

**Non-Reportable**

**IN THE SUPREME COURT OF INDIA**

**CIVIL APPELLATE JURISDICTION**

**CIVIL APPEAL No.9957 OF 2018**

**(Arising out of S.L.P.(C) No.26347 of 2018)**

**(D.No.23039 of 2018)**

Chief Manager, Rajasthan State  
Road Transport Corporation, Alwar ....Appellant(s)

VERSUS

Vinod Kumar Sharma ...Respondent(s)

**J U D G M E N T**

**Abhay Manohar Sapre, J.**

1. Leave granted.
2. This appeal is filed against the final judgment and order dated 06.02.2018 passed by the High Court of Judicature for Rajasthan Bench at Jaipur in D.B. Special Appeal Writ No. 1960 of 2017

whereby the High Court dismissed the appeal filed by the appellant herein and thus confirmed the order dated 18.08.2017 passed by the Single Judge of the said High Court in S.B. Civil Writ Petition No.14368 of 2011, which arose out of the award dated 25.07.2011 passed by the Industrial Tribunal-cum-Magistrate Court, Alwar.

3. Few facts need mention for the disposal of the appeal hereinbelow.

4. The appellant is the employer- Rajasthan State Road Transport Corporation. The respondent is the employee working at all relevant time with the appellant on the post of Conductor.

5. The dispute relates to dismissal of the respondent from the services on the ground of misconduct committed by him while on duty. The dismissal of the respondent is based on domestic inquiry.

6. The dispute in relation to the respondent's dismissal was dealt with by the Industrial Tribunal

at the instance of the respondent-employee with a view to decide its legality and correctness.

7. It was then carried to the High Court in two rounds earlier which eventually led to passing of the impugned order by the Division Bench in an appeal filed by the appellant herein and now finally it is before this Court at the instance of the employer (Rajasthan State Road Transport Corporation) against the dismissal of their appeal by the High Court.

8. We heard the learned counsel for the parties and perused the impugned order of the Division Bench.

9. We are constrained to observe that on reading the impugned order, it is difficult to discern much less appreciate the factual and legal controversy in its proper perspective. The reasons are not far to seek.

10. The impugned order has neither set out the facts properly nor the findings of the Tribunal

clearly and Single Judge and nor dealt with any submissions urged by both the counsel and nor given its reasoning keeping in view the law laid down by this Court on the issues arising in the case to justify the dismissal of the appeal filed by the employer (appellant herein).

11. In substance, we are not able to appreciate the slip short narration of the facts and unsubstantiated reasoning in support of the conclusion arrived at by the Division Bench.

12. For these reasons, we do not wish to probe into the factual and legal issues arising in the case and instead allow the appeal, set aside the impugned order and remand the case to the Division Bench of the High Court for deciding the appeal afresh on merits keeping in view the aforementioned observations made by us.

13. The appeal thus succeeds and is accordingly allowed. Impugned order is set aside. The case is remanded to the Division Bench for deciding the

intra Court appeal afresh on merits in accordance with law. Since we form an opinion to remand the case to the Division Bench, we refrain from going into the merits of the case and, therefore, the High Court will decide the appeal uninfluenced by any of our observations.

14. We request the High Court to decide the appeal as expeditiously as possible preferably within 6 months.

.....J.  
[ABHAY MANOHAR SAPRE]

.....J.  
[S.ABDUL NAZEER]

New Delhi;  
September 25, 2018