



2026:DHC:4031-DB



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**+ **W.P.(C) 10554/2017****SHRI DHARAM SINGH**

.....Petitioner

Through: **Mr. Sachin Chauhan, Adv.**

versus

**DELHI TRANSPORT
CORPORATION AND ANR**

.....Respondents

Through: **Ms. Aditi Gupta and Mr.
Amandeep Joshi, Advs.****Rajkumar, Dealing Assistant for DTC****CORAM:****HON'BLE MR. JUSTICE C. HARI SHANKAR****HON'BLE MR. JUSTICE OM PRAKASH SHUKLA****JUDGMENT (ORAL)**

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07.05.2026**C. HARI SHANKAR, J.**

1. Having heard learned Counsel for the parties and perused the material on record, we are inclined only to pass a very limited order in this case.

2. The petitioner was a driver working with the Delhi Transport Corporation¹. During the tenure of his posting as a driver, FIR 720/2003 under Sections 289 and 308 read with Section 34 of the erstwhile Indian Penal Code, 1860 was registered against him. He was convicted by judgment dated 1 May 2008 passed by the learned Additional Sessions Judge, Rohini, under the aforesaid

¹ "DTC" hereinafter



Sections, and was sentenced to undergo rigorous imprisonment of two years with a fine of ₹1500/- in default of payment of fine, to undergo further rigorous imprisonment for one month for the offence under Section 308 of the IPC. Additionally, he was sentenced to undergo six months' rigorous imprisonment for the offence under Section 289 of the IPC.

3. On 24 June 2008, the DTC issued a show cause notice to the petitioner requiring him to show cause as to why he be not dismissed/terminated from service.

4. Following this, by order dated 14 July 2008, the DTC dismissed the petitioner from service under Regulation 15(2)(vii) of the DRTA (Conditions of Appointment and Services) Regulation, 1952² read with paras 9(g) and 10(a)(b)(c) of the Executive Instructions. These provisions may be reproduced as under:

“Regulation 15(2) of the DRTA Regulations

15. Conduct, Discipline and Appeal:-

2. Discipline:- The following penalties may, for misconduct or for a good and sufficient reason be imposed upon an employee of the Delhi Road Transport Authority:-

- (i) Censure including reprimand and warning.
- (ii) With-holding of increments or promotion, including stoppage at an efficiency bar.
- (iii) Reduction to a lower post or time scale or to a lower stage in a time scale.
- (iv) Recovery from pay or the security or any

² “the DRTA Regulations” hereinafter



other dues of the whole or part of any pecuniary loss caused to the Delhi Road Transport Authority by negligence, default or breach of orders. The term pecuniary loss shall include damage to or loss of stores expressly entrusted to the person concerned for custody.

- (v) Suspension.
- (vi) Removal from the service of the Delhi Road Transport Authority.
- (vii) Dismissal from the service of the Delhi Road Transport Authority.
- (viii) Fines as provided in the payment of Wages Act.

Paras 9(g) and 10(a)(b)(c) of the Executive Instructions

9(g) Where an order of punishment is based on facts established before a criminal court.

10(a) As stated in para 9(g) above, no detailed procedure is required to be followed for taking disciplinary action, against persons who are convicted by Criminal Court.

10(b) If an employee is arrested for debt or on a criminal charge he should be treated as under suspension for any periods during which he is detained in custody or jail. Even an employee against whom a criminal charge or a proceeding for arrest for debt is pending and he has been released on bail, should be placed under suspension if the charge made or proceeding taken against him is connected with his position as an employee of Delhi Road Transport Authority or is likely to embarrass him in the discharge of his duties as such or involved moral turpitude.

10(c) Since all persons placed under suspension are entitled to the payment of subsistence allowance, particular care should be taken to ensure that subsistence allowance is not granted beyond the date of the conclusion of the proceedings against an employee. In order to avoid the possibility of over payments, subsistence allowance should be paid to an employee who is under suspension and whose case is pending in the Court only after he produces a certificate to the effect that his case is still in that court, from any of the following persons:-

1. Legal Adviser of the Delhi Road Transport Authority, if he is conducting the case in the court on behalf of the Authority.



