



CWP-6139-2025 :1:

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

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**CWP-6139-2025 (O&M)
Date of decision : 05.03.2025**

CANARA BANK

..... Petitioner

VERSUS

**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM
LABOUR COURT II, HARYANA AND ANOTHER**

..... Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present :- Mr. Rakesh Gupta, Advocate
for the petitioner.

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to the award dated 13.03.2024 (Annexure P-18) passed by the Labour Court by which, the benefit of backwages from the date of dismissal till the date of superannuation of the respondent-workman to the extent of 25% alongwith all the retiral benefits has been allowed in favour of the legal heirs of the workman.

2. Learned counsel appearing on behalf of the petitioner submits that the impugned award is perverse to facts and evidence on record as, due enquiry was held against the respondent-workman before his services were terminated by the petitioner but still, the finding has been recorded that the said enquiry was defective and the relief has been granted to the respondent-workman whereas, in the facts and circumstances of the present case, the



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Tribunal should not have interfered with the conduct of the disciplinary proceedings as due opportunity was given to the respondent-workman hence, the impugned award is liable to be set aside.

3. I have heard learned counsel for the petitioner and have gone through the case file with his able assistance.

4. It may be noticed that an order was passed on 18.02.2021 (Annexure P-15) by the Tribunal holding that the disciplinary proceedings conducted against the respondent-workman were vitiated and the jurisdiction under Section 11-A of the Industrial Disputes Act, 1947 was invoked by the Tribunal so as to allow the management i.e. the petitioner herein, to produce the evidence so as to prove the allegations alleged against the employee.

5. First of all, there has been no challenge to the order dated 18.02.2021 (Annexure P-15) by the petitioner-bank at any given point of time even in the present petition by which conduct of disciplinary proceedings against the workman were to be biased hence, raising an argument that the inquiry was valid and have wrongly been treated as invalid/vitiated cannot be allowed. Once, the order dated 18.02.2021 (Annexure P-15) passed by the Tribunal holding that the departmental enquiry was vitiated, is not under challenge, the same has to be accepted in totality.

6. Further, due opportunity was given to the petitioner to present the evidence so as to prove the allegations against the respondent-workman and paragraph No.5 of the impugned award provides the detail of the number of opportunities given to the petitioner to prove their allegations

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against the respondent-workman which were not availed by them. That being so, now assailing the impugned award on the ground that the enquiry was valid or they were not given enough opportunity to prove the allegation against the respondent-workman, cannot be accepted.

7. Further, the relief has only been given to the extent of 25% backwages from the date of dismissal till the date of superannuation which is perfectly valid and legal and the respondent-workman was held entitled for the retiral benefits as well.

8. Keeping in view the totality of the circumstances as, no perversity in the impugned order could be pointed out by the petitioner, no ground is made out for any interference by this Court hence, present petition is accordingly dismissed.

9. Pending applications, if any, also stand disposed of accordingly.

(HARSIMRAN SINGH SETHI)
JUDGE

05.03.2025

Rimpal

Whether speaking/reasoned	Yes
Whether Reportable :	No