

Uttar Pradesh State Road Transport Corporation Through Its Regional Manager Vs. Ramveer Singh S/O Swaroop Singh,

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Court : Allahabad

Decided On : Nov-30-2007

Reported in : [2008(116)FLR1041]

Judge : Rakesh Tiwari, J.

Appellant : Uttar Pradesh State Road Transport Corporation Through Its Regional Manager

Respondent : Ramveer Singh S/O Swaroop Singh, ;labour Court and ;state of Uttar Pradesh Through Collector

Judgement :

Rakesh Tiwari, J.

1. Heard Counsel for the parties and perused the record. This writ petition has been filed for quashing the impugned award dated 19.1.2000 passed by the Labour Court, Agra.

2. The facts of the case are that while the workman was on duty in Bus No. U.P. 80-A 9412 on 20.8.1995, it was checked and 27 passengers were found without tickets after departmental proceedings enquiry report was submitted by the Enquiry Officer on 12.2.96 finding the charge of carrying 27 passengers without tickets not proved against the workman. A show cause notice was however, issued to the workman proposing punishment of dismissal from service as the then competent authority disagreed with the report. Thereafter he was removed from service vide order dated 30.11.1996. The representation of the workman against the order of removal dated 30.11.96 was also rejected by the Chief Manager on 25.7.2007.

3. The workman raised an industrial dispute, which was referred to the Labour Court, Agra by the Conciliation Officer, which was registered as Adjudication Case No. 367 of 1998.

4. The case of the workman before the Labour Court was that he was suffering from pain in right hand and was unable to do duty and had applied for leave which was refused by the authorities compelling him for duty on the bus aforesaid while the bus was proceeding to its destination. In the way another bus of the Corporation which developed some technical fault was standing. The passengers of the aforesaid bus boarded the bus which was being conducted by the workman concerned and he took fare from them but was not able to fill up the way bill etc. due to injury in his left finger. In the mean time, the bus was inspected and it was found that 27 passengers were traveling in the bus for which the money had been taken by the respondents without issuing tickets to them.

5. The case of the employer before the Labour Court was that the workman had accepted the money therefore, he was obliged to issue tickets. If he had any problem due to the injury in filling up the way bill, he could not have issued the tickets and informed the authorities in this regard.

6 The enquiry conducted by the employer was found to be fair and proper by the Labour Court which has

given benefit of doubt to the workman accepting his case that due to injury in his hand he would not fill up the way bill. The workman was directed to be reinstatement in service with 50% back wages.

7. The Counsel for the petitioner has contended that if the workman could have accepted the fare and counted money he could have issued the tickets also and that this fact has neither been explained by the workman nor considered by the Labour Court. Even if the benefit of doubt is given to the workman for not filling up the waybill yet there is no explanation why the workman could have accepted the money and could not have issued the tickets to the passengers.

8. The Counsel for the respondents also could not give any explanation why tickets were not issued when inspite of said enquiry the workman would count the fare which he had accepted for issuance of tickets as he had only to tear the tickets of right direction from the clip board and hand it to the petitioner.

9. After hearing the Counsel for the parties and on perusal of record I find considerable force in the contention of the Counsel for the petitioner. However, since the workman has already been reinstated in service by the employers pursuant to award the Labour Court has found that the explanation given by the workman for not filling up the way bill was plausible and also considering the fact that the Enquiry Officer has also submitted report in favour of the petitioner, this Court is not interfering in the reinstatement of the workman. However, since there is a showing case against the workman of not issuing the tickets to the passengers which he could have done. The ends of justice would meet, if the award is modified to the extent that the workman is held not entitled to back wages as directed by the Labour Court.

10. The writ petition is accordingly partly allowed modifying the award to the extent that the workman shall not be entitled to any back wages. No order as to costs.

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