

IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

LPA No.558 of 2026
Decided on : 28.09.2026

The HRTC and Ors.

...Appellants

Versus

Pritam Singh

...Respondent

Coram

Hon'ble Mr. Justice G.S. Sandhawalia, Chief Justice.

Hon'ble Mr. Justice Bipin Chander Negi, Judge.

Whether approved for reporting?

For the appellants : Mr. Virender Singh Kanwar, Advocate.

Bipin Chander Negi, Judge

Present appeal has been preferred against the judgment dated 14.10.2025, whereby CWPOA No.6860 of 2020, titled Pritam Singh vs HRTC and Ors preferred by the respondent/writ petitioner has been allowed. As a result whereof the order of removal from service dated 15.01.2016 passed against the present respondent/writ petitioner, and the subsequent office order dated 09.02.2018 passed by the Appellate Authority-cum-Divisional Manager, HRTC, Dharamshala, rejecting the appeal preferred by the present respondent/writ petitioner, have been quashed and set aside. Further the appellant-Corporation has been directed to reinstate the respondent/writ petitioner on or before

31.12.2025, and the period from removal, i.e. 15.01.2016, till reinstatement on or before 31.12.2025 has been ordered to be treated as duty period with full pay and allowances, as contemplated under Fundamental Rule 54(1) or other enabling provisions.

2. The respondent/writ petitioner was engaged as a driver on 15.05.2002 on contract basis at Taradevi (Shimla). While plying the bus from Chandigarh to Pathankot on 19.09.2013, the respondent/writ petitioner met with an accident with a motorcycle. Both persons riding the motorcycle died. Qua the aforesaid accident, FIR No.39 dated 20.09.2013 under Sections 279, 304A, and 427 of the Indian Penal Code (IPC) was registered at Police Station Talwara.

3. On completion of investigation, challan was presented. The respondent/writ petitioner faced trial before the learned Judicial Magistrate First Class, Mukerian. On completion of trial, the respondent/writ petitioner was held guilty under Sections 279 and 304A of the IPC. Accordingly, the respondent/writ petitioner was convicted and sentenced to undergo rigorous imprisonment for six months under

Section 279 of the IPC, and rigorous imprisonment for two years and a fine of Rs.1,000/- under Section 304A of the IPC.

4. Revision preferred against the judgment of conviction passed by the learned Judicial Magistrate First Class, Mukerian, was dismissed. The conviction of the respondent/writ petitioner was upheld, however, the sentence was reduced to six months under Section 304A IPC on 27.11.2015 by the learned Single Judge of the Hon'ble High Court of Punjab and Haryana at Chandigarh.

5. During imprisonment, the respondent/writ petitioner was served with a show-cause notice dated 08.12.2015 for imposition of departmental penalty of removal from service on the basis of the judgment dated 27.11.2015 passed by the learned Single Judge of the High Court of Punjab and Haryana in the revision petition preferred by the respondent/writ petitioner against the judgment of conviction passed by the learned Judicial Magistrate First Class, Mukerian. The receipt of the show-cause notice has been admitted, however, no reply could be filed as, in custody/jail, the respondent/writ petitioner could not contact his counsels, nor were any documents available with the respondent/writ

petitioner in jail. In the aforesaid backdrop, order of removal dated 15.01.2016 was passed by the Deputy Divisional Manager, HRTC, Pathankot Unit.

6. Appeal against the office order of removal dated 15.01.2016 was preferred by the respondent/writ petitioner, the same is dated 23.03.2017. Since there was inaction on the part of the appellants to decide the appeal, so preferred, the respondent/writ petitioner was forced to file Original Application bearing No.5996 of 2017, wherein, vide order dated 11.12.2017, the erstwhile Tribunal directed appellant No.2 to decide the appeal as expeditiously as possible, but not later than one month. In pursuance thereto, the respondent/writ petitioner was called for a personal hearing on 06.02.2018. Thereafter, vide order dated 09.02.2018, the appeal preferred by the respondent/writ petitioner was dismissed.

7. In the response filed before the learned Single Judge, the appellants herein have contended that after being convicted by the High Court of Punjab and Haryana vide judgment dated 27.11.2015, a show-cause notice bearing No.8010 dated 08.12.2015 for imposition of penalty was duly

served on the respondent/writ petitioner on 09.12.2015. The respondent/writ petitioner is stated to have not filed any reply thereto, meaning thereby that the respondent/writ petitioner had given his acquiescence to the imposition of penalty of removal from service.

