

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

CIVIL APPEAL NO.6382 OF 1997@@
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U.P. State Road Transport Corporation & Anr. Appellant (s)

VERSUS

Pratap N. Shukla & Ors. Respondent (s)
(With office report)

Date : 14/01/2003 This/These matter(s) was/were called
on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVARAJ V. PATIL
HON'BLE MR. JUSTICE ARIJIT PASAYAT

For Appellant (s) Mr. Pradeep Misra,Adv.

For Respondent (s) Mrs. Sheela Goel,Adv. (N.P.)

Upon hearing counsel the Court made the following
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.SP2

Mr. Pradeep Misra, learned counsel for the
appellant addressed the Court for about ten minutes.
The appeal is dismissed in terms of the signed
order.

.SP1

(Neena Verma)
Court Master

(Shelly Sen Gupta)
Court Master

Signed order is placed on the file.

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NO.6382 OF 1997@@
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U.P. State Road Transport Corporation
and Anr.

.... Appellants

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Heard the learned counsel for the appellants and none represented the respondents.

The respondent herein was working as a Conductor in U.P. State Road Transport Corporation. A Checking Squad found irregularities in the issuance of tickets to passengers, besides finding that five passengers were travelling without tickets, although fare had been collected from four of them. Thereafter, an enquiry was conducted and he was removed from service on 31.07.1978. The respondent filed a claim petition before U.P. Public Service Tribunal challenging the order of removal inter-alia contending that charge-sheet given to him was not in a proper form and it was vague. The Tribunal allowed the claim petition. Against the order of the Tribunal, the appellants filed a writ petition in the High Court. The High Court passed an

...2/-

: 2 :

interim order directing that the respondent No.1 be re-instated and also be paid wages for three years subject to the result of the writ petition. Pursuant to this direction of the High Court, the respondent was re-instated in service on 10.04.1989.

The High Court dismissed the writ petition upholding that the charge-sheet given to the respondent was not in a proper form and passengers were not examined in support of the charge. Hence, the Corporation is in appeal before us in this appeal.

Learned counsel for the appellants contended that the respondent, having understood the charge, participated in the disciplinary proceedings and as such it could not be said that any prejudice was caused to him. Under the circumstances, the High Court committed an error in dismissing the writ petition.

It appears the respondent was 54 years old in 1988, as is evident from the affidavit filed by him. He was re-instated in 1989. This Court granted interim stay on 28.04.1997. Having regard to these dates and taking note of the age of the respondent, it is clear that the respondent has reached the age of superannuation long back.

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Under the circumstances, having regard to the peculiar circumstances, we think it is not appropriate to interfere with the impugned order at this length of time in this appeal without going into the contentions raised on behalf of the appellants, touching the legal aspect. Hence, the appeal is dismissed.

.SP1

.....J.
(SHIVARAJ V. PATIL)

.....J.
(ARIJIT PASAYAT)

New Delhi,
January 14, 2003.