

2025:PHHC:047090-DB



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

LPA-1191-2009 (O&M)

Reserved on: 19.03.2025

Pronounced on: 04.04.2025

PARAMJIT SINGH DHANI

.....Appellant

Versus

PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL-CUM-LABOUR COURT, CHANDIGARH & ORS

.....Respondents

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

Present:- Mr. P.K. Mutneja, Senior Advocate with
Mr. Viranjeet Singh Mahal, Advocate and
Mr. Vishesh Bhatia, Advocate for the appellant.

None for respondent No.2.

SUDHIR SINGH, J.

Challenge in the present instant intra Court appeal is to the order dated 27.01.2009 passed by the learned Single Judge of this Court, whereby the writ petition filed by respondent No.3-Bank of India, was allowed.

2. Before the learned Single Judge, respondent No.3 had laid challenge to the award dated 29.10.1987 passed by the Central Government Industrial Tribunal-cum-Labour Court, Chandigarh (Annexure P-1 with the writ petition) vide which, the appellant-workman had been ordered to be reinstated with full back-wages with effect from 04.08.1983 till the date of his reinstatement. The said

award was passed by the Labour Court by holding that the list of witnesses was not supplied to the appellant-workman enabling him to cross-examine the witnesses and as such the inquiry proceedings stood vitiated.

3. The facts of the case are that the appellant-workman was employed with respondent No.3-Bank of India with effect from 29.07.1974 at Amritsar. For the period 24.09.1976 and 28.09.1976, the appellant-workman had altered the balances in the ledger in the savings bank account of his father Sh. Kartar Singh, thereby causing a temporary loss to the Bank. A charge sheet was issued to him. During departmental inquiry, charges stood proved, but taking a lenient view, only a punishment of warning was issued to him. Subsequent thereafter, during the period 29.08.1981-29.09.1981, the appellant-workman committed two acts of gross misconduct showing undue favour to his brother, who was a proprietor of M/s Dhani Rubber Industries and his friend, proprietor of M/s. Krishna Industries, knowing fully well that there was no sufficient credit balance in their accounts for the cheques to be honoured. He tried to conceal these acts and misappropriated an amount of Rs.4,000/-. He was issued a charge-sheet on 26.03.1982. During departmental inquiry, the charges were proved, which led to the passing of the dismissal order dated 04.08.1983. The appellant-workman had unsuccessfully filed an appeal. Upon a reference to the Labour Court, the impugned award came to be passed. As noticed above, the said award was set aside by the learned Single Judge.

4. Learned Senior counsel for the appellant-workman has vehemently argued that the appellant had never admitted the imputation of charges levelled against him. It is argued that as a matter of fact, respondent No.3-Bank of India had failed to prove the charges against the appellant in the inquiry proceedings. It is further argued that the inquiry proceedings conducted against the appellant were not fair and the Inquiry Officer had acted both, as a prosecutor and as a Judge. Still further, it is argued that neither any document nor the list of witnesses, was supplied to the appellant and the same had taken away from him his valuable right to cross-examine the relevant witnesses in the case. Learned Senior counsel argues that in the absence of any liberty sought by the Management to lead evidence before the Labour Court, the appellant was rightly held to be entitled to reinstatement with back wages. It is further argued that as a matter of fact, no loss had been caused to Bank and rather, the entire amount along with interest was re-deposited in the Bank. Learned counsel further argues that the transactions were duly approved by the higher Officers of the Bank and, therefore, it could not be said that the appellant stood any gain by the said alleged transactions. It is also argued that there was no intention on the part of the appellant to defraud the respondent-Bank and had there been any such act, the Bank would have got registered an FIR in this regard, but nothing of the sort was done. It is also argued it is settled principle of law that in the departmental proceedings, the delinquent official must be provided along with the charge-sheet, the documents and list of witnesses but in the instant case, the said mandatory compliance was

not done and, therefore, the learned Labour Court had rightly found that the inquiry proceedings were vitiated.

5. None is present on behalf of respondent No.2.

6. We have heard the learned Senior counsel for the appellant and have also gone through the records of the case, including the impugned order passed by the learned Single Judge.

7. The only question that arises for consideration by this Court is whether the impugned order passed by learned Single Judge, requires any interference.

8. The learned Single Judge has noticed in the impugned order that it was admitted fact that during the course of inquiry, whenever any document was produced by the witnesses of the department, copy thereof was supplied to the appellant-workman. The appellant-workman had also admitted the acts done by him during the inquiry proceedings. It was further found that the Cheque No.41814 dated 04.08.1981 for Rs.4,000/- had been deposited by the appellant-workman in his own savings bank account on 02.09.1981 and, thereafter, on various dates, he withdrew the said amount from that account. The transactions carried out in the said account clearly showed his intention. It was further noticed that the cheque was kept by the appellant-workman with him and the same was posted in the current account of M/s Dhani Rubber Industries, whose proprietor was none-else, but his brother. The learned Single Judge has further found that the banking system is based on a fiduciary relationship and when an employee of the bank involved him into personal gains, no sympathy could be shown to him. The appellant-workman was

granted ample opportunity to produce his own evidence and clarify his stand and, therefore, the contention of the appellant-workman that he was not provided any opportunity, was negated by the learned Single Judge.

9. We have also gone through the award dated 29.10.1987. The Labour Court in its award had observed that there was no compliance of principles of natural justice.

10. Concededly, the transactions in the savings bank account of the appellant-workman were not disputed. The contention raised by the appellant-workman before the learned Single Judge that there was no *mala fide* while doing the said transactions and that there was no loss to the bank, did not find any favour with the learned Single Judge. It is not a case where the enquiry proceedings had proceeded one sidedly. Indisputably, the appellant-workman had participated in the inquiry proceedings and had also conducted the cross-examination of the witnesses of the Department. No objection had been raised by the appellant-workman during said proceedings. Still further, the learned Senior counsel appearing for the appellant-workman could not show as to what prejudice had been caused to the appellant-workman during the inquiry proceedings. It may also be noticed that previously also, the appellant had been found indulging in similar activities, but he was warned to be careful. The learned Single Judge is perfectly justified in holding that when the fiduciary relationship is breached, the faith of the people in the banking sector stands shattered. The argument of the learned Senior counsel that the alleged transactions in the question had been approved by the Senior Officers of the bank, is

no ground to wriggle out of the liability of the appellant-workman, especially when the said transactions were done in the personal account of the appellant-workman.

11. In view of the above, we find that the impugned order passed by the learned Single Judge, does not suffer from any illegality or perversity which may warrant interference in the present appeal.

12. No other point has been urged.

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

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

**[SUDHIR SINGH]
JUDGE**

**[SUKHVINDER KAUR]
JUDGE**

04.04.2025

himanshu

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No