

**CENTRAL ADMINISTRATIVE TRIBUNAL
PRINCIPAL BENCH**

O.A. No. 3529/2014

New Delhi, this the 8th day of December, 2016.

HON'BLE MR. P.K. BASU, MEMBER (A)

Pritam Sharma, Aged 53 years,
S/o Shri Kishan Lal,
Driver, Batch No.18879,
R/o 18-A, South Ganesh Nagar,
Gali No.3, Patpar Ganj Road,
Opp. Power House, Delhi – 110 092. .. Applicant

(By Advocate : Shri Soumyajit Pani)

Versus

1. Delhi Transport Corporation,
Through its Managing Director,
I.P. Estate, New Delhi.

2. Sanjay Saxena,
Regional Manager (East),
Delhi Transport Corporation,
Nand Nagri Depot, Delhi.

3. Balraj Singh,
Depot Manager,
Delhi Transport Corporation,
Hasanpur Depot, Delhi. .. Respondents

(By Advocate : Ms. Ruchira Gupta)

ORDER (ORAL)

Heard the learned counsel for both the sides.

2. The charge against the applicant was that while he was on Route No.33, he delayed the bus intentionally and instead of

following the route No.33, he followed the route No.221 and reached Shahdara, which was the ultimate destination. According to the explanation filed by the applicant before the Authorities, the following were the reasons for his taking the above steps:

- (i) The Police did not allow him to proceed further on the prescribed route near Anand Vihar, which forced him to change the route.
- (ii) The Conductor came to know that his younger son is ill and, therefore, since he had to give medicines to his son, there was a need to reach the destination quickly.
- (iii) Being Raksha Bandhan day, the applicant was receiving repeated calls from his sister to reach home early.

3. The Department found his explanation to be not satisfactory and awarded punishment of 'Stoppage of next due one increment with cumulative effect'.

4. Learned counsel for the respondents states that this was a clear case of misconduct on the part of the applicant, as a result of which, the DTC had to suffer financial losses. Moreover, it is not a case that this was one of the incidents with this applicant and it is pointed out by the learned counsel for respondent No.1 that on 16 occasions, the applicant had been pulled up for various

misconducts, such as causing major accidents with truck, damage of bus etc.

5. Learned counsel for the applicant placed before us an order dated 26.02.2013 in the case of Shri Pradeep Kumar, who is also a driver and who had also delayed his trip to Shahdara, was fined only Rs.52/- as damage charges, while the applicant has been awarded the punishment, as stated above, and this amounts to discrimination.

6. The fact remains that there was a delay. The explanation of the applicant cites several reasons for the reason of delay but without evidence. Therefore, these cannot be treated as credible. In any case, the Tribunal is not required to go into re-appraisal of evidence in a departmental enquiry. Order dated 26.02.2013 has no connection with this case and, therefore, cannot be cited as a precedence and binding on the respondents that they have to pass similar orders.

7. The O.A. is, therefore, dismissed. No order as to costs.

(P.K. Basu)
Member (A)

/Jyoti/