

A SHYAM BAHADUR TRIPATHI

v.

U.P. STATE PUBLIC SERVICES TRIBUNAL AND ORS.

SEPTEMBER 4, 1996

B [K. RAMASWAMY AND FAIZAN UDDIN, JJ.]

*Service Law :*

C *Removal from service on charge of misconduct—Bus Conductor not issuing tickets to many passengers—Charge sheeted—Enquiry transferred from independent agency to a departmental officer—Whether enquiry vitiated—Held : No—The Enquiry Officer had submitted elaborate report—Show cause notice issued and explanation submitted by employee—Only thereafter order of removal came to be passed.*

D CIVIL APPELLATE JURISDICTION : Special Leave Petition (C) No. 16793 of 1996.

From the Judgment and Order dated 13.2.96 of the Allahabad High Court in C.M.W.P. No. 5641 of 1996.

E R.D. Upadhyay and Giridhar G. Upadhyay Ads. for the Petitioner.

The following Order of the Court was delivered :

F This is one of the classic instances of notoriety in huge corruption in running the public Corporations. The petitioner was a Conductor. He was charged for not issuing tickets to 34 passengers while he was on duty in the U.P. Road Transport Corporation bus. When the Checking Inspector signaled for stoppage of the vehicle, the bus did not stop. Ultimately, the vehicle came to be stopped at a distance of one furlong. When it was checked, it was found that the petitioner had given tickets only to 19 passengers out of 53 and 34 passengers were travelling as no tickets were issued to them. Consequently, an enquiry was ordered against the petitioner. Charge-sheet was given and he was removed from service on December 8, 1989 after it was found that he was guilty of the charge. The order of removal was confirmed on appeal. The Services Tribunal dismissed the petition and in the impugned order dated February 13, 1996  
G made in W.P. No. 5641/96 the High Court dismissed the petition *in limine*.  
H

Thus this Special Leave Petition.

Shri Upadhyay, learned counsel for the petitioner, contended that there was a flagrant violation of departmental instructions in conducting the enquiry against the petitioner. According to the learned counsel, instructions had been issued by the Corporation to transfer the departmental enquiry to the independent agencies, like retired judicial officers. While the enquiry was pending before the impartial officers, contrary to the instructions issued, it was transferred to the departmental officer. Therefore, it is in violation of the departmental rules and natural justice and fair play. We find no force in the contention. The instructions are only proper guidelines for the authorities. It is an appropriate case where the power to entrust the enquiry to an officer of their own department has been exercised. Therefore, conduct of an enquiry by the officer of the department is not vitiated by any error of law nor is it violative of the principle of fair play.

It is then contended that the impugned order is not a speaking order; therefore, it is vitiated by error of law. We find no force in the contention. The Enquiry Officer had submitted an elaborate report along with the report and show cause notice was issued to the petitioner. The petitioner has submitted his explanation also. One consideration thereof, the order of removal came to be passed. Under these circumstances, it was not necessary for the High Court to give elaborate reasoning in support of the conclusion that the petitioner is guilty of the charge of misconduct.

The special leave petition is accordingly, dismissed.

G.N.

Petition dismissed.