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2. Any of the lawyers on the panel of the Delhi Road Transport Authority if he is conducting the case in the court on behalf of the Authority.
3. The prosecuting Inspector dealing with the case.
4. The Trial Court.”
5. The petitioner preferred an appeal dated 29 May 2008 against the aforesaid decision, which was rejected by the DTC *vide* order dated 19 September 2008.
6. Against his conviction and sentence, the petitioner filed Cr. Appeal 487/2008. By order dated 13 March 2015, this Court upheld the conviction and sentence of the petitioner but granted him the benefit of probation under the Probation of Offenders Act, 1958.
7. The petitioner, thereafter, moved this Court by way of WP (C) 7934/2008, seeking issuance of a writ of mandamus to the DTC to take the petitioner on duty. That writ petition was, thereafter, transferred to the Central Administrative Tribunal³ and renumbered TA 121/2013.
8. By order dated 9 February 2017, the Tribunal has dismissed TA 121/2013.
9. Aggrieved thereby, the petitioner is before this Court by way of the present writ petition.

³ “Tribunal” hereinafter



10. This Court, on 28 November 2017, issued limited notice in this writ petition, restricted to the aspect of proportionality of the punishment awarded to him. The order reads thus:

“W.P.(C.) 10554/2017

1. The petitioner has assailed the judgment dated 9.2.2017, passed by the Central Administrative Tribunal on an original application filed by him praying inter alia that he be taken on duty pending final disposal of the Criminal Appeal No. 487/2008 filed by him as an accused in FIR No. 720/2003, against the judgment of conviction dated 1.5.2008 and order on sentence dated 06.5.2008.

2. Learned counsel for the petitioner states at the outset without going into the merits of the matter, the relief prayed for in the present petition may be confined to calling upon the respondents to reconsider the penalty of termination of service imposed on the petitioner by the Disciplinary Authority vide its order dated 14.7.2008, duly upheld by the Appellate Authority vide order dated 19.9.2008. He submits that keeping in mind the fact that by the year 2008, when the services of the petitioner were terminated, he had already rendered 29 years of service with the respondents/DTC as a Driver, the penalty imposed upon him is grossly disproportionate.

3. Limited to the aforesaid aspect, issue notice. Learned counsel for the respondents accepts notice on behalf of the respondent/DTC and states that she has received a complete set of paper book.

4. A brief affidavit in response to the aforesaid aspect be filed by the respondents within six weeks with a copy to the other side. Rejoinder, if any, shall be filed within four weeks thereafter.

5. List on 22.5.2018.”

11. Having heard learned Counsel for the parties, we are inclined only to pass a limited order in this writ petition, requiring the competent authority in the DTC to pass a fresh order of punishment against the petitioner, providing cogent reasons as to why the



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petitioner is awarded the punishment which the DTC proposes to award. We say so only because there are as many as eight punishments mentioned in Regulation 15(2) of the DRT Regulations and the order dated 14 July 2008, dismissing the petitioner from service, has invoked the maximum possible punishment without adducing any clear reasons for doing so.

12. We make it clear, however, that we are not commenting on the quantum of punishment to which the petitioner would be entitled. The latitude in that regard would entirely vest with the DTC. However, while arriving at its *de novo* decision regarding the quantum of punishment to be imposed on the petitioner, the competent authority in the DTC would also keep in mind the facts mentioned in the present writ petition.

13. Beyond this, we do not intend to tie the hands of the DTC. We reiterate that the DTC would pass a reasoned and fresh order on the punishment to be awarded to the petitioner. The order would also set out the reasons for the punishment which is being awarded.

14. Let a decision be taken within a period of eight weeks from today.

15. Till such order is passed, the order of punishment already passed would continue to remain in effect.

16. This writ petition is accordingly disposed of in the aforesaid



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terms with no orders as to costs.

C. HARI SHANKAR, J

OM PRAKASH SHUKLA, J

MAY 7, 2026/AR