



**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

**CWP-25542-2016 (O&M)**  
**Date of decision: 03.09.2025**

Hari Singh ...Petitioner

Versus

P.R.T.C. Depot, Patiala, and others ....Respondents

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Ish Puneet Singh, Advocate,  
for the petitioner.

Mr. A.S. Chadha, Advocate,  
for respondents No.1 to 3.

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**KULDEEP TIWARI, J.** (Oral)

1. The petitioner-workman has approached this Court, by way of an instant writ petition, as cast under Article 226/227 of the Constitution of India, impugning the award dated 02.04.2013 (Annexure P-4), passed by the learned Industrial Tribunal Patiala-respondent No.4, vide which, reference has been answered against him, thereby, upholding the order of termination of his services.

2. Learned counsel for the petitioner, in an endeavour to throw challenge to the award (supra), asserts that the learned Tribunal has failed to examine the crucial factor that, not only the enquiry was improperly conducted, but also the charge-sheet, served upon the petitioner, was vague. He further submits that the act attributed to the petitioner does not fall within definition of misconduct, under the Service Rules.

3. The principal contention raised on behalf of the petitioner is that, the Management did not produce Pardeep Sachdeva, General Manager, under whose supervision, checking was conducted against the petitioner, as a witness in the enquiry proceedings, which casts serious doubt on the intentions of the Management, besides creating a huge gap to establish the charges against him. Likewise, it is submitted that in the audit reports, pertaining to the period, w.e.f. 01.04.1995 to 31.03.1998, with respect to Adda Fees, Bust Stand, Ahmedgarh, there was no recital of any lapse or embezzlement on the part of the petitioner. Taking his arguments further, it is submitted that, though the petitioner, time and again, requested the enquiry officer to summon the said audit reports, but he did not pay any heed thereto, whereas, an audit report was produced before the learned Tribunal concerned, which pertained to a different District, i.e. Sangrur. However, this crucial aspect was not considered in its right perspective, while drawing the impugned award. He concludes by submitting that since the petitioner was involved in the trade union activities, therefore, in order to teach him a lesson, he was shown the door.

4. This Court has heard learned counsel for the parties at a considerable length, and perused the records.

5. Before embarking upon the submissions advanced on behalf of the contesting parties, and gauging the legality of the impugned award, it is imperative to have a glimpse of the undisputed facts.

6. The petitioner-workman joined the respondent-Management as Conductor on 27.11.1974. However, on receipt of a complaint regarding embezzlement, the competent authority put him under suspension, vide order dated 16.07.1997. Thereafter, he was served with

a charge-sheet dated 20.08.1997, primarily with the following allegations:-

- “i) Major misconduct;*
- ii) Causing embezzlement of Rs.9,070/- on 16.07.1997, at the time of performing duty at Ahmedgarh Bus Stand, by issuing illegal receipts of Adda Fees and causing further embezzlement of Rs.1937;*
- iii) keeping counter-foil of receipt book of Adda Fees, which is office record at home and illegally using the same and causing financial loss to the corporation; and*
- iv) breach of discipline.”*

7. The charge-sheet (supra) was served, along with a list of witnesses, which was duly responded to, by the petitioner, by filing a reply. However, upon finding the reply unsatisfactory, the competent authority appointed an Enquiry Officer, to conduct a fair and proper enquiry into the matter, vide order dated 02.09.1997. The Management examined its witnesses, whereas, the petitioner-workmen examined as many as three witnesses, and closed his evidence on 07.10.1998. Consequently, the enquiry report was submitted on 12.02.1999, thereby emphatically holding the petitioner guilty of the charges levelled against him. Thereupon, the disciplinary authority served him with a show cause notice dated 15.02.1999, along with the enquiry report, to which, he submitted a reply. After affording him personal hearings on different occasions, finally, he was terminated from service, vide order dated 28.01.2000. Fetching grievance therefrom, he preferred an intra-department appeal, which too, was dismissed vide order dated 13.06.2000, after affording due opportunity of hearing.

8. Feeling aggrieved by the order dated 28.01.2000, the claim statement was filed, which was referred to the learned Industrial Tribunal, under Section 2-A and 10(1) (C) of the Industrial Disputes Act, 1947 (for short, 'the ID Act'). After considering the matter, the learned Industrial Tribunal, while drawing an order dated 02.04.2013 (Annexure P-4), concluded that departmental enquiry was conducted in a proper and justified manner, and thus, the punishment of termination inflicted upon the petitioner is in proportion to the charges of misconduct.

9. In conspectus of the abovesaid narration of factual position, the first and foremost issue, which this Court is required to examine, is, as to whether, the procedure adopted by the respondent-Management to conduct the departmental enquiry was fair or not?

