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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: 14th September, 2026***# **CNR No. DLHC010736312006**+ **W.P.(C) 5606/2006**

D.T.C

.....Petitioner

Through: Ms. Manisha Tyagi, Adv.

versus

ISHWAR SINGH & ORS

.....Respondents

Through: None.

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. By way of the present Writ Petition under Article 226 of the Constitution of India, the Petitioner/Delhi Transport Corporation (DTC) has challenged the Impugned Award dated 23.08.2005 passed by the learned Presiding Officer, Industrial Tribunal-II, Karkardooma Courts, Delhi in ID No. 32/2001, whereby the punishment imposed upon the Workman was held illegal and he was held entitled to arrears of back wages which were denied due to the Punishment Order dated 28/29.05.1998.

2. Briefly stated, the Workman was engaged as a conductor with the Petitioner Corporation. The Workman was issued a Charge sheet dated 31.05.1996, alleging *inter alia*, that while he was on duty on bus operating from Delhi to Patiala, he had collected fare of Rs. 13/- from



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certain passengers and issued tickets of denomination Rs. 5/-; one passenger had paid Rs. 18/- but he was issued ticket of Rs. 8/- only; to one passenger ticket of Rs. 15/- was issued while he collected a fare of Rs. 20/-; and he had tried to hurt the checking staff in connivance with the driver and used filthy language.

3. Departmental enquiry was conducted against the Workman, which ultimately led to the imposition of penalty of *stoppage of three increments with cumulative effect*. The appeal preferred against the penalty order was also dismissed.

4. Consequently, an Industrial Dispute was raised by the Workman. The following point of adjudication was referred to the learned Tribunal: -

“Whether the punishment imposed upon Sh. Ishwar Singh by the management vide their orders dated 28/29.5.1998 is illegal and/or unjustified and if so, to what relief is he entitled and what directions are necessary in this regard?”

5. On the basis of the pleadings, the following issues were framed on 05.08.2002: -

- “1. Whether the cause of workman has been properly espoused? OPW*
- 2. Whether the punishment imposed upon the workman vide Order dt. 28/29.5.1998 is illegal and unjustified? OPW*
- 3. Terms of reference.”*

6. *Vide* the impugned Award, the learned Tribunal, on Issue No. 1 observed that the cause of the Workman had been properly espoused by the Union. The learned Tribunal further observed that the punishment imposed upon the workman was illegal and unjustified and held the Workman entitled to arrears of wages, stopped by virtue



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of the punishment order dated 28/29.05.1998.

7. The sole argument pressed on behalf of the Petitioner is that only the evidence of WW2, who was the Vice President of the Union, has been taken into consideration while passing the impugned Award and the same is bereft of any reasoning.

8. However, in the opinion of this Court the same does not merit any interference in the impugned Award.

9. With regard to *Issue No. 1*, the learned Tribunal, after considering the testimony of WW-2/ *Ram Rattan*, who was the Vice-President of the Union, as well as the resolution dated 15.12.1998 passed by the DTC Employees Congress, came to the conclusion that the cause of the workman had been properly espoused by the Union. The said resolution specifically recorded the decision of the Union to take up the case of the workman with the management and, if necessary, to raise an industrial dispute on his behalf. Pertinently, the Petitioner-management did not produce any material before the learned Tribunal to controvert the testimony of WW-2 or the resolution relied upon by him. In the opinion of this Court, the view taken by the learned Tribunal on the question of espousal is a plausible view based on the material available on record and does not warrant interference in exercise of the supervisory jurisdiction of this Court.

10. Insofar as *Issue No. 2* is concerned, the learned Tribunal has categorically noted that although MW-2/Sh. *JL Kapoor (Enquiry Officer)* was examined who had stated that the punishment imposed upon the workman was founded upon a domestic enquiry, the



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Petitioner has failed to place on record either the proceedings of the domestic enquiry or the report of the Enquiry Officer. In the absence of the primary record of the enquiry, the learned Tribunal could not have satisfactorily determined that the workman had been afforded due opportunity or that the charges against him had been duly proved in the enquiry. Thus, the learned Tribunal rightly found that the domestic enquiry stood vitiated.

11. It is also pertinent to note that, after holding the domestic enquiry to be vitiated, the learned Tribunal considered whether the alleged *misconduct* had otherwise been established before it. It was noted that the management neither pleaded in the Written Statement that it proposed to prove the misconduct independently on merits nor led evidence of the checking officials, the reporter or the concerned passengers to establish the allegations against the workman. In these circumstances, the learned Tribunal rightly concluded that the *misconduct* could not be said to have been proved before it and consequently held the punishment imposed upon the workman to be illegal and unjustified.

12. This Court, while exercising jurisdiction under Article 226 of the Constitution of India, does not sit as a Court of appeal over the findings recorded by the learned Tribunal or undertake a re-appreciation of the evidence merely because another view may be possible. The Petitioner has failed to demonstrate that the findings returned by the learned Tribunal are perverse, unsupported by the material on record, or suffer from any jurisdictional error or patent illegality warranting interference in exercise of the supervisory



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jurisdiction of this Court.

13. Accordingly, the Writ Petition is dismissed and the pending application(s), if any, stand disposed of.

14. The Petitioner/DTC is directed to implement the impugned Award dated 23.08.2005 and grant consequential relief within a period of six weeks from date.

AMIT MAHAJAN, J

SEPTEMBER 14, 2026

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