



**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 251)**

(1) **CWP-23492-2015 (O&M)**
Date of Decision : 03.03.2025
Sandeep Kumar **...Petitioner**

Versus

Presiding Officer, Labour Court, U.T. Chandigarh and another
...Respondents

(2) **CWP-23953-2015 (O&M)**
Varinder Kumar **...Petitioner**

Versus

Presiding Officer, Labour Court, U.T. Chandigarh and another
...Respondents

(3) **CWP-23489-2015 (O&M)**
Rajesh Kumar **...Petitioner**

Versus

Presiding Officer, Labour Court, U.T. Chandigarh and another
...Respondents

(4) **CWP-26389-2015 (O&M)**
Anil Kumar **...Petitioner**

Versus

**Presiding Officer, Industrial Tribunal and Labour Court, U.T.
Chandigarh and others**
...Respondents

**CWP-23492-2015 (O&M) and
connected matters**

2025:PHHC:029856



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(5)

CWP-23585-2015 (O&M)

Dhan Pal

...Petitioner

Versus

Presiding Officer, Labour Court, U.T. Chandigarh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: None for the petitioner(s) in CWP-23492-2015,
CWP-23953-2015, CWP-23489-2015 & CWP-23585-2015.

Mr. Lalit Rishi, Advocate with
Mr. Rohit Singh, Advocate for the petitioner
in CWP-26389-2015.

Mr. Akshay Bhan, Senior Advocate with
Mr. Shaurya Khanna, Advocate for respondent No. 2
in all cases.

Harsimran Singh Sethi J. (Oral)

1. In the present bunch of five petitions, the grievance of the petitioner(s)-Workmen is qua the Awards dated 17.03.2015 (Annexure P-1) in CWP-23492-2015, CWP-23953-2015, CWP-23489-2015 and CWP-23585-2015 and Award dated 20.02.2015 (Annexure P-1) in CWP-26389-2015 by which, the prayer of the petitioner(s) before the Labour Court that their services have wrongly been terminated, has not been accepted and the termination of their services has been held to be valid.

2. Learned counsel for the petitioner(s)-Workmen argues that the Labour Court without appreciating the fact that there was no valid departmental proceedings held, by giving due opportunity to the petitioner(s)-Workmen, held that the departmental proceedings were held in



a manner required, which is incorrect and, therefore, the aforementioned orders terminating the services of the petitioner(s)-Workmen are liable to be set-aside. The further argument of the counsel for the petitioner(s)-Workmen is that there was not enough evidence on record that the charges alleged against the petitioner(s)-Workmen with regard to not performing the duties and also inciting the other workers to go on strike but still, the said fact has been held against the petitioner(s)-Workmen so as to hold that the termination of the services of petitioner(s)-Workmen is valid hence, the Award dated 17.03.2015 (Annexure P-1) as well as Award dated 20.02.2015 (Annexure P-1) may kindly be set-aside and the respondents be directed to reinstate the petitioner(s)-Workmen with consequential benefits.

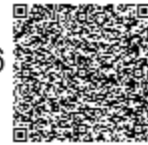
3. Learned senior counsel appearing on behalf of respondent No. 2 in all cases submits that each and every argument of the petitioner(s)-Workmen including the arguments qua the defective departmental proceedings have been discussed by the Labour Court and that too on the basis of the evidence and the assertions of the petitioner(s)-Workmen and hence, have been rejected with due reasons and, therefore, the bald argument that the arguments raised on behalf of the petitioner(s)-Workmen have not been appreciated by the Labour Court is incorrect and false, hence, the writ petitions filed by the petitioner(s)-Workmen may kindly be dismissed as, the Awards given by the Labour Court dated 17.03.2015 (Annexure P-1) and 20.02.2015 (Annexure P-1) are in consonance of the facts and evidence, which had come on record.



4. I have heard learned counsel for the parties and have gone through the record with their able assistance.

5. The facts of the present case are that the petitioner(s)-Workmen while working with the respondents-Management on 06.12.2001, remained away from their work without any cause or official purpose and went to different departments of the factory so as to incite the other workers to join them for strike by leaving their work place. The aforementioned allegations were issued to the petitioner(s)-Workmen in the form of the charge-sheet dated 10.12.2001. The Enquiry Officer was appointed by the respondent No. 2-Management and during the departmental proceedings, the petitioner(s)-Workmen requested for the documents, which were relied upon by the Management from the Enquiry Officer out of which certain documents were supplied to them on 28.01.2002 and thereafter, on the basis of the material evidence brought on record by the petitioner(s)-Workmen as well as the respondent-Management, the finding was given proving the allegations against the petitioner(s)-Workmen.

