

* IN THE HIGH COURT OF DELHI AT NEW DELHI

W.P. (C) No.8472/2010

Date of Decision: December 21, 2010

DTC Petitioner
through Mr. Sarfaraz Khan, Advocate
versus

ANANT RAM Respondent
through None

CORAM:
HON'BLE MISS JUSTICE REKHA SHARMA

1. Whether the reporters of local papers may be allowed to see the judgment? No
2. To be referred to the reporter or not? No
3. Whether the judgment should be reported in the 'Digest'? No

REKHA SHARMA, J. (ORAL)

This writ-petition by the DTC has been preferred against the order of the Presiding Officer, Labour Court-XVII, Karkardooma Courts, Delhi, dated May 22, 2010 setting-aside the removal of the respondent from service and consequently ordering his reinstatement in the same post with continuity of service within 30 days from the date of publication of the award.

The charge-sheet that was served upon the respondent in the domestic inquiry held against him and which led to his removal from service, was as under:-

“That on 17.2.93, while you were on duty
with bus No.9788 of route No. Shivaji Stadium –

N.T.P.C., your bus was intercepted by the checking staff at Dehra Ghal and on checking the alighting passengers it has found that a group of three passengers alighted from the bus without tickets from whom you had collected the due fare but not issued them any tickets.

That you refused to sign on the passengers statement.

That your cash was checked and found short by Rupees 24.35P.

The above act tantamounts to misconduct within the meaning of para 15(b) (f) (h) & (m) of the standing orders governing the conduct of D.T.C. employees.”

The respondent assailed the findings of the domestic inquiry before the Labour Court on two counts; firstly, that it was not conducted in accordance with the principles of natural justice and secondly, that his removal from service was illegal and/or unjustified. The Presiding Officer, Labour Court found nothing wrong in the conduct of the inquiry and accordingly, held that the same was conducted in accordance with law. In so far as the removal of the respondent-workman is concerned, the Labour Court has held that if, as alleged by the petitioner, respondent had taken fare from a group of three passengers but did not issue tickets to them, then on checking the cash with him the same should have been found to be more than the tickets sold, whereas it was found short by ₹ 24.35P. It has been further held that the petitioner also did not produce before the Inquiry Officer the unpunched tickets to corroborate its case that the respondent had not issued the tickets to the passengers.

The learned counsel for the petitioner assailing the aforesaid findings of the Labour Court has argued that it was for the respondent

to explain, why there was shortage in cash. The argument is misconceived. The onus to prove that the respondent had not issued tickets to the passengers was upon the petitioner and it could only be discharged by producing the un-punched tickets and by showing that the cash on checking was found to be more than the tickets sold. As already noticed above, the cash found was short.

For the reasons noticed above, I find no infirmity in the order of the Labour Court. The writ-petition is dismissed.

REKHA SHARMA, J.

DECEMBER 21, 2010
PC/ka.