



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

**LPA-46-2025 (O&M)
Decided on: March 05, 2025**

Niranjan Singh (since deceased) through his LRs

....Appellants

versus

Transport Commissioner, Haryana and others

....Respondents

**CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH
HON'BLE MRS. JUSTICE SUKHVINDER KAUR**

Present:- Mr. Rajesh Tushar, Advocate for the appellants.

SUDHIR SINGH, J.

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For the reasons stated in application, same is allowed. Delay of 20 days in re-filing the appeal is condoned.

Main case (O&M)

The present intra Court appeal is directed against the order dated 25.09.2024 passed by learned Single Judge, in CWP-13970-1996, whereby the said writ petition filed by the appellant, has been dismissed.

2. Before the learned Single Judge, the appellant had laid challenge to the award dated 16.03.1995 (Annexure P-6 with the writ petition), whereby the Labour Court had answered the reference against him.

3. The brief facts of the case are that the appellant had joined the Haryana State Transport in 1978 as Conductor. The Vigilance Staff had found

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him guilty of collecting fare, but he was not issuing tickets to the passengers.

He was departmentally proceeded against and his services were terminated on 06.12.1985. He served a demand notice dated 29.08.1989, whereupon, the reference was made to the Labour Court, which ultimately dismissed the claim of the appellant, vide award dated 16.03.1995.

4. Learned Single Judge has noticed the arguments of learned counsel for the appellant that claim of the appellant had been dismissed by the Labour Court in a mechanical way and that the respondent did not conduct any enquiry as contemplated under the Rules. However, the said contention of the learned counsel for the appellant did not find any favour with the learned Single Judge, and the writ petition was dismissed, as noticed above.

5. Learned counsel appearing on behalf of the appellant has vehemently contended that MW1 had admitted in his cross-examination that he had acted both as an Enquiry Officer as well as the Prosecutor. It is thus, argued that the entire procedure adopted by the respondent was against the principles of natural justice, and such aspect has neither been appreciated by the Labour Court nor by the learned Single Judge. It is further argued that learned Single Judge has failed to consider that no witness/passenger at the spot, from whom the appellant had allegedly taken money without issuing ticket(s), had been examined during the enquiry proceedings. It is also argued that the Labour Court, while passing the impugned award, had failed to summon the requisite record of the case. Apart from that, it is also argued that respondent No.2 did not supply copy of the enquiry report before passing the punishment order, and such action being in violation of the Rules and various judgments of the Hon'ble Supreme Court, was liable to be set aside, but

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learned Single Judge did not take into consideration the said aspect of the matter.

6. We have heard learned counsel for the appellant and have also gone through the order passed by the learned Single Judge.

7. The impugned award was passed on 16.03.1995. The writ petition was filed in 1996. Learned Single Judge has noticed that a proper enquiry had been conducted, wherein, the appellant had joined the said proceedings, and therefore, there was no requirement for any interference.

The relevant extract of the impugned order reads as under:-

“6. From the perusal of record, it comes out that the respondent had conducted enquiry and the petitioner joined enquiry. The enquiry officer himself examined witnesses and no official was appointed to present case of the management. The petitioner himself appeared and he joined proceedings at each and every stage. He at that stage never asked for assistance. The argument of petitioner seems to be an afterthought. He filed demand notice after 3½ years from the date of his termination. This also goes against him. The Labour Court has held that there is no infirmity in the enquiry and order of termination.”

8. We find that the main challenge of the appellant was to the enquiry proceedings. It is not the case of the appellant that no enquiry was conducted, rather he alleged that he had not been provided adequate and sufficient opportunities to prove his case. However, the said assertion seems to be an afterthought. The appellant had himself appeared and joined the enquiry proceedings at every stage and he had never asked for any kind of assistance.

9. In view of the above, we do not suffer from any illegality or perversity in the impugned order, which may warrant any interference by this Court.

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10. No other point has been urged.
11. Hence, the present appeal is dismissed.
12. Pending application(s), if any, shall stand disposed of.

**(SUDHIR SINGH)
JUDGE**

**(SUKHVINDER KAUR)
JUDGE**

March 05, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No