10. The petitioner, as referred to in the preceding paragraphs, was afforded due opportunity of hearing at every stage of the enquiry. The charges were explained to him by serving a charge-sheet dated 20.08.1997. Further, he was also granted adequate opportunities to examine witnesses, and, as such, he examined three witnesses in defence. Not just that, the Management, acceding to the requests of the petitioner, had even changed the Enquiry Officer twice. Initially, Vinod Kumar, Traffic Manager, PRTC, was appointed as Enquiry Officer, vide order dated 02.09.1997. Thereafter, on the request of the petitioner, he was replaced with Mr.Y.R.Passi, General Manager, PRTC, Patiala, vide order dated 28.11.1997. However, again responding to the request of the petitioner, Mr. Guriqbal Singh Pandher, was assigned that task of conducting the enquiry, through an order dated 27.03.1998. Given the chronology of events, it is quite clear that the Management, in order to ensure transparency and dispel the element of bias, time and again,

changed the Enquiry Officers. Further, it was admitted by the petitioner, when he stepped into the witness box, that a copy of proceedings dated 24.10.1997, was supplied to him, and he put his signatures thereon, as an acknowledgement in receipt thereof. He did cause appearance before the Enquiry Officer on different occasions, and his preliminary statement was also recorded. It was also admitted by him that all the four witnesses appeared in the enquiry proceedings, and he was granted sufficient opportunity to cross-examine them. In this view of the matter, it cannot be said that there was any procedural lapse in conducting a fair and impartial departmental enquiry. Moreover, learned counsel for the petitioner fails to refer to anything on record, to substantiate that the enquiry is tainted, in any way. Hence, the principal issue is answered in affirmative.

11. Now, the issue, which comes to the light, is with respect to non-examination of Pradeep Sachdeva as a witness in the enquiry proceedings, under whose supervision, checking of the house of the petitioner was conducted. After considering the entire evidence led by both the parties, and the findings returned by learned Industrial Tribunal, this Court finds no merit in this argument. To say so, the reason is that the Management had examined as many as four witnesses, during the enquiry proceedings. Further, even before the learned Tribunal, Varinder Paul Singh, Junior Assistant, was examined as MW1, who proved on record relevant documents qua the enquiry proceedings, along with official record. The Management also examined Shiv Kumar Mittal, Senior Assistant as MW2, who also proved on record relevant documentary evidence. At this juncture, this Court is reminded to point out that the disciplinary proceedings are not a criminal trial. Therefore,

the standard of proof required therein, is that of preponderance of probability and not the proof beyond reasonable doubt, which is the proof required in a criminal trial.

12. Reverting to the next contention raised before this Court, i.e. with respect to Adda Fees, which was recorded only for the purpose of rejection, the audit reports may not comprehend any embezzlement, on account of lack of relevant material. But, the petitioner himself had admitted loss of original receipt books, though, as per his version, he had deposited the amount. However, he miserably failed to provide details of the challan forms, to prove that he had deposited the amount. In this regard, it is apposite to refer to the relevant observations recorded by the learned Tribunal:-

*“20. Thus, he admitted the loss of original receipt book, but added that he had deposited the amount of this receipt book. However, he failed to given the details of the challan forms vide which he deposited this amount. Regarding receipt book No.4390, he denied that the counter folios were also sold (issued against receipt of money). He added that after deposit of cash they keep the receipt book there, because PRTC has no record room nor the booking branch received the same. He did not know as to who have removed the counter folios, because other officials were also working with him. Everything was done to trap him. He in his reply Ex.W2 admitted that missing of counter folios from receipt book No.43901.*

*Regarding next charge of sale of two tickets (receipts) dt. 09.-5.1997 of receipt book No.17101 he denied the same, rather he alleged that after issuance of receipts, he deposited the receipt books in the room at Bus Stand Ahmedgarh. He did not cause any embezzlement. He further submitted that counter folios of 7901, 17701, 27001, 42101, 43001 and 43201 were demanded and that he had already told that after deposit of*

*cash the counter folios of cash books used to be thrown in the room regarding Adda fees room, because there were no record room, nor any official took them. This was done only to trap him. The counter folios of receipt books are thrown and only number of his receipt books are given whereas he has already deposited the cash regarding the same.*

*21. Workman failed to furnish the counter folios of above referred receipt books and statement of management witnesses namely Jagdish Kumar Chief Inspector, Jagan Nath, Inspector, Karnail Sing Inspector and Nachhattar Singh Inspector examined during the enquiry fully proved that against these counter folios he took Adda Fee, but did not deposit the fees of counter folios of receipt books whereas he was required to deposit the counter folios with the concerned official of PRTC and to issue the receipts from the fresh/new receipt books at the time of charging adda fees, which was charged at the time of entry or exit of vehicles at Bus Stand Ahmedgarh. Thus in his own reply Ex.W2 he invariably admitted the charges and even then management gave opportunity of being heard. In defence, he examined three witnesses, who are from the village of workman and they have the reason to depose in favour of the workman, in the domestic enquiry, being his village-men.”*

13. In the wake of the position sketched out above, the only and inevitable conclusion that could be reached by this Court is: the petition must fail. Accordingly, the instant writ petition is **dismissed**.

**(KULDEEP TIWARI)**  
**JUDGE**

**03.09.2025**  
Ak Sharma

Whether speaking/reasoned	Yes
Whether reportable	Yes/No