

HIGH COURT OF CHHATTISGARH, BILASPURWrit Petition No.3700 of 2003

Hariram Jha, S/o Shri Keshav Jha, Ex-Conductor, R/o Ravishankar Shukla Nagar, Amma Naka, Raipur (C.G.)

---- Petitioner

Versus

Chhattisgarh Infrastructure Development Corporation, Raipur, Through its Managing Director.

---- Respondent

For Petitioner:	Mr. Vinod Deshmukh, Advocate.
For Respondent:	Mr. Tanuj Patwardhan, Advocate on behalf of Mr. Pradeep Saksena, Advocate.

Hon'ble Shri Justice Sanjay K. Agrawal

Order On Board

09/08/2017

1. The petitioner was subjected to domestic enquiry by the then M.P.S.R.T.C.. Misconduct of non-issuance of ticket in the bus, accepting the amount of ticket and misappropriating the said amount of 25 passengers was found proved, which is misconduct under Section 12(1)(b)(d) and (f) of the Standing Orders, against which the petitioner preferred a dispute under Section 31 (3) of the Chhattisgarh Industrial Relations Act, 1960. The Labour Court upheld the order of domestic enquiry and in appeal, it has been further affirmed by the Industrial Court.
2. Learned counsel for the petitioner vehemently submits that the order passed by the Labour Court which has been affirmed by the Industrial Court in appeal suffers from perversity and both the orders are liable to be set aside.
3. On the other hand, learned counsel appearing for the respondent

opposes the submission and supports the impugned orders.

4. I have heard learned counsel for the parties and perused the impugned orders and also the records of both the Courts below with utmost circumspection.
5. The Labour Court has clearly recorded a finding that the petitioner was found carrying 25 passengers without ticket and the amount of ticket has been misappropriated and on evidence, the order of termination was found justified. The Industrial Court has also held that though the enquiry is not in accordance with law, but misconduct has been proved against the petitioner and upheld the same. I do not see any illegality or perversity in the order passed by the Labour Court and upheld by the Industrial Court. The finding of fact is based on record. Accordingly, the writ petition is dismissed. No order as to cost(s).

Sd/-
(Sanjay K. Agrawal)
Judge