

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

**CWP No. 22673 of 2015
Date of decision : 02.03.2016**

Shiv Kumar

...Petitioner

versus

State of Haryana & ors.

..Respondents

CORAM: HON'BLE MS. JUSTICE RITU BAHRI

Present: Mr. S.P. Yadav, Advocate
for the petitioner.

RITU BAHRI , J.

Petitioner has approached this Court by way of instant writ petition filed under Articles 226/227 of the Constitution of India, seeking a writ in the nature of mandamus for issuance of direction to the respondents to reinstate the petitioner in the department of Haryana Roadways Rewari.

In pursuance of advertisement dated 02.07.2007 for 1910 post of Conductors, petitioner applied for the same and was subsequently appointed, vide letter dated 04.07.2008. Petitioner joined in the Haryana Roadways Rewari depot as a Conductor on 08.08.2008. Thereafter, on the intervening night of 16/17.01.2010, when the

petitioner was on duty at Delhi Jodhpur route in Bus No. HR-47-B-0753 with Driver Ramjas, the bus was checked by the Checking Teac, Chandigarh near Sahjahanpur toll at about 1:30 A.M on 17.01.2010. Respondent No. 5 passed the directions to suspend the contract of the petitioner, vide letter dated 18.01.2010. Subsequently, petitioner was suspended by respondent No. 6 vide order dated 21.01.2010. Respondent No. 5 was appointed as the Enquiry Officer by respondent No.4. Petitioner was reinstated by respondent No. 6, vide order dated 28.12.2011. Vide enquiry report, petitioner was found guilty of misappropriation of Rs.3225/-. Petitioner was then issued a show cause notice dated 21.06.2013 and vide order dated 20.09.2013 his contract was terminated. Petitioner filed an appeal against the above said order, which was dismissed on 11.02.2014 upholding the impugned order. This order was further challenged by petitioner before respondent No. 3 and as per the information received by the petitioner under the RTI Act, the appeal has also been rejected. Hence the present petition.

A bare perusal of impugned order dated 11.02.2014 clearly shows that the petitioner joined the service on 8.08.2008 and committed frauds on 02.11.2008, 25.04.2009 and 09.07.2009 in which he was punished and Rs.8900/- were recovered from him. Another case of fraud committed on 29.05.2009 was pending at the time of

termination of the contract. Two cases of unauthorised absence from duty were also pending against him, in which explanation has been called.

In the present charge sheet, at the time of checking 30 half punched tickets were recovered from the petitioner and thus he was trying to issue tickets to the passengers, who were not issued tickets by the petitioner earlier. The only stand taken by the petitioner in his reply dated 16.07.2013 that he went to the toll authorities to obtain receipt and when he came, the bus was checked. During personal hearing, he stated that he handed over the money to the driver for obtaining toll receipt. As per the Haryana Transport Department (Group C) Haryana Roadways Service Rules, 1995 HC (Punishment and Appeal) Rules are not applicable to him. The stand taken by the petitioner was rejected as when the bus was made to stop for checking then the petitioner tried to punch 30 tickets of Rs.15 each but he could mark only one punch on those tickets and meanwhile, the tickets were taken from his hand whose number has been depicted in original report.

Learned counsel for the petitioner has not been able to controvert the findings recorded by the Appellate Authority that the petitioner had committed frauds earlier as well.

Keeping in view his past record, the petitioner has rightly

been terminated from his service, vide impugned orders, and no case for interference is made out in the impugned orders.

The writ petition is dismissed being devoid of any merit.

(RITU BAHRI)
JUDGE

02.03.2016

G Arora