

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

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CWP-5877-2016 (O&M)

Date of Decision : September 30, 2025

SURAJ PARKASH (DECEASED) THROUGH HIS LRS

-PETITIONER

V/S

**PRESIDING OFFICER, CENTRAL GOVT INDUSTRIAL
TRIBUNAL CUM LABOUR COURT II, CHANDIGARH AND ANR.**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Rajvir Singh, Advocate
for the petitioner.

Ms. Preeti Grover, Advocate for
Mr. Saurav Verma, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. The instant writ petition impugns the award dated 20.05.2014 (Annexure P-10), passed by the Industrial Tribunal concerned, whereby the reference has been answered against the petitioner.

2. During the pendency of the instant writ petition, unfortunately the demise of the petitioner has occurred, and now, the *lis* is being contested by his legal representatives.

3. The facts qua which there is no wrangle between the contesting litigants are that the petitioner registered himself with the employment exchange by showing his qualification as middle and matriculate. On 15.02.1983, he was appointed as a Peon at Punjab National Bank, Branch Office Mehtabpur, District Una, where he served for a period of five years.

On 22.06.1987, he was served with a charge-sheet alleging that he had suppressed material facts regarding his educational qualifications at the time of his initial appointment. Based on these allegations, his services were terminated by respondent No.2/Management on 15.10.1987. Aggrieved by the termination, the petitioner raised an industrial dispute, which culminated in its becoming referred to the Industrial Tribunal for adjudication.

4. The Industrial Tribunal, through drawing the impugned award, answered the reference against the petitioner with the observations that the petitioner possessed higher qualification than the prescribed criteria for the post of Peon. Circular No.80/84 prohibits the appointment of candidates possessing matriculation or higher qualifications for such post, hence the petitioner was ineligible for appointment from the outset.

5. Assailing the impugned award, learned counsel for the petitioner has contended that the petitioner had already rendered nearly four years of service when, on 08.04.1987, he was coerced into signing a declaration stating that he had not studied beyond the 9th standard. It is further contended that the petitioner's request to summon witness(es) in his defence was not allowed by the inquiry officer concerned.

6. Learned counsel for the petitioner has further submitted that the petitioner was governed by the Bipartite Settlement dated 19.10.1966, and Clause 19.5 thereof, which was invoked to justify his termination, has no application to the facts of the present case, as it pertains to acts committed by an employee during the discharge of official duties. Thus, the reliance placed on the said settlement by the respondent No.2/Management is totally misplaced. It is next submitted that the concealment of facts is covered

under 'gross misconduct', as per Memoranda of Settlement dated 17.09.1984. Since the petitioner was appointed prior to the said date, i.e., on 15.02.1983, the said settlement cannot be applied to his case.

7. Finally, learned counsel for the petitioner has submitted that the respondent No.2/Management has failed to produce any recruitment advertisement or notification demonstrating that a candidate with higher qualifications stood disqualified from being appointed as a Peon.

8. Per contra, learned counsel for the respondent No.2/Management has submitted that the issue inhering this writ petition is no more *res integra*, as the similar issue has already been decided by this Court, which was affirmed by the LPA Bench of this Court in LPA-139-2020, Decided on: 01.09.2025. It is not in dispute that the petitioner possessed higher qualifications than those prescribed for the post of Peon and deliberately withheld this material fact at the time of appointment. Thus, dehors the specific rules invoked for termination, the petitioner has failed to establish even before this Court that he did not possess higher qualification and entitled to continue on the post of Peon. Reliance is placed on the judgment of the Hon'ble Supreme Court in "**Chief Manager, Punjab National Bank & Anr. vs. Anit Kumar Das**", (2021) 12 SCC 80, to emphasize that stipulating maximum educational qualification falls within the domain of the employer, and any such restriction would not require any judicial interference. The paragraphs of the verdict relied upon are extracted hereunder:-

"7.3 Thus, as held by this Court in the aforesaid decisions, it is for the employer to determine and decide the relevancy and suitability of the qualifications for any post and it is not for the Courts to

consider and assess. A greater latitude is permitted by the Courts for the employer to prescribe qualifications for any post. There is a rationale behind it. Qualifications are prescribed keeping in view the need and interest of an Institution or an Industry or an establishment as the case may be. The Courts are not fit instruments to assess expediency or advisability or utility of such prescription of qualifications. However, at the same time, the employer cannot act arbitrarily or fancifully in prescribing qualifications for posts. In the present case, prescribing the eligibility criteria/educational qualification that a graduate candidate shall not be eligible and the candidate must have passed 12th standard is justified and as observed hereinabove, it is a conscious decision taken by the Bank which is in force since 2008. Therefore, the High Court has clearly erred in directing the appellant Bank to allow the respondent-original writ petitioner to discharge his duties as a Peon, though he as such was not eligible as per the eligibility criteria/educational qualification mentioned in the advertisement.

