

2025.PHHC.034902-DB



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

**LPA-616-2025 (O&M)**

**Reserved on: 06.03.2025**

**Pronounced on:12.03.2025**

CHHAVI PARKASH

.....Appellant

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL CUM LABOUR  
COURT, UNION TERRITORY CHANDIGARH & ORS.

.....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH**

**HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. Sandeep Kumar, Advocate, for the appellant.

**SUDHIR SINGH, J.**

**CM-1613-LPA-2025**

For the reasons given in the application, the same is allowed. Delay of 176 days in re-filing the appeal is condoned.

**CM-1612-LPA-2025**

For the reasons given in the application, the same is allowed. Delay of 295 days in filing the appeal is condoned, subject to all just exceptions.

**LPA-616-2025**

Challenge in the present instant intra Court appeal is to the order dated 02.09.2023 passed by learned Single Judge, whereby the writ petition filed by the appellant was dismissed.

2. Before learned Single Judge, the appellant had laid challenge to the award dated 12.12.2019 passed by the Industrial Tribunal-cum-Labour Court, U.T. Chandigarh (for short 'the Labour

Court'), whereby the reference had been answered against the appellant-workman.

3. The factual matrix of the case is that in respect of the alleged illegal termination of his services, the appellant had filed a claim petition under Section 2-A(2) of the Industrial Disputes Act, 1947 (for short 'the I.D. Act'). It was the case of the appellant that he had been charge-sheeted on 27 counts for the allegations of irregularities committed by him, while working as an advance Booker at ISBT. On the same set of allegations, a criminal case bearing FIR no. 102 dated 14.03.2007 under Sections 420, 467, 468, 471 IPC and 13 (i)(d) of the Prevention of Corruption Act, 1998 was registered. In the departmental proceedings, the Inquiry Officer submitted his report dated 27.04.2011 against the appellant. The punishing authority accepted the plea of the appellant as regards the enquiry being not fair and proper and had ordered a fresh enquiry. During the fresh enquiry, the appellant-workman chose not to appear before the Inquiry Officer and was accordingly, proceeded *ex parte*. It was further the case of the workman that he had been prevented by the sufficient cause in not appearing before the Inquiry Officer and upon his request he had been assured by the Inquiry Officer that the enquiry proceedings would be adjourned to the next date, but instead he was proceeded *ex parte*. He had unsuccessfully submitted a representation before the punishing authority in this regard. The appeal filed by the appellant was also dismissed by the Appellate Authority on 19.12.2013/03.01.2014. He had further claimed that since in the criminal case registered against him, he had been acquitted vide judgment dated 20.03.2015 passed by

the Special Court Chandigarh, the departmental enquiry conducted against him would become redundant. Accordingly, he had prayed for setting aside of punishment order dated 10.10.2013 (Annexure P-2 with writ petition) and the order dated 19.12.2013/ 03.01.2014 (Annexure P-3 with the writ petition) passed by the Appellate Authority with the further prayer for reinstatement with continuity of service.

4. The claim of the appellant had been contested by the respondent-Management averring therein that the appellant had been charge-sheeted for grave misappropriation of Rs.3,08,370/- from the Government Revenue by selling fake tickets. It was further the stand of the respondent-Management that the first inquiry report was not exceeded to by the punishing authority and in the second inquiry proceedings, the appellant-workman had absented himself from the proceedings and been proceeded against *ex parte*. In respect of the acquittal of the appellant in the criminal case registered against him, it was found that mere acquittal of the appellant in the criminal proceedings would not *ipso facto* amount to his exoneration in the departmental proceedings. Accordingly, the claim petition, as noticed above was dismissed.

5. The learned Single Judge, after noticing the factual position of the case and various judgments of the Hon'ble Supreme Court, has found that once the appellant, despite being aware of the inquiry proceedings had failed to appear/participate in the said proceedings and he had made no effort for setting aside of the *ex parte*

proceedings initiated against him during inquiry proceedings, no fault could be found in the inquiry report. It was further observed that the punishment of the dismissal order against the appellant could not be said to be shockingly disproportionate to the charges.

6. Learned counsel for the appellant has vehemently argued that once in the criminal case containing the same set of allegations as contained in the departmental proceedings, the appellant was acquitted by the Special Court, Chandigarh vide its judgment dated 20.03.2015, the Labour Court was not justified in answering the reference against the appellant. It is further submitted that it is settled law that the acquittal in the criminal case, is binding on the departmental proceedings and, therefore, the appellant is entitled to be re-instated with continuity of service and payment of back wages. It is further argued that the learned Single Judge has failed to take into consideration the aforesaid aspect of the matter and further the fact that original documents had never been placed on record in the departmental proceedings nor the same were produced before the Investigating Officer and also before the Special Court, Chandigarh during the trial in the aforesaid FIR. It is also argued that no finding could have been recorded by the Inquiry Officer on the basis of the photocopies of the documents, which were not *per se* admissible in evidence. It is, also argued that even if the inquiry report submitted by the Inquiry Officer is taken on its face value, then also it would be clear that no finding has been given by the Inquiry Officer in respect of the guilt of the appellant for the imputation of charges against him. While referring to the decision of this Court in CWP-22282-2015,

dated 16.10.2015 upheld in LPA-73-2016, it is argued that the case of the appellant is also on the similar footing but the learned Single Judge has failed to take into consideration the said aspect of the matter.

7. We have heard the learned counsel for the appellant and have also gone through the impugned order.

8. The only question that arises for consideration by this Court is whether the order passed by Court, requires any interference.

9. As has been noticed by the learned Single Judge in the impugned order, the appellant had failed to point out that he had made any effort for setting aside the *ex parte* proceedings against him in the departmental proceedings. The grounds pleaded for his absence from the departmental proceedings did not find any favour either with the punishing authority or appellate authority. The Labour Court and the learned Single Judge also did not find any substance in the said grounds/reasons. In respect of the submission of the learned counsel for the appellant that once the appellant had been acquitted by the Special Court, Chandigarh for the same set of allegation, the departmental proceedings will become redundant, is not tenable in the eyes of law. It may be noticed that there is no bar regarding simultaneous departmental and criminal proceedings as regards the same set of allegations. In the instant case, in the departmental proceedings, on the basis of the evidence, it was proved that the appellant had been held guilty of the imputation of charges. It is also conceded position on record that the appellant had absented himself

from the departmental proceedings. Therefore, we do not find any force in the aforesaid submission of the learned counsel for the appellant. So far as the contention for the appellant as regards the decision in CWP-22282-2015, dated 16.10.2015 and LPA-73-2016, is concerned, a perusal of the judgments passed in the aforesaid cases would show that the issue raised therein was regarding the admissibility of the photostate copies when the original file was lost. In the instant case, though the learned counsel for the appellant has tried to argue that the impugned punishment was based on the photocopies of the documents, yet the learned Single Judge has rightly held that in exercise of its writ jurisdiction under Article 226 of the Constitution, the correctness of the award passed by the Labour Court can only be examined if the same had been suffering from any error of law apparent on the face of the record.

10. We find that the findings recorded by the learned Single Judge do not require any interference.

11. No other point has been urged.

12. In view of the above, finding no merit in the present appeal, the same is hereby dismissed.

13. Pending application(s), if any, shall stand disposed of.

**[ SUDHIR SINGH ]  
JUDGE**

**[ SUKHVINDER KAUR ]  
JUDGE**

12.03.2025  
himanshu

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No