



HIGH COURT OF UTTARAKHAND AT NAINITAL

Special Appeal No. 35 of 2026

July 03, 2026

1: Uttarakhand Parivahan Nigam
2: Regional Managers Uttarakhand Parivahan Nigam
3: Assistant General Manager

--Appellants

Versus

Ganga Joshi

--Respondent

Presence:-

Mr. Ashish Joshi, learned Counsel for appellants.

Mr. M.C. Kandpal, learned Senior Advocate assisted by Mr. Devesh Kandpal, learned Advocate for respondent.

Per: Hon'ble Manoj Kumar Tiwari, J.

This intra-court appeal is directed against the judgment and order dated 10.01.2026 rendered by a learned Single Judge of this Court in Writ Petition No.101 (S/S) of 2017 (*Smt. Ganga Joshi v. Uttarakhand Parivahan Nigam and others*). By the said judgment, writ petition filed by respondent-Ganga Joshi was allowed and order of termination dated 26.03.2011 passed against her was quashed and it was provided that she shall be entitled to 50% of wages drawn by her. The operative portion of impugned judgment is reproduced below: -

“13. I have also perused the judgments relied by the learned counsel for the respondents. In the aforesaid cases, a proper departmental inquiry was held against an employee and on charges of proved misconduct, the punishment was imposed by the disciplinary authority and the Hon'ble Apex Court, as such, held that in case of proved misconduct of a corruption, the Court cannot substitute its own decision and decision taken by the departmental authorities should not be interfered with. The facts of the cases relied on by the counsel for the respondents are different as in the present case the issue involved is that as to whether order of termination is 10 simplicitor or is stigmatic in nature and if the same is founded on misconduct as to



whether an inquiry and proper opportunity of hearing was to be provided to the petitioner prior to the passing of the impugned order. The Hon'ble Apex Court in Purushottam Lal Dhingra (supra) and in other cases referred above has dealt with the issue as to what procedure is to be followed even in case of a contractual employee whose services are terminated on the ground of misconduct. Admittedly, the contractual employment of the petitioner is terminated on the ground of misconduct and the said very fact is mentioned in the impugned termination order itself. Moreover, the said termination order has visited with evil consequences of forfeiture of loss of pay and future employment, as such, the same could not have been passed without holding an inquiry and following the principles of natural justice. In the considered view of the Court, the termination order is founded on misconduct and is stigmatic order, as such, is a punishment and the requirement of Article 311 of the Constitution of India were to be followed.

14. In view of the above, the impugned order of termination dated 26.03.2011 being founded on misconduct and being stigmatic in nature cannot be sustained in the eyes of law. Accordingly, the order dated 26.03.2011 is quashed. The petitioner's status shall be restored to the same position as it was prior to the issuance of the impugned order dated 26.03.2011. The petitioner shall be entitled to 50% of the wages drawn by her. The respondents are given a liberty to pass an appropriate order after affording full opportunity of hearing to the petitioner, in accordance with law. The said exercise shall be completed within a period of three 11 months from the date of production of certified copy of this Order before the authority concerned.

15. Learned counsel for the petitioner has also prayed that a writ of mandamus be issued commanding the respondents to regularize the services on the post of Clerk. As per the own case of the petitioner, she was engaged as a Conductor on contractual basis and, her services were terminated from the post of Conductor and, as such, the prayer made by the petitioner for her regularization on the post of Clerk cannot be granted.

16. It is however provided that the petitioner shall be at liberty to claim her regularization on the post of Conductor after the conclusion of the proceedings against her.

17. With the above observations, the writ petition is finally disposed of."

2. Learned Counsel for appellant submits that respondent was initially engaged on contract in the year 1998 in Uttar Pradesh State Road Transport Corporation, and upon creation of Uttarakhand Transport Corporation, she continued to serve on contract as conductor in the new Corporation. He further submits that a surprise inspection was carried out of the Bus in which petitioner was serving as Conductor, and discrepancies were found in the waybills; thereafter, all the waybills of respondent-petitioner were thoroughly examined and it was found



that she had tampered with the ticket machine and prepared 1062 fake tickets with zero balance, and had embezzled a sum of Rs. 45,407/-. He also submits that respondent was disengaged from service after issuing a show-cause notice to her as the reply submitted by her was not found satisfactory.

3. Respondent's stand is that she was not given training for operating the ticket machine, and by mistake, wrong button was pressed by her on some occasions which resulted in issuance of ticket with zero balance.

4. It is an admitted position that neither any charge-sheet was issued to the respondent nor any disciplinary enquiry was held to prove her guilt. Since the respondent was disengaged based on a serious charge, therefore, it was incumbent upon the employer to hold regular disciplinary enquiry before terminating services of respondent by a stigmatic order.

5. Learned Single Judge relied upon the judgment rendered by Constitution Bench of Hon'ble Supreme Court in the case of '*Purshottam Lal Dhingra v. Union of India*' reported in A.I.R. 1958 S.C. 36 for allowing the writ petition. We concur with the reasoning given by learned Single Judge that disengagement of respondent without holding disciplinary enquiry is unsustainable. Thus, no fault can be found with the view taken by learned Single Judge.

6. Learned Counsel for the appellant then submits that learned Single Judge has provided for payment of 50% of wages drawn by respondent, as arrears while her status was that of a contract employee. He submits that respondent was not holding a regular



position and her status was that of a contract employee who was paid remuneration on per kilometer basis. He thus submits that the direction to pay 50% back-wages is not sustainable. Mr. M.C. Kandpal, learned Senior Advocate appearing for respondent also does not dispute the above position.

7. Having regard to facts and circumstances of the case, we modify the impugned judgment only to the extent it provides for payment of arrears of salary. However, she shall be entitled to be placed in the same position as she was holding before termination of her services. Necessary order in that regard shall be passed within two weeks. The competent authority shall at liberty to initiate disciplinary proceeding in the matter as per law.

8. The special appeal stands disposed of in the aforesaid terms.

9. Pending application, if any, also stands disposed of.

(Pankaj Purohit, J.)

(Manoj Kumar Tiwari, J.)

03.07.2026

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