6. The argument of the learned counsel for the petitioner(s)-Workmen is that certain documents were not supplied to them by the Enquiry Officer and they were not given due opportunity to be represented and further that there was no valid evidence which has come on record to prove the allegations. All these arguments have been discussed in detail by the Labour Court, wherein, the Labour Court has mentioned that the documents sought by the petitioner(s)-Workmen were given to them on

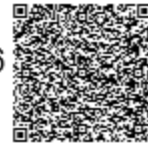


28.01.2002 which fact, even has gone un-rebutted during the hearing today before this Court.

7. Further, it has also come on record that the reply dated 15.12.2001 was filed by the petitioner(s)-Workmen to the charge-sheet dated 10.12.2002 and witnesses of the Management were examined, who were also cross-examined by the petitioner(s)-Workmen concerned, it has also come on record, which fact has gone un-rebutted, that due assistance of a co-worker was given to the petitioner(s)-Workmen to represent though, the benefit of assistance of an Advocate was denied keeping in view the standing order of the respondent-Management, which were to be made operational while conducting the departmental proceedings. Learned counsel for the petitioner(s)-Workmen has not been able to rebut the said findings, which have been recorded by the Labour Court.

8. One of the argument raised by the petitioner(s)-Workmen was that the evidence of one Bhupender Singh who was the Shift In-charge (Production), has been accepted though, as per his duty roster, Bhupender Singh was in shift 'B' whereas the petitioner(s)-Workmen were in shift 'C' hence, he was not suppose to be present in the factory premises as his duty hours ended at 10 O'Clock whereas the incident is supposed to have occurred at 10.30 p.m.

9. It may be noticed that Bhupender Singh has given an evidence that as the next shift In-charge could not come, he continued with his shift till 11.45 p.m. and the incident occurred between 10.35 p.m. to 11.00 p.m.,



which fact has also gone un-rebutted at the hands of the petitioner(s)-Workmen.

10. Once, the findings recorded by the Labour Court have gone un-rebutted and the same has not been proved to be perverse in any manner qua the facts and evidence, which had come on record, this Court is not going to interfere merely because the petitioner(s)-Workmen think that they have a good case which should have been allowed by the Labour Court.

11. Qua the petitioner in CWP-26389-2015, learned counsel for the petitioner(s)-Workmen has argued that the order dated 20.02.2015 terminating the services of the petitioner-Anil Kumar has been passed on the ground of absence, for which the enquiry proceedings were not held in a manner required as certain documents were not submitted to the delinquent employee so as to defend the allegations alleged against him. Learned counsel for the petitioner(s)-Workmen submits that the Labour Court should have invoked the jurisdiction under Section 11-A of the Industrial Disputes Act, 1947 (hereinafter referred to as '1947 Act') so as to conduct the enquiry afresh so as to find the truth into the allegations being alleged against the said petitioner(s)-Workmen.

12. Till a finding is recorded by the Labour Court that the disciplinary proceedings are vitiated on any account, the jurisdiction under Section 11-A cannot be enforced so as to allow the Management to adduce the evidence against the petitioner(s)-Workmen to prove the allegations.

13. In the present case, the enquiry has been held to be valid and the allegations have been proved after due opportunity of hearing to the



petitioner(s)-Workmen concerned. Learned counsel for the petitioner(s)-
Workmen has not been able to rebut that despite the examining three
evidence and getting more opportunity to lead the evidence, the petitioner(s)-
Workmen did not produce any other evidence and rather, absented himself,
the enquiry proceedings cannot be treated as invalid, which fact has gone un-
rebutted even during the hearing.

14. As no perversity in the said findings have been pointed out, no
ground is made out for any interference by this Court in the present petitions.

15. Dismissed.

16. Pending miscellaneous application, if any, also stands disposed
of.

17. A photocopy of this order be placed on the file of connected
cases.

March 03, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No