



2026:DHC:7883



IN THE HIGH COURT OF DELHI AT NEW DELHI

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Judgment Reserved on: 29.07.2026

Judgment Delivered on: 16.09.2026

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CNR No.: DLHC010714562005

+ W.P.(C) 6632/2005

DHARAM PAL

.....Petitioner

versus

DTC

..... Respondent

Advocates who appeared in this case:

For the Petitioner : Mr. Shanker Raju, Sr. Adv. with
Mr. Nilansh Gaur & Ms. Perna Deep, Advs.

For the Respondent : Mr. Uday N. Tiwary & Mr. Akshat Tiwary,
Advs.
Mr. Alok Kumar, D. Asst. for Management-
DTC

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HON'BLE MR JUSTICE AMIT MAHAJAN

JUDGMENT

1. By the present petition, the petitioner challenges the award dated 18.01.2005 (hereafter '**impugned award**') passed by the learned Presiding Officer, Industrial Tribunal-II, Karkardooma Courts, Delhi in I.D. No. 222/2001 whereby the learned Tribunal noting that the



enquiry was conducted in consonance with the principles of natural justice had upheld the punishment of removal imposed on the petitioner workman.

2. It bears relevance to note that the petitioner workman expired during the pendency of the writ petition in the year 2022 and by order dated 02.06.2023, the legal representatives of the petitioner workman were brought on record who are pursuing the present petition.

3. Briefly stated, the petitioner workman was employed with the management as a conductor in the year 1978. It is the case against the petitioner workman that on 06.04.1989, while performing duty on route no. RL-42, when the bus was intercepted by the checking staff at Delhi Gate at 19:50 hours, it was found that the petitioner workman had failed to issue tickets to a group of 5 passengers after collecting due fare from them. It is further the case of the corporation that upon checking, two sold tickets of ₹2 and ₹1 bearing nos. 97216 and 76809 were found in possession of the petitioner workman with the ticket blocks. For the said charges, a chargesheet was issued to the petitioner workman on 20.04.1989.

4. Thereafter, in the aftermath of the enquiry proceedings, the petitioner workman was found guilty of the charges and *vide* order dated 26.10.1990, the petitioner workman was removed from service.

5. Subsequently, in the industrial dispute raised by the petitioner workman, the learned Tribunal, by the impugned award, upon finding



that the enquiry proceedings were conducted in accordance with the principles of natural justice, upheld the punishment of removal from service as awarded to the petitioner workman.

6. While doing so, the learned Tribunal noted that when the enquiry proceedings were conducted on 27.06.1989, the petitioner workman was present along with one Sh. Victor Charles, Labour Welfare Inspector. The learned Tribunal also took into account the statements of the checking officials recorded during the course of the enquiry proceedings and noted that the said officials were cross examined at length by the workman. It was noted that the enquiry proceedings contained the signatures of the workman along with the signature of the Labour Welfare Inspector. Consequently, it was found that the workman was given full opportunity to defend the case and the enquiry proceedings were conducted in harmony with the principles of natural justice. Hence, the impugned award was passed thereby upholding the punishment of removal from service awarded to the petitioner workman. Aggrieved by the same, the petitioner workman has preferred the present petition.

7. The learned Senior counsel for the petitioner submitted that the impugned award is perverse and is liable to be set aside. He submitted that the learned Tribunal failed to take into account that the enquiry officer only considered the version of the management witnesses presented during the course of the enquiry proceedings. He submitted that while the enquiry officer considered the statement of the alleged



passengers, the said statement was not signed by the petitioner workman and there was no noting by the checking staff that the petitioner refused to sign the said statement.

8. He submitted that the learned Tribunal failed to appreciate the fact that the enquiry proceedings were vitiated due to violation of departmental instructions issued by the corporation dated 06.12.1972 and 13.10.1965. He submitted that since the corporation failed to act on its own instructions, the enquiry officer could not have returned a finding of guilt in the dearth of evidence.

9. He further submitted that the present case is not one in relation to whether the corporation chased the witnesses or not to secure their presence in the enquiry proceedings. He submitted that the present case is one where notices were not even served to the passengers to secure their presence.

10. He submitted that when the cash was checked, a sum of ₹5.20/- was found short which further belies the case of the corporation.

11. He submitted that the learned Tribunal further failed to appreciate the fact that the waybill carried by the petitioner on the date of the incident showed closing numerical at 97240 whereas the unpunched tickets allegedly recovered from the petitioner have numerical value from 97245 – 97249. He submitted that the challan issued to the petitioner does not carry the second allegation mentioned in the chargesheet pertaining to the presence of sold tickets in the



block of tickets with the petitioner and the said fact was also highlighted by the petitioner workman during the enquiry proceedings.

