



\$~3

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

%

Date of Decision: 2nd September, 2026

#

CNR No. DLHC010644462005

+

W.P.(C) 11107/2005

D.T.C.

.....Petitioner

Through: Ms. Manisha Tyagi, Adv.

versus

RAJENDER PRASHAD

.....Respondent

Through: Mr. Rishabh Verma and Mr.
Anil Aggarwal, Advs. with the
respondent in person.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. (Oral)

1. By this petition filed under Article 226/227 of the Constitution of India, the Petitioner has assailed the correctness of the award dated 24.03.2004 (hereinafter '**impugned award**') passed by the learned Industrial Tribunal, allowing the claim of the Respondent workman.
2. Briefly stated, the respondent workman was working as a conductor with the petitioner department. It is alleged that on 15.11.1994 the respondent was on duty when his bus was checked by the checking staff and it was found that the respondent had taken the due fare of ₹67/- from a group of three and a half passengers but had failed to issue tickets to three passengers. In pursuance of the same, the respondent was placed under suspension on 02.12.1994 and a charge sheet dated 02.12.1994 was issued to the respondent workman.



3. Thereafter, enquiry proceedings were conducted against the respondent department and the enquiry officer *vide* order dated found that the charges alleged against the respondent workman were not established. However, the disciplinary authority disagreed with the findings of the enquiry officer and found that the charges stood proved against the respondent workman. The disciplinary authority further issued show cause notice dated 05.06.1995 for removal of the respondent from services.

4. The respondent filed a Writ Petition before this Court challenging the said show cause notice, however, the said petition was dismissed. Thereafter, the respondent filed a reply to the show cause notice before the authority, however, the same was not found satisfactory and the disciplinary authority passed the punishment of removal from services against the respondent with effect from 14.08.1996.

5. Aggrieved thereby, the respondent workman filed an appeal before the Chairman-cum-Managing Director of the petitioner department, who set aside the punishment of removal and directed that the respondent may be reinstated in service with no back wages for the intervening period and he be brought back to the initial stage of his time scale for two years from the date of the original punishment.

6. The respondent workman thereafter joined back the services of the petitioner and then raised an industrial dispute against the modified punishment awarded to him. The same was referred to the Industrial



Tribunal with the following terms of reference:

“1. Whether the punishment imposed upon Sh. Rajender Prashad to bring him on initial pay scale of conductor for two years is illegal and/or justified and if so to what relief is he entitled and what directions are necessary in this respect?

2. Whether Sh. Rajender Prashad is entitled to intervening period wages w.e.f. 14.8.96 to 13.1.98 and if so what directions are necessary in this respect?”

7. The learned Tribunal *vide* the impugned order observed that the punishment imposed upon the respondent workman was illegal and without any basis, further observing that the workman was entitled to his wages on his regular pay scale and for arrears of the reduced wages imposed to bring him to the initial pay scale for the period for two years along with regular wages for the period from 14.08.1996 to 13.01.1998.

8. Aggrieved thereby, the present petition has been filed.

9. This Court *vide* order dated 11.07.2005 granted stay to the effect and operation of the impugned award.

10. The learned counsel for the petitioner submits that the learned Tribunal ought not to have interfered with the modified punishment awarded to the respondent workman pursuant to the order of Chairman-cum-Managing Director of the petitioner department.

11. She submits that the Industrial Tribunal can only interfere with the punishment accorded by the management only when it is satisfied that the punishment imposed by the management is highly disproportionate to the degree of guilt of the workman concerned. She submits that the punishment accorded to the respondent workman in the present case does not meet that threshold and thus, the learned Tribunal



erred in passing the impugned award.

12. *Per Contra*, the learned counsel for the respondent vehemently opposes the present petition and submits that no ground has been raised by the petitioner so as to warrant interference of this Court under Article 226 of the Constitution.

13. I have heard the counsel and perused the record.

14. At the outset, it is necessary to note that the scope of interference under Articles 226 and 227 of the Constitution of India with an Award passed by the Industrial Tribunal is limited. Interference is warranted only where the Award suffers from patent illegality, perversity or an error apparent on the face of the record. The present petition does not invite this Court to re-appreciate the evidence or disturb findings of fact but is confined to examining the legality and propriety of the relief granted by the Industrial Tribunal.

15. The learned Tribunal has found, on appreciation of the pleadings and evidence, that the respondent workman had consistently pleaded that the enquiry officer had exonerated him of the charges, noting that the charges had been maliciously levelled against the workman. Significantly, the petitioner neither controverted this assertion nor placed the enquiry proceedings or the enquiry report before the Tribunal.

16. It is no doubt correct that the Disciplinary Authority is entitled to disagree with the findings of the enquiry officer. However, where the findings are in favour of the delinquent, such disagreement must be tentative and the reasons for disagreement, along with the findings of



the enquiry officer, must be communicated to the delinquent so as to afford him an opportunity to make a representation before a final decision is taken.

17. In the present case, no such disagreement note containing tentative reasons for disagreement with the findings of the enquiry officer was issued to the respondent workman. Instead, the Disciplinary Authority straightaway issued the show-cause notice dated 05.06.1995 proposing the penalty of removal from service. The show-cause notice, therefore, proceeded on the basis of a decision already arrived at by the Disciplinary Authority and could not constitute the opportunity contemplated in law.

18. In these circumstances, the conclusion of the learned Tribunal that there was no lawful basis for imposing the punishment upon the respondent workman cannot be said to be perverse or legally unsustainable. The said finding is based on the material placed before the Tribunal, including the failure of the management to produce the enquiry report or otherwise establish any lawful disagreement with the findings of the enquiry officer.

19. As regards the workman's entitlement to wages for the period from 14.08.1996 to 13.01.1998, the learned Tribunal noted that although the workman was initially removed from service on 14.08.1996, the Appellate Authority subsequently modified the punishment on 13.01.1998 to reduction to the initial stage of the pay scale of Conductor for a period of two years, while maintaining continuity of service. The Tribunal further observed that the



management had failed to place any material to justify withholding the wages for the intervening period and, accordingly, held that the workman was entitled to wages for the said period, as also the differential amount arising from his having been placed at the initial stage of the pay scale for two years. In view of the aforesaid, the finding of the learned Tribunal with regard to payment of wages for the intervening period cannot be said to be erroneous or perverse.

20. Thus, in the opinion of this Court, the view taken by the Tribunal is a reasonable and plausible view on the facts of the case and, therefore, calls for no interference by this Court in exercise of its extraordinary jurisdiction under Article 226 of the Constitution of India.

21. It is also necessary to note that the petitioner Department has been litigating the issue of payment of 17 months' back wages to the respondent for the last 32 years. The continued litigation over such a limited claim, for an inordinately long period, amounts to an abuse of the process of law and has resulted in avoidable expenditure of public money.

22. The manner in which the present proceedings have been pursued, despite the limited nature of the claim, warrants imposition of costs upon the concerned officers.

23. Accordingly, costs of ₹1,00,000/- shall be paid by the petitioner Department, out of which ₹25,000/- shall be paid to the DHLSC; ₹50,000/- to the PM Relief Fund; and ₹25,000/- to the Respondent. Department is at liberty to recover the cost from the Officer responsible for pursuing such insignificant dispute.



24. The present petition is dismissed.
25. Pending applications (if any) also stand disposed of.

AMIT MAHAJAN, J

SEPTEMBER 2, 2026
'KDK'