8. Further, it is contended in the reply filed by the appellants before the learned Single Judge that there was no need to conduct a departmental enquiry because a precondition of holding a departmental enquiry is that there must be at least a *prima facie* case which is required to be inquired into. Since in the case at hand, the respondent/writ petitioner had been convicted by the Hon'ble High Court of Punjab and Haryana under Sections 279 and 304A of the IPC hence as per the present appellant there was no need of an inquiry .

9. Other than the aforesaid, it has been contended in the reply filed that keeping in view the gravity of the case and penalty awarded under Sections 279 and 304A IPC, the competent authority imposed the penalty of removal from service. The appeal preferred by the respondent/writ petitioner is stated to have been considered and rejected after

giving due opportunity of being heard to the respondent/writ petitioner.

10. Heard learned counsel for the appellants and perused the record.

11. Admittedly, in the case at hand, the respondent/writ petitioner was convicted by the Hon'ble High Court of Punjab and Haryana on 27.11.2015 under Sections 279 and 304A of the IPC for six months. Subsequent thereto, show-cause notice dated 08.12.2015 seeking imposition of penalty of removal from service was served upon the respondent/writ petitioner. The same was served on the respondent/writ petitioner while he was in custody.

12. In the aforesaid backdrop, the learned Single Judge has correctly observed that the opportunity afforded to file a reply to the show-cause notice dated 08.12.2015, in the case at hand, was neither effective nor meaningful. The same, as has been observed by the learned Single Judge, had been reduced to a mere formality.

13. Other than the aforesaid, it has been correctly observed by the learned Single Judge that the passing of the impugned order of removal dated 15.01.2016 could not have

been done without considering relevant aspects like proportionality of the penalty sought to be passed vis-à-vis the conviction passed in the case at hand, dependency of the respondent/writ petitioner, role of the respondent/writ petitioner-employee, evidence led against the writ petitioner, the fact that at the time of registration of the FIR, the respondent/writ petitioner was 42 years of age, in the prime of his youth and other extenuating circumstances. The removal order in the case at hand is solely based on the conviction of the respondent/writ petitioner under Section 279 read with Section 304A IPC. Therefore, it has been correctly observed by the learned Single Judge in the impugned judgement that the order of removal from service in the case at hand has been reduced to an empty formality and is not an objective order.

14. The order passed in appeal dated 09.02.2018 is a non-speaking order as it does not deal with the contentions raised in the appeal dated 23.03.2017. Relevant factors stated supra which are required to be considered have not been taken into account. The sole reason for dismissing the appeal is the judgment of conviction passed in the case at hand by

the Criminal Courts. No legal infirmity calling for interference by this court in the quashing of the appellate order dated 09.02.2018 by the learned Single Judge in the impugned judgement has been pointed out.

15. In considering the factors that had to be taken into account while passing the order of removal dated 15.01.2016 and the appellate order dated 09.02.2018 in the case at hand, the learned Single Judge has correctly taken into account the law laid down in ***Pawan Kumar v. Union of India*¹, *Hardyal Singh v. State of Himachal Pradesh*², *Daya Nand Vs. State of Haryana (P&H)*³, *Chinthanuru Sivaiah Vs Southern Power Distributions Company of A.P. Limited Another*⁴, *Champalal and Others Vs. Additional Commissioner, Nagpur and Another*⁵, *State of Madhya Pradesh and Another Vs. Dr. Sheetal Kumar Bandi & Others*⁶ and *Mohinder Singh Vs. The Himachal Road Transport Corporation and Others*⁷.**

¹ (2023)12 SCC 317.

² 1977 (1) SLR 327.

³ CWP No.3074 of 1995, decided on 24.01.2000.

⁴ WP No.7232 of 2003, dated 20.06.2003 of the Andhra Pradesh High Court.

⁵ WP No.1921 of 1994, dated 28/29.08.2012 of the Bombay High Court.

⁶ WP No.785 of 2000, dated 12.08.2022 of the Madhya Pradesh High Court.

⁷ CWPOA No.6429 of 2019, dated 06.03.2023 of the Himachal Pradesh High Court.

16. Thus, for the aforesaid reasons, we are of the considered opinion that the present appeal is bereft of merit, therefore, the same is dismissed accordingly. Pending applications, if any, also stand disposed of.

(G.S. Sandhawalia)
Chief Justice

(Bipin Chander Negi)
Judge

28th September, 2026
(Gaurav Rawat)