

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD**R/SPECIAL CIVIL APPLICATION NO. 13021 of 2020****FOR APPROVAL AND SIGNATURE:****HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK**

Approved for Reporting	Yes	No

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DIVISIONAL CONTROLLER, GUJARAT STATE ROAD TRANSPORT CORPORATION

Versus

HARUNBHAI K PARMAR C/O STATE TRANSPORT WORKS UNION

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Appearance:

MS SEJAL K MANDAVIA(436) for the Petitioner(s) No. 1

RULE SERVED for the Respondent(s) No. 1

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CORAM: HONOURABLE MR. JUSTICE HEMANT M. PRACHCHHAK

Date : 26/11/2025

ORAL JUDGMENT

1. The present petition is filed by the petitioner under Articles 226 and 227 of the Constitution of India read with provisions of the Industrial Disputes Act, 1947 challenging the impugned award dated 13.03.2020 passed by the Industrial Tribunal, Bhavnagar in Reference (IT) No. 86 of 2011 whereby the reference filed by the respondent has been partly allowed and the punishment imposed by the petitioner - Corporation has been set aside.

2. Brief facts giving rise to the present petition are that, the respondent was working as a Conductor at Amreli Depot with the

petitioner corporation. On 27.05.2008, when the respondent's bus was on the Amreli-Ahmedabad route, the checking squad found that the respondent had reissued tickets, which led to a departmental enquiry against him in which a punishment order to stop 2 increments with future effect was imposed. Consequently, a reference was preferred by the respondent in Industrial Tribunal, Bhavnagar wherein the reference was partly allowed and the punishment imposed by the petitioner Corporation was set aside.

3. Being aggrieved and dissatisfied with the impugned award dated 13.03.2020, the petitioner has preferred the present petition.

4. Heard Ms. Sejal Mandavia, learned counsel for the petitioner at length. Perused the material available on record.

Though notice served, respondent has chosen not to remain present before the Court.

5. Ms. Mandavia, learned counsel for the petitioner has submitted that the award passed by the Tribunal is unjust, improper and passed against the evidences which are faced on record and therefore, is required to be quashed and set aside. She has submitted that the Tribunal has set aside the punishment only on the ground that the record has not been produced by the petitioner. That, there was a delay in filing the reference since the punishment was imposed in 2009 but the reference was filed by the respondent in 2011. She has further contended that there was a serious charge of issuance of reissued tickets to the passengers and earlier similar 14 defaults

were reported against the respondent - workman during his tenure of work with the petitioner and he was also dismissed from service in 1981 which were not considered by the Tribunal. That, the enquiry is against the principles of natural justice and the findings given by the enquiry officer are baseless and perverse. Over and above the grounds agitated in the memo of petition, learned counsel Ms. Mandavia has urged that the impugned award passed by the Tribunal is required to be quashed and set aside and the present petition is required to be allowed.

6. I have heard the learned counsel appearing for the petitioner and perused the material placed on record. I have also considered the impugned award passed by the Tribunal. After considering all the facts that the respondent was working as a conductor with the present petitioner corporation at Amreli Depot and he was found with the alleged default even during the course of the hearing of the reference before the Industrial Tribunal. So far as the validity and legality of the enquiry is concerned, the respondent has not challenged the enquiry proceedings and he has given up his right to challenge, therefore, he has admitted this fact however, without considering these facts the Tribunal has passed the impugned award in favour of the respondent and quashed and set aside the impugned order of punishment imposed by the disciplinary authority. Considering the seriousness of charge leveled against the respondent, I am of the opinion that the petition requires consideration hence, the present petition is hereby allowed. The impugned award passed by the Industrial Tribunal in Reference (IT) No. 86 of 2011 dated 13.03.2020 is hereby quashed and set

aside and thereby the order of punishment imposed by the disciplinary authority is hereby confirmed. Rule made absolute. There shall be no order as to costs.

ANUSRI

(HEMANT M. PRACHCHAK,J)

Original copy of this order has been signed by the Hon'ble Judge.
Digitally signed by: ANUSRI VASU(HC02352), ENGLISH STENO GRADE-II\, at High Court of Gujarat on 02/12/2025 17:11:58