



CWP-2037-2002 (O&M)

-1-

221

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

-.-

**CWP-2037-2002 (O&M)
Date of Decision : 22.07.2025**

The State of Haryana and Others

...Petitioners

VERSUS

Rattan Lal and Others

...Respondents

CORAM : HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Naveen Singh Palwal, DAG Haryana.

Mr. Naveen Jhijhoria, Advocate for
Mr. Sanjiv Gupta, Advocate for the respondents.

-.-

HARSIMRAN SINGH SETHI, J. (Oral)

1. In the present petition the challenge is to the award dated 11.06.2001 passed by the Industrial Tribunal-cum-Labour Court, Hisar, copy of which has been annexed as Annexure P-1.
2. The challenge to the award dated 11.06.2001 is on the ground that the respondent-workman was absent and the disciplinary proceedings were conducted by the authorities concerned and after proving the charge, the order for termination was passed, which fact has not been appreciated by the Labour Court in the correct perspective.
3. Learned counsel for the petitioner argues that the order terminating the services of the respondent-workman has only been set aside by the Labour Court vide award dated 11.06.2001 on the ground that the enquiry officer has not been examined before the Labour Court to prove the enquiry report and, therefore, the enquiry report given by him cannot be treated as a valid enquiry report. Learned counsel further



submits that there is no process of examining the enquiry officer to prove the validity of the enquiry or enquiry report. Hence once the charges were proved in the disciplinary proceedings which enquiry report has been accepted by the competent authority, the respondent-workman cannot raise any grievance.

4. Learned counsel appearing on behalf of the respondent submits that the enquiry was completed in a short duration and, therefore, the said enquiry cannot be treated as a valid enquiry so as to terminate the services of the respondent-workman and therefore, the award dated 11.06.2001 passed by the labour Court directing the reinstatement, continuity and 50% back-wages from the date of termination till the reinstatement is perfectly valid.

5. I have heard learned counsel for the parties and have gone through the record with their able assistance.

6. It may be noticed that the award dated 11.06.2001 has been stayed by this Court vide order dated 26.09.2002 while issuing the notice of motion which interim order is continued as of now.

7. The only argument, which has been addressed for the consideration of this Court is “whether the non-examination of the enquiry officer before the Labour Court will render the enquiry proceedings bad or not”.

8. It may be noticed that the enquiry officer has already conducted an enquiry and has given the report, which report was brought on record to substantiate the order of termination passed by the authorities concerned. Non-examination of the enquiry officer before the Labour Court so as to support the enquiry or enquiry report cannot be treated as illegality so as to hold that the enquiry proceedings were not held in a proper manner. The labour Court has not appreciated the said fact in correct perspective.



CWP-2037-2002 (O&M)

-3-

9. Further, it has already come on the record that respondent-workman himself gave a statement before the enquiry officer that he did not want to produce any document or defend himself. The said fact has also gone unrebutted. Hence, once the workman never associated with the enquiry, the report given by the enquiry officer cannot be treated as invalid.

10. In the totality of the circumstances, once an allegation of absence has been proved against the respondent-workman and a competent authority has taken a view and terminated his services, the labour Court can only interfere in case the enquiry proceedings have been conducted in violation of the rules of natural justice, but, such finding has been recorded by the labour Court. The only finding to set aside the punishment is that the enquiry officer was not examined, which is incorrect.

11. Hence, the award dated 11.06.2001 (Annexure P-1) is perverse to the facts on record and cannot be sustained and is accordingly set aside. The petition is allowed. Any amount paid to the respondent-workman under Section 17B of the Industrial Disputes Act, 1946, will not be recovered.

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

July 22, 2025
tripti

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : No