

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

LPA No.2309 of 2016 (O&M)

Date of Decision :25.05.2017

Pepsu Road Transport Corporation

....Appellant

Versus

Kulwant Singh and others

....Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR.SHEKHER DHAWAN

....

Present: Mr. Harsh Aggarwal, Advocate
for the appellant.

....

MAHESH GROVER, J. (Oral)

CM No.4779-LPA of 2016

Having regard to the reasons mentioned in the application, delay of 17 days in re-filing the appeal is condoned.

C.M.stand allowed.

LPA No.2309 of 2016 (O&M)

The appellant is in appeal against the judgment of the learned Single Judge dated 25.07.2016 mandating the Corporation to reconsider the penalty of dismissal imposed upon the workman who had been in their employment since 1978.

The appellant contends that the workman's conduct was highly deplorable and detrimental to the interest of the Corporation. It has been repeatedly urged before us that there

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were numerous instances of the workman's delinquency reflected in his entire career.

The learned Single Judge noticed that no such charge was there against the workman and the only charge that we have been able to figure out from Annexure A-1 placed on record indicates absence from duty from 14.08.1998 till December 1998 and that too not in entirety but on different periods as reflected from the charge. Apart from this, the other charge against the workman was that on 16.12.1998 he disobeyed his superior. For the purpose of reference we may extract the portion of the chargesheet herebelow :

“Main Charges

1. Misconduct.
2. On 16.12.98, while on duty at the Bus Stand you flatly refused to Sh.Bhim Singh, Sub-Inspector to do the duty from Barnala to Moga, Route no.45.
3. Remained absent from duty from 14.8.98 to 19.8.98, 27.8.98 to 31.8.98, 1.9.98 to 5.9.98, 26.9.98 to 30.9.98, 1.10.98 to 13.10.98, 22.10.98 to 25.10.98, 27.10.98 to 28.10.98, 30.10.98 6.11.98 and 3.12.98.
4. To hamper the endeavour of the corporation to provide proper and regular service to general public.
5. Carelessness and negligence in duty.”

After hearing the learned counsel for the appellant and

perusing the material on record including the impugned order, we are of the opinion that there is no infirmity in the order impugned. A perusal of the inquiry report indicates that it is largely non-speaking. Be that as it may, even if it is assumed that the charge against the workman stood established, then considering the fact of his prolonged employment since 1978 he could have been visited with a lesser penalty than dismissal which resulted in the forfeiture of his service benefits in entirety. The argument that the workman was an incorrigible employee cuts no ice for the reason that he was not confronted with such a charge. The charges of misconduct, carelessness and negligence in duty are too vague.

For the aforesaid reasons, we are of the view that the learned Single Judge has been right in mandating the revisitation of the penalty upon the workman. No ground to interfere.

Dismissed.

The needful be done within a period of two months from today.

(MAHESH GROVER)

JUDGE

25.05.2017

dss

(SHEKHER DHAWAN)

JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No