

**CWP-8872-2025****1****IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH****(115)****CWP-8872-2025****Date of Decision : April 04, 2025****UCO Bank through its Zonal Manager, Chandigarh****.. Petitioner****Versus****The Presiding Officer, Central Government Industrial Tribunal-cum  
Labour Court-II, Chandigarh and another****.. Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Mr. Aseem Rai, Advocate, for the petitioner.

**HARSIMRAN SINGH SETHI J. (ORAL)**

1. In the present writ petition, the challenge is to the Award dated 17.01.2024 (Annexure P-16) passed by the Labour Court, Chandigarh by which, the punishment imposed upon the respondent No.2-workman of compulsory retirement has been found to be invalid keeping in view the facts and circumstances and the evidence which has come on record.

2. Learned counsel for the petitioner-Bank submits that the respondent No.2-workman has only been granted relief by the Labour Court on the ground that on the day when the allegation of fraudulent withdrawal of certain amounts by the respondent No.2-workman was alleged, two cashiers were working, namely the petitioner as well as one Dal Chand and as per the view of the Labour Court, in its order impugned, no action has been taken against the employee Dal Chand, whereas, it is a possibility that it could be any of the two employees, who might have made the discrepancy in accounts.



3. Learned counsel for the petitioner further submits that against Dal Chand also, the similar allegations were alleged and was charge-sheeted but as Dal Chand unfortunately died, the allegation alleged against him were dropped. Hence, there was no favour shown by the Bank in favour of Dal Chand so as to implicate the respondent No.2 for the discrepancy in accounts hence, the view taken by the Labour Court in it's impugned order that there was not sufficient evidence on record to hold that the respondent No.2-workman was guilty of embezzlement of funds, is incorrect.

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

5. Keeping in view the findings which have been recorded by the Labour Court, it has come on record that initial enquiry which was conducted by the Bank so as to impose the punishment upon it's accused employees was found to be invalid by Labour Court and fresh opportunity was given to the Bank to prove the allegations against the respondent No.2-workman. A finding of fact has been recorded by the Tribunal that no such evidence was brought on record so as to implicate the workman other than the one already brought in the departmental proceedings which fact has also gone un-rebutted even during the hearing of this petition.

6. Keeping in view the finding recorded by the Labour Court that the implication of the respondent No.2-workman for misappropriation of funds was only on the basis of the procedure being adopted by the petitioner-Bank which was only with regard to the maintaining receipt register and payment register. The Labour Court has recorded the finding that the documents which were being relied upon by the petitioner-Bank



never got verified so as to implicate the respondent No.2-workman that he was the only one guilty of misappropriation of funds and not the other employee namely Dal Chand who was also performing his duty on cash register on the particular date when the incident happened.

7. Further ground which has been taken by the Labour Court so to absolve the respondent No.2-workman of his guilt is that the petitioner-Bank got a police complaint registered against him alleging misappropriation of funds but the said complaint was withdrawn by the petitioner-Bank.

8. Nothing has come on record to show that in case the respondent No.2-workman was guilty of the misappropriation of funds, then why the police complaint was withdrawn by the petitioner-Bank. This fact has been taken by the Labour Court so as to arrive to the conclusion that the petitioner-Bank was also not sure about as to which employee was really guilty of the misappropriation of funds, if any.

9. Further, the Labour Court has formed its view on the basis of the evidence which was produced by the petitioner-Bank and on the basis of the said evidence, a finding has been recorded. The view taken by the Labour Court is a plausible view and where a plausible view has been taken by an authority concerned after due appreciation of facts and evidence, the same cannot be over turned by this Court by evaluating the evidence again in a proceeding under Article 226 of the Constitution of India.

10. Further, once the petitioner-Bank withdrew the complaint filed against the respondent No.2-workman to the police on the same allegation, the petitioner-Bank cannot be allowed to say that the respondent No.2-

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workman was guilty, as, in case according to the Bank, the respondent-workman was guilty of misappropriation of funds, the petitioner-Bank should have pursued all angles to find the person guilty for misappropriation of funds including the way of departmental proceedings as well as criminal proceedings.

11. Learned counsel for the petitioner-Bank conceded that after considering all the relevant aspects, the complaint filed before the police was withdrawn.

12. That being so, the view taken by Labour Court in it's impugned order that the respondent No.2-workman could not have been held guilty of the allegations by the petitioner-Bank, needs no interference by this Court.

13. Even otherwise, the Award of the Labour Court can only be interfered by this Court in case the same is perverse to the facts and the evidence that have come on record.

14. Learned counsel for the petitioner has not been able to point out as to how, the impugned Award of the Labour Court is perverse to any of the fact or the evidence which have come on record.

15. In the absence of any such perversity pointed out, no ground is made out for any interference by this Court in the facts and circumstances of the present case.

16. Accordingly, the writ petition is dismissed in limine.

**April 04, 2025**  
*harsha*

**(HARSIMRAN SINGH SETHI)**  
**JUDGE**

Whether speaking/reasoned : Yes  
Whether reportable : No