

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

Civil Writ Petition No.12842 of 2010

Mehnga Singh **Vs. The Pepsu Road Transport Corporation**
and others

Present: Mr.D.S.Pheruman, Advocate,
for the petitioner.

RANJIT SINGH, J.

The petitioner was working as a Conductor in the Pepsu Road Transport Corporation. While on duty on 9.2.1993, the bus conducted by him on route Amritsar-Barnala via Moga met with an accident somewhere near Sangrur. The petitioner claims that bus was impounded and he in perturbed condition left for his house as his wife was un-well. At that time, the petitioner had a cash of Rs.3326-50P of the Corporation, which he had collected from the passengers. He also had unused tickets of the value of Rs.9751/-. Much after this date, on 1.5.1993 the petitioner came back to join duties. He was permitted to join duties. He deposited the money lying with him and also the unused tickets. For this act of misconduct, he was charge-sheeted not only for embezzlement but also for remaining absent for nearly three months. Instead of facing proceedings, the petitioner confessed his fault and pleaded that he would be prepared to accept the punishment awarded to him by General Manager, Barnala. It will be useful to reproduce the confessional statement made by the petitioner, which is as under:-

“It is submitted that I have received the charge sheet No.227 dated 21.4.93 and I admit the charges levelled against me and I do not want to get the same enquired. In this regard, whatsoever punishment shall be given to me by G.M.Barnala, the same will be acceptable to me. I am giving this writing without pressure of any kind.”

The petitioner thereafter was removed from service. He filed an appeal which was dismissed. Consequently, the petitioner sought reference of the dispute for adjudication by Labour Court.

The misconduct of the petitioner was established before the Labour Court by the Corporation by leading cogent evidence even in the background that dismissal was without holding enquiry. The order of dismissal of the petitioner has been upheld. Mr.Pheruman has made compassionate submission for interference at least on the quantum of punishment. Counsel also urges that the petitioner had made a clean breast and, thus, was required to be shown consideration. The counsel has made reference to the provisions of Clause 22 Part-III of the Regulations of the Corporation to say that petitioner could have been awarded punishment as prescribed in Regulation 24, which would not include dismissal or removal from service and could only have been placed under suspension.

The provisions of Regulation as referred cannot be read in a manner as pleaded. This regulation would only enable the Manager to award punishment as given in Regulation 24 and not that no other punishment can be imposed. The petitioner was accused of serious misconduct of embezzling the amount coupled with absence, for which he was found blame-worthy on the basis of his confession. Punishment was to follow. In fact, the petitioner had not only confessed his guilt but had pleaded for punishment which he was prepared to accept. The petitioner as such was fully aware of his misconduct and the consequences of his plea which is apparent for his plea for punishment. No case for any interference is made out either in the finding returned by the Labour Court or in the quantum of punishment imposed considering the nature and gravity of the allegations, as alleged.

Dismissed.

July 23, 2010
ramesh

(RANJIT SINGH)
JUDGE