

S U P R E M E C O U R T O F I N D I A  
RECORD OF PROCEEDINGS

CIVIL APPEAL NO.8266 OF 1997@@  
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U.P. State Road Transport Corporation Appellant (s)

VERSUS

Rameshwar Dayal Sharma & Anr. 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) Mr. Praveen Swarup,Adv.  
Mr. Prashant Chaudhary,Adv.

Upon hearing counsel the Court made the following  
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Mr. Pradeep Misra, learned counsel for the  
appellant addressed the Court from 12.10 AM to 12.20 AM.  
Thereafter, Mr. Praveen Swarup, learned counsel for the  
respondents made his submissions upto 12.30 PM.

Arguments concluded.

The appeal is allowed in terms of the signed order.  
No costs.

.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

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U.P. State Road Transport Corporation .... Appellant

Versus

Rameshwar Dayal Sharma & Anr. .... Respondents

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Heard the learned counsel for the parties.

In this appeal, the appellant - Corporation has questioned the validity and correctness of the order of the High Court of Allahabad dated 02.04.1997 made in Civil Miscellaneous Writ Petition No.18155 of 1988.

The respondent No.1 was working as a Clerk on deputation with U.P. State Road Transport Corporation. He was dismissed from service pursuant to a disciplinary action taken against him on 16.08.1976. He challenges his order of dismissal before the U.P. Public Service Tribunal. The Tribunal allowed his claim, directing his re-instatement in service with consequential benefits of pay, allowances etc. However, it reserved liberty to the Corporation to initiate fresh enquiry, if so desired. The appellant - Corporation challenged the order of Tribunal before the High Court. The High Court dismissed the writ petition upholding the order passed by the Tribunal.

Learned counsel for the appellant contended that the Tribunal and the High Court committed an error in accepting the contention raised on behalf of the respondent no.1 that the Regional Manager of the Corporation was not the competent authority to pass the order removing the respondent no.1 from service; before the High Court, the appellant wanted to produce some documents to support that the Regional Manager was competent to pass the order of removal of the respondent no.1 from service and the High Court was also not right in not allowing to produce the official documents in support of the contention of the appellant. On the other hand, learned counsel for the respondent no.1 made submissions in support of the impugned order.

It is clear from the letter dated 29th May, 1972 addressed to the Transport Commissioner, U.P. Lucknow by the Deputy Secretary (Transport), U.P. Government that the Governor has given his consent for the names of the post of officers appointed in the Head Office of the Transport Corporation to be re-designated as the names given corresponding to them. Present name of the post corresponded to the Regional Manager (RM) as re-designated. Hence, the Regional Manager, after re-designation was competent to pass the order of removal of the respondent no.1, being an appointing authority from 29th May, 1972. The respondent no.1 was removed from service by the order

dated 12/16-8-1976. Thus, on the date of passing the order of removal of the respondent No.1 from service, the Regional Manager of the Corporation had jurisdiction to pass the said order. The contention of the learned counsel for the respondent no.1 that the respondent no.1 was on deputation from Government and his services having not been regularized in the Corporation, the order of his removal from service was not sustainable, cannot be accepted in view of the judgment of this Court in *Jai Jai Ram & Ors. vs. U.P. State Road Transport Corporation, Lucknow & Ors.* [(1996) 4@ SCC 727]. The similar contention raised was rejected in the said case.

In view of what is stated above, the impugned order passed by the High Court affirming the order of the Tribunal cannot be sustained. Hence, the same is set aside and the appeal is allowed. No costs.

.SP1

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

.....J.  
( ARIJIT PASAYAT )

New Delhi,  
January 14, 2003.