8. Even on the ground that respondent – original writ petitioner deliberately, wilfully and intentionally suppressed the fact that he was a graduate, the High Court has erred in directing the appellant Bank to allow the respondent – original writ petitioner to discharge his duties as a Peon. In the application/bio-data, the respondent original writ petitioner did not mention that he was a graduate. Very cleverly he suppressed the material fact and declared his qualification as H.S.C., whereas as a matter of fact, he was holding a degree in the Bachelor in Arts. Had it been known to the bank that he was a graduate, he would not have at all been considered for selection as a Peon in the bank. That thereafter when scrutiny of the documents was going on and when the respondent – original writ petitioner produced a graduation certificate, at that time, the bank came to know that he was a graduate and therefore not eligible and therefore the bank rightly cancelled his candidature and he was not allowed to join the bank in the subordinate cadre. Therefore, on the aforesaid ground alone, the High Court ought not to have allowed the writ petition when it was a clear case of suppression of material fact by the original writ petitioner. An employee is expected to give

a correct information as to his qualification. The original writ petitioner failed to do so. He was in fact over-qualified and therefore ineligible to apply for the job. In fact, by such conduct on the part of the respondent –original writ petitioner, one another righteous candidate has suffered for his mischievous act. As held by this Court in the case of Ram Ratan Yadav (supra), suppression of material information and making a false statement has a clear bearing on the character and antecedents of the employee in relation to his continuance in service. A candidate having suppressed the material information and/or giving false information cannot claim right to continuance in service. Thus, on the ground of suppression of material information and the facts and as the respondent – original writ petitioner even otherwise was not eligible as per the eligibility criteria/educational qualification mentioned in the advertisement which was as per Circular letter No. 25 of 2008 dated 06.11.2008, the bank rightly cancelled his candidature and rightly did not permit him to resume his duty.”

9. This Court has heard submissions of learned counsel for the parties and also perused the record. For the reasons detailed hereinafter, this Court is of the considered view that the present writ petition is devoid of merit.

10. As per the apposite selection criteria, a candidate for the post of Peon must possess qualification of being ‘Middle Pass’. Learned counsel for the petitioner has failed to substantiate that the petitioner did not possess higher qualifications than prescribed. Therefore, he was ineligible for appointment from the inception. Had he disclosed his true qualifications at the time of appointment, he would have been ineligible and consequently not appointed at all.

11. The argument of learned counsel for the petitioner that no recruitment advertisement prescribing the eligibility criteria/disqualification criteria has been produced by the respondent No.2/Management also holds

no merit. At no stage, whether before the Industrial Tribunal or in these proceedings, the petitioner raised any plea asserting that no such disqualification existed. It was always open to the petitioner to either produce a copy of the relevant advertisement before the Industrial Tribunal or move an application for its production by the respondent No.2/Management. However, no such exercise were done. Even before this Court, the petitioner has failed to bring on record any cogent material which could coax this Court to interfere with the well reasoned award.

12. Furthermore, the argument of learned counsel for the petitioner that the declaration (supra) was obtained under duress also does not inspire confidence. Apart from a bald assertion, no cogent evidence has been adduced to substantiate this allegation. *Dehors* such declaration, this Court cannot be oblivious of the fact that the petitioner was otherwise ineligible for the post due to his over-qualification. This issue has already been considered by the LPA Bench of this Court in LPA-139-2020. The apposite observations read as under:-

“5. Having heard the learned counsel for the parties, we find that the advertisement pursuant to which employment has been obtained by the appellant clearly specified that the post of Part Time Sweeper required the maximum qualification of below 10th pass. The appellant disclosed his qualification to be 8th pass, which is admittedly at variance to his education qualification of Graduation.

6. So far as the description of higher qualification and enforcing such qualification by the bank is concerned, the law has been settled by the Hon’ble Supreme Court in Chief Manager, Punjab National Bank & Anr. Vs. Anit Kumar Das, 2021(12) SCC 80, wherein it was observed that prescribing educational qualification that the candidate shall not be eligible for the post of peon if he has obtained above 12th pass qualification is a valid action on the part of the

bank. In the present case, the post is of Part Time Sweeper and the only distinction is that the bank has specified the qualification to be below 10th pass. Once the right in the Management is recognized to prescribe such qualification and in response the appellant not only misrepresented facts by suppressing his higher qualification but also made a false disclosure in his undertaking that he is only 8th pass, we cannot take any exception to the decision taken by the bank to remove the appellant from service. The learned Single Judge has otherwise observed that this would not be treated as stigmatic for the purposes of applying and getting job elsewhere. In such circumstances, no further relief can be granted.”

13. In summa, this Court finds no infirmity or illegality in the impugned award. Accordingly, the instant writ petition is **dismissed**. However, it is clarified that the termination order shall not be treated as a stigma on the service record of the petitioner.

14. Pending application stands disposed of accordingly.

September 30, 2025
devinder

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No