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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of Decision: 26th March, 2019

+ W.P.(C) 4116/2018

RISHI PAL

..... Petitioner

Through: Mr.Fidel Sebastian, Advocate

versus

DELHI TRANSPORT CORPORATION

..... Respondent

Through: Mr.U.N. Tiwary, Advocate

CORAM:

HON'BLE MR. JUSTICE J.R. MIDHA

JUDGEMENT (ORAL)

1. The petitioner has challenged the award of the Labour Court dated 09th September, 2015 whereby his statement of claim was dismissed.
2. The petitioner joined the respondent as a Conductor in 1983. On 31st May, 1993, the petitioner took voluntary retirement under the Voluntary Retirement Scheme (VRS). However, he subsequently withdrew from the VRS Scheme and was reinstated in service on 19th January, 1995 pursuant to an order dated 08th September, 1994 passed by this Court in W.P.(C) 5440/1993.
3. On 30th March, 1995, the respondent issued a charge sheet to the petitioner for unauthorized absence of 176 days between September, 1992 and May, 1993. According to the respondent, the petitioner did not participate in the enquiry. The Enquiry Officer in his report found the

charges proved against the petitioner. The Disciplinary Authority considered the report of the Enquiry Officer, past record of the petitioner as well as his leave record and passed an order dated 25th January, 1996 for removing the petitioner from service.

4. The petitioner raised an industrial dispute against his removal from service which was referred to the Labour Court. The petitioner did not lead any evidence before the Labour Court. The Labour Court recorded the absence of the petitioner on 07th June, 2013, 08th January, 2014, 30th January, 2015, 29th April, 2015 and 15th July, 2015. The Labour Court closed the petitioner's evidence vide order dated 02nd September, 2015.

5. Learned counsel for the petitioner urged at the time of the hearing that the petitioner was terminated without any enquiry; the Labour Court decided the matter *ex-parte* and did not consider the petitioner's case; the respondent's action is malafide and vindictive; the petitioner was unemployed and penniless due to the termination and was not gainfully employed since termination. It is further submitted that the petitioner could not attend the proceedings before the Labour Court due to his deteriorating mental health and multiple deaths in his family.

6. Learned counsel for the respondent has produced the original record of the enquiry conducted against the petitioner which has been perused. The respondent has conducted an enquiry against the petitioner for unauthorized absence of 176 days during September, 1992 to May, 1993. The petitioner did not lead any evidence before the Labour Court in support of his claim. There is no infirmity in the order dated 02nd September, 2015 whereby the learned Labour Court closed the petitioner's evidence. There is no infirmity in the award passed by the Labour Court.

7. There is no merit in this writ petition which is hereby dismissed.
8. The enquiry record is returned back to the respondent.

J.R. MIDHA, J.

MARCH 26, 2019

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