article 226**

Appeal No. : C.M.W.P. No. 16145 of 1991

Appellant : Het Ram

Respondent : Dy. General Manager, U.P.S.R.T.C. and ors.

Advocate for Def. : D.K.S. Rathore, Adv.

Advocate for Pet/Ap. : H.M. Srivastava, Adv.

Judgement :

Rakesh Tiwari, J.

1. Heard counsel for the parties and perused the record.

2. The petitioner was working as Conductor in U. P. State Road Transport Corporation and was posted at Mathura. He was served with a charge-sheet dated 20.12.1989, for committing certain misconduct. After holding domestic enquiry, the

charges against the petitioner were found to be proved. An order of dismissal dated 23.4.1990 was passed by the Regional Manager, U. P. S.R.T.C., Agra and was confirmed by the Deputy General Manager, U.P.S.R.T.C., Meerut Zone, Meerut, vide order dated 28.3.1991.

3. This writ petition raises questions of facts which can be adjudicated only after appraisal of oral documentary evidence. This Court cannot sit in appeal over the punishment awarded by the disciplinary authorities and questions of facts can be decided by a labour court or by means of other machineries such as arbitration or conciliation as provided under the U. P. Industrial Disputes Act, 1947. As held in Chandrama Singh v. Managing Director, U. P. Co-operative Union and Ors., 1991 (2) AWC 1005 : 1991 (63) FLR 478, the petitioner has an efficacious and alternate remedy of approaching the labour court.

4. The petitioner may move an application before the concerned Regional Conciliation Officer/Deputy Labour Commissioner, who shall try to bring the parties to a re-conciliation. If no settlement is arrived at in the conciliation proceedings, the matter in dispute would be referred by him to the labour court. On receiving such reference, the labour court will fix a date of filing of the written statement within 2 weeks and decide the reference according to procedure prescribed and time frame under Rule 12 of the U. P. Industrial Disputes Rules, 1957 and adjudicate preferably within four months from the date of receipt of reference and for this purpose the hearing may ordinarily be continued day-to-day as provided under Rule 12 (4) of the said Rules.

5. With the aforesaid directions, the writ petition is disposed of.

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