12. *In arguendo*, he submitted that the punishment awarded to the petitioner workman is in violation of the circular dated 03.01.1966 as per which the punishment of dismissal from service is to be awarded only when the said offence of cheating is committed more than three times. He submitted that, if at all, the present instance was only the third instance.

13. *Per contra*, the learned counsel for the respondent submitted the impugned award is well reasoned and warrants no interference by this Court. He submitted that it is well settled that during domestic enquiry, strict rules of evidence are not applicable and all material that is legally probative are permissible.

14. He submitted that the workman in the present case was given full opportunity to defend its case and was also given an opportunity to call his co-worker. He submitted that at the request of the workman, the enquiry was conducted in the presence of the Labour Welfare Officer on 27.06.1989.

15. He submitted that the reliance on the circular dated 13.10.1965 is unfounded as the said circular was amended by circular dated 18.12.1967 as per which the requirement of recording of evidence of the witnesses at their residence has been deleted. He submitted that it is well settled that non production of passenger witness is not fatal to



domestic enquiry. He further submitted that there is also no violation of the circular dated 06.12.1972 as it has consistently been upheld by Courts in a catena of decisions that hearsay evidence would be admissible if it has reasonable nexus.

16. He submitted that the award of punishment is the discretion of the disciplinary authority and considering the past record of the petitioner workman, he was rightly awarded the punishment of removal from service.

Analysis

17. At the outset, it is relevant to note that the jurisdiction of the High Court to issue a writ or direction in exercise of power under Article 226 of the Constitution of India is supervisory in nature and the Court ought not to act as an appellate Court. This Court ought not to rove into the exercise of reappreciation of evidence or substitute its own view for the view taken by the Labour Court unless the same is shown to be arbitrary or perverse.

18. Equally well settled is the fact that in enquiry proceedings, strict or sophisticated rules of evidence are not applicable and the charges are required to be proved on the touchstone of preponderance of probabilities, and not beyond reasonable doubt. What is required to be seen is that there must be some material on record for the Labour Court to have reasonably arrived at the conclusion. Consequently, so long as the view taken by the Labour Court is a plausible one, this



Court, in exercise of power under Article 226 of the Constitution of India, ought not re-appraise evidence to disturb the findings only because another view is possible.

19. The petitioner has essentially challenged the enquiry proceedings against himself on the ground that certain DTC circulars, that is, Circulars dated 06.12.1972 and 13.10.1965, have purportedly been violated. Before proceeding further, it is imperative to take note of the substance of the said circulars. Circular dated 06.12.1972 provides that the alleged statement of any passenger that is not countersigned by the workman cannot be considered by the enquiry officer during the course of the enquiry proceedings. Circular dated 13.10.1965 provided for a mechanism to record the evidence of the witness at the address given by him in case there is a failure on the part of the witness to come forth and the case is being delayed. DTC has contested that the latter circular has since been amended and the provision of recording of evidence at residence stands deleted. Insofar as non-compliance of the former is concerned, it is pertinent to note that non-compliance with departmental instructions does not *ex facie* vitiate enquiry proceedings [Ref. ***State of Haryana v. Rattan Singh : (1977) 2 SCC 491***; ***Mahesh Chand v. DTC :W.P.(C) 2399/2007***]. Furthermore, as held in the case of ***State of Haryana v. Rattan Singh (supra)***, it is well-settled that examination of passengers is not necessary and a finding of guilt can be returned even in absence thereof on the basis of hearsay evidence. Pertinently, in that case, no statement of the passengers was recorded at all, despite which, the



Hon'ble Apex Court upheld the finding of guilt on basis of hearsay evidence of checking staff. The relevant portion of the judgment is as under:

*“3. The principal ground on which the courts below have declared the termination bad is that none of the 11 passengers have been examined at the domestic enquiry. **Secondly, it has been mentioned that there is a departmental instruction that checking inspectors should record the statements of passengers, which was not done in this case.** The explanation of the State, as borne out by the record, is that the inspector of the flying squad had said that they had paid the fares but they declined to give such written statements. The third ground which weighed with the courts was, perhaps, that the co-conductor in the bus had supported with this evidence, the guiltlessness of the respondent.*

