

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

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**CWP-17060-2011 (O&M)  
Date of decision: 19.12.2016**

Chandigarh Transport Worker Union (Regd.)

....Petitioner

Versus

U.T.Administration and others

.... Respondents

**CORAM: Hon'ble Mr. Justice P.B. Bajanthri**

Present: Mr. Ajay Mehra, Advocate for the petitioner.

Ms. Alka Chatrath, Advocate for U.T., Chandigarh.

**P.B. Bajanthri, J. (Oral)**

In the instant writ petition, the petitioner has questioned the validity of the order dated 25.05.2001 vide Annexure P1 by which he has been punished by imposing the penalty of stoppage of 2 increments with cumulative effect and the suspension period has been limited to the grant of subsistence allowance only and further he has challenged the appellate authority's Award passed by the Industrial Tribunal dated 23.08.2010.

2. The petitioner was working as a Conductor. On 25.06.1997, inspecting squad inspected bus No. CH01G-5381 of route No. 103. The

Inspecting squad checked the bus at Karnal bypass and they have found that 6 passengers who boarded the bus at Amabala Cantonment for Delhi and paid Rs.330/- at the rate of Rs.55 per ticket to the conductor whereas the petitioner had issued tickets of Rs.240/- at the rate of Rs.40/- per ticket i.e. less by Rs.90/-. The Inspecting squad seems to have recovered the defrauded amount of Rs.90/-. Arising out of these allegations, the petitioner was subjected to disciplinary proceedings and it was concluded in imposing the penalty of stoppage of 2 increments with cumulative effect and the suspension period is treated as suspension only. The petitioner raised an industrial dispute before the Labour Court. The Labour Court passed an award that the petitioner is not entitled to any relief claimed through the Union.

3. Learned counsel for the petitioner submitted that the Inspecting Squad failed to count the money and examining the way bill. The same has not been taken note of by the Inquiry Officer. Therefore, the order of punishment is liable to be set aside, consequently, the award passed by the Labour court. Admittedly, the petitioner had issued ticket to 6 passengers for a sum of Rs.240/- which is less than the fixed fare for the distance from Ambala Cantonment for Delhi, to the extent of Rs.90/-. This court under Article 226 of the Constitution of India would not interfere in respect of appreciation of evidence where the amount has been recovered without counting or examination of way bill. Moreover having regard to the defraud of Corporation money the disciplinary authority has taken very lenient view in imposing penalty instead of imposing major penalty. The petitioner has

not made out a case so as to interfere with order dated 25.05.2001 vide Annexure P1 and 23.08.2010 vide Annexure P2.

4. CWP stands dismissed.

19.12.2016  
pooja saini

( P.B.BAJANTHRI)  
JUDGE

|                            |               |
|----------------------------|---------------|
| Whether speaking/reasons   | Yes/No        |
| <i>Whether Reportable:</i> | <i>Yes/No</i> |