



\$~24

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

CNR No. DLHC010430082016

+ **W.P.(C) 1273/2016**

**M/S DELHI TRANSPORT
CORPORATION (DTC)**

.....Petitioner

Through: Ms. Manisha Singh, Mr.
George Pothan Poothicote, Mr.
Ishaan Aggarwal, Mr. Kanav
Khatana & Ms. Jyoti Singh,
Advs.

versus

VIRENDER KUMAR

.....Respondent

Through: Ms. Meenal Duggal, Adv.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

%

05.08.2026

1. The present petition is filed challenging the award dated 18.09.2015 (hereafter '**impugned award**') passed by the learned Labour Court in I.D. No. 10/10.

2. Briefly stated, the respondent was appointed as a Daily Wage conductor on 08.10.1982 and his services were confirmed on 08.04.1983. On 17.02.1988 and 01.03.1988, the respondent was served with charge sheet on the allegation that he was selling forged tickets and he was found with excess cash of ₹25.85/- and 100 tickets of ₹1/- each whose entry had not been made in the way bill when he was checked by the staff of the petitioner corporation. Thereafter, the respondent was suspended on 13.02.1988 and FIR No. 26/1988 was registered at Police Station Adarsh Nagar against him as well. The services of the respondent were terminated in the year 1988 due to his participation in a strike, but he was reinstated on 23.01.1990.

W.P.(C) 1273/2016

Page 1 of 4



Subsequently, the respondent was found guilty in the departmental disciplinary enquiry, pursuant to which, a show cause notice for removal from service was issued, which was challenged by the respondent before the Civil Judge, Tis Hazari. The respondent's suit came to be dismissed on 27.10.2001 whereafter the services of the respondent were ultimately terminated *vide* letter dated 21.12.2001. Legality and justifiability of termination of the respondent's services was the subject matter of dispute before the learned Labour Court. By way of order dated 20.08.2015, the learned Labour Court had determined that the principal of natural justice had been followed in the enquiry proceedings and there was no perversity in the enquiry report. Thus, charge of misconduct was found to be proved against the respondent on preponderance of probability.

3. Thereafter, in the impugned order, the learned Labour Court had deliberated over the limited issue of cogency of awarded punishment and found that termination of the services of the respondent was not justified. Finding the punishment to be disproportionate, the learned Labour Court modified the same and directed that the respondent be deemed to have retired on 21.12.2001. It was further directed that retirement and other benefits be disbursed to the respondent within a month from the date of publication of the award, failing which, the petitioner was held to be liable to pay interest @ 9% per annum till realisation.

4. Though the learned counsel for the petitioner has stressed that the punishment was justified as misconduct pertained to financial corruption, having perused the impugned award, this Court finds no reason to interfere with the same after almost eleven years.

5. It is well-settled that Labour Courts should refrain from



interfering with the punishments on the basis of bald compassionate considerations, however, the same does not preclude interference if the punishment is found to be disproportionate. It has been categorically found in the impugned award that the termination was disproportionate and unjustified to the proved misconduct in the peculiar facts of the present case. Though it is not specified as to how the punishment is disproportionate, a holistic reading of the impugned award reflects that the decision of the learned Labour Court was helmed on a myriad of relevant factors including the acquittal of the respondent in the criminal case instituted on the same allegations. The learned Labour Court was also weighed by the ancillary factors of the respondent having rendered a service of more than 19 years and him having only one bad entry in his previous record in relation to him having come to the depot 40 minutes earlier one day.

6. The present case is one where the record reflects that the respondent has suffered not just through the punishment imposed on him for his misconduct but also indirectly through the tribulations of prolonged litigation. The reference before the learned Labour Court remained pending for around five years and the present petition has also been pending for more than a decade. It is also undisputed that the respondent was acquitted in the FIR and had also suffered agony of criminal trial.

7. Though the levelled charge ought not to be trivialised and the same may justify termination in some cases, this Court finds that the allegations in the peculiar facts where the respondent has been acquitted are not of such nature which would justify termination of services in the present case.

8. While the petitioner has rightly pointed out that acquittal in



criminal case does not by itself warrant modification of punishment due to varying standard of proof in departmental enquiry, considering the totality of peculiar circumstances of the present case as noted above and prolonged litigation, this Court is not inclined to exercise its extraordinary jurisdiction under Article 226 of the Constitution of India to interfere with the plausible view taken by the learned Labour Court.

9. The petition is, therefore, dismissed.

AMIT MAHAJAN, J

AUGUST 5, 2026/“SS”