*4. It is well settled that in a domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. It is true that departmental authorities and Administrative Tribunals must be careful in evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Indian Evidence Act. For this proposition it is not necessary to cite decisions nor text books, although we have been taken through case-law and other authorities by counsel on both sides. The essence of a judicial approach is objectivity, exclusion of extraneous materials or considerations and observance of rules of natural justice. Of course, fairplay is the basis and if perversity or arbitrariness, bias or surrender of independence of judgment vitiate the conclusions reached, such finding, even though of a domestic tribunal, cannot be held good. However, the courts below misdirected themselves, perhaps, in insisting that passengers who had come in and gone out should be chased and brought before the tribunal before a valid finding could be recorded. The ‘residuum’ rule to which counsel for the respondent referred, based upon certain passages from American Jurisprudence does not go to that extent nor does the passage from Halsbury insist on such rigid requirement. **The simple point is, was there some evidence or was there no evidence — not in the sense of the technical rules governing regular court proceedings but in a fair commonsense way as men of***



understanding and worldly wisdom will accept. Viewed in this way, sufficiency of evidence in proof of the finding by a domestic tribunal is beyond scrutiny. Absence of any evidence in support of a finding is certainly available for the court to look into because it amounts to an error of law apparent on the record. We find, in this case, that the evidence of Chamanlal, Inspector of the Flying Squad, is some evidence which has relevance to the charge levelled against the respondent. Therefore, we are unable to hold that the order is invalid on that ground.”

(emphasis supplied)

20. Thus, while the said circular encapsulates a rule of prudence, the entirety of the enquiry cannot be vitiated on this count. Be that as it may, it is peculiar that there is no particular explanation for absence of endorsement *qua* petitioner’s signature and the impact thereof shall be considered in the subsequent paragraphs.

21. On merits, the finding of guilt is hedged on the evidence of the management witnesses, who have categorically deposed that they found 5 passengers travelling without ticket and affirmed that the concerned passengers had corroborated the fact of non-issuance of ticket in their statements.

22. Perusal of the impugned award reflects that the learned Tribunal has essentially limited itself to fairness of enquiry and assuaged itself by recording that the enquiry proceedings bear the petitioner’s signatures and he was afforded an opportunity to examine the management witnesses who supported the allegations levelled against him. It is imperative to note that merely because an enquiry is fair, the same does not galvanise the findings from judicial scrutiny and it is



incumbent on the Tribunal to assess if the finding of guilt is justifiable or if the same is perverse or arbitrary.

23. The petitioner has pointed out certain glaring infirmities in DTC's case, which have not been considered by the learned Tribunal. *First*, there is an apparent discrepancy in the challan given by the checking officials and the challan available with the management. Despite both the challans being available on record, no deference was paid to the evident additions in the challan available with management *qua* two used tickets being found in the petitioner's possession, which gave rise to the second charge of reselling tickets against him. Such an embellishment cannot be countenanced, and therefore, the consideration of this Court is hereby restricted to only the first charge of non-issuance of ticket.

Second, it is also peculiar to note that even though the way bill was closed at 97240, the unpunched tickets taken by checking staff are from 97245 till 97249, which also casts doubt on the allegations leveled against the petitioner.

Third, the most clinching infirmity of all is the fact that when the cash was checked, instead of finding excess cash, a sum of ₹5.20/- was found short instead. The shortage of cash is clearly inconsistent with the case put up by DTC. Though DTC has sought to contest that the workman had admitted receipt of ₹10 for issuance of 5 tickets in his reply, it is pertinent to note that he had also mentioned therein that he had issued the requisite tickets. Further, he had stated that he had



received ₹10/- from another passenger for 2 tickets, but was intercepted from issuing tickets. He has further asserted there that the unpunched tickets were taken forcibly.

24. In such circumstances, on a holistic appraisal of facts, the absence of endorsement on the passenger's statements as to why the petitioner did not sign the same casts further shadow on the veracity of allegations, especially considering the complaint filed by one co-passenger Ram Singh against the checking officials, which was brushed aside by the Enquiry Officer. Pertinently, in the complaint, the said passenger had mentioned that he had boarded the bus along with his wife on the relevant day, and the checking staff had stopped the conductor from giving tickets and misbehaved with the conductor as well. Though finding of guilt can be sustained in absence of cash verification, as there are serious unexplained inconsistencies and infirmities in DTC's case, this Court finds that DTC has failed to prove the guilt on threshold of preponderance of probabilities.

25. Although ordinarily High Court while exercising jurisdiction under Article 226 of the Constitution of India, would be loath to interfere with consistent findings of guilt, this Court considers it apposite to set aside the impugned award in the peculiar facts of the present case.

26. Insofar as relief is concerned, the petitioner workman had worked with DTC for around 12 years and he has already expired. Further, the termination dates back to the year 1990. At this juncture,



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after more than 35 years, this Court is of the opinion that award of a lump-sum compensation will meet the ends of justice. Consequently, DTC is directed to pay a sum of ₹5,00,000/- to the legal heirs of the petitioner within a period of 4 weeks.

27. In view of the aforesaid discussion, the present petition is allowed in the aforesaid terms.

AMIT MAHAJAN, J

SEPTEMBER 16, 2026

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