



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

**CWP-7052-2025 (O&M)
Date of Decision : 17-03-2025**

**PANCHAYAT SAMITI, TALWANDI SABO, BATHINDA
.....Petitioner**

VERSUS

PARVINDER KAUR AND OTHERS Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Nakul Sharma, Advocate
 for the petitioner.

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition, the challenge is to the award dated 21.10.2024, copy of which has been appended as Annexure P-7 by which, the respondent No.1-workmen has been directed to be reinstated in service along with 40% backwages.

2. Learned counsel for the petitioner-Panchayat Samiti, Talwandi Sabo argues that the work and conduct of the respondent No.1-workman was not good and keeping in view the said work and conduct, a resolution was passed by the petitioner-Panchayat Samiti, Talwandi Sabo, dispensing her services hence, the findings recorded by the Labour Court that without holding an inquiry into the allegations, the services could not have been terminated on the basis of the misconduct so as to grant the benefit of

reinstatement to the respondent No.1-workmen, is not correct especially when, the respondent No.1-workmen was appointed on temporary basis.

3. Learned counsel for the petitioner further argues that even otherwise, the services of the respondent No.1-workmen were not required hence, her services were dispensed with.

4. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

5. It may be noticed that once, the basis for termination of the services of the respondent No.1-workman was misconduct, the respondents are under obligation to find out the truth qua the said allegation of misconduct being attributed to the respondent No.1-workmen and the said misconduct cannot be treated to be proven without giving any opportunity of hearing to the respondent No.1-workmen qua the said allegations hence, the reason given by the Tribunal to treat the order of termination as bad, cannot be faulted with.

6. Further, once the respondents have passed an order of termination on the basis of the alleged misconduct and, the said stand being taken by the respondents with regard to the non-availability of work, which ground is not even mentioned in the impugned award dated 21.10.2024 (Annexure P-7) is totally an afterthought in order to overcome the fact that the impugned award was vitiated. The respondents are taking two different stands in the same breath, which is not permissible.

7. At this stage, learned counsel for the petitioner argues that the petitioner-Panyachat Samiti, Talwandi Sabo is not an industry.

8. On being asked to point out as to what evidence has been brought on record to support the said assertion, learned counsel for the

petitioner submits that no such evidence has been brought on record though, an objection was taken in the written statement.

9. Once, no such evidence has been brought on record to prove that the petitioner-Panchayat Samiti, Talwandi Sabo is not an industry, the Tribunal has rightly not recorded any finding on the said issue as the same was not pressed at the time of hearing. Once, an issue has not been pressed at the time of hearing, the same cannot be agitated before this Court.

10. Keeping in view the totality of the circumstances as no perversity in the impugned award dated 21.10.2024 (Annexure P-7) has been pointed out qua the facts and the evidence placed on record, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

11. Present petition is dismissed.

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

17-03-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO