

CM-10190-CWP-2025 in/and
CWP No. 14346-2014 (O&M)

2025:PHHC:093518



1

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104+222)

CM-10190-CWP-2025 in/and
CWP No. 14346-2014 (O&M)
Date of Decision : 28.07.2025

Surinder Singh

...Petitioner

Versus

Presiding Officer, Industrial Tribunal, Patiala and another

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Vipul Dharmani, Advocate for the petitioner.

None for respondent No. 2.

Harsimran Singh Sethi J. (Oral)

CM-10190-CWP-2025

Present application has been filed for impleading legal representatives of the petitioner, who unfortunately died on 03.01.2025, during the pendency of the writ petition.

Keeping in view the averments made in the application, which are duly supported by an affidavit, present application is allowed. Legal heirs of the petitioner, the details of whom are given in para 4 of the application, are allowed to be impleaded in the present writ petition and the amended memo of parties attached with the present application is taken on record only for prosecuting the present litigation.

CM stands allowed.



CWP-14346-2014

1. In the present petition, the challenge is to the Award dated 12.09.2013 (Annexure P-1) by which, the claim of the petitioner that his services have wrongly been terminated, has been rejected by the Labour Court.

2. Learned counsel for the petitioner submits that while the petitioner was in service, certain allegations were alleged against him including the allegation of misappropriation of the amount for which a charge-sheet was issued and as per the enquiry report, the petitioner was found guilty of the charges alleged but, no notice was given to him as required under the bye laws hence, the said imposition of punishment of dismissal from service, which has been upheld by the Tribunal is incorrect as, the Tribunal has failed to appreciate the fact that the enquiry has been conducted in violation of the bye laws. Learned counsel for the petitioner further submits that no personal hearing was given to the petitioner in the enquiry proceedings, which has come in the statement of Sh. Yadwinder Singh-MWW1.

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

4. Keeping in view the argument which has been raised, as detailed here-in-before, learned counsel for the petitioner was asked to point out from the claim petition that an averment has been made that the notice was not given after the enquiry report was submitted by the Enquiry Officer



for seeking the comments. Learned counsel for the petitioner concedes the factum that there is no such averment in the claim petition.

5. Learned counsel was then asked to point out any evidence which has been brought on record that after the submission of the enquiry report, notice was not given before imposing the penalty, learned counsel has not been able to point out any such evidence to show that the finding recorded by the Labour Court is perverse either to the facts or the evidence on record.

6. Keeping in view the totality of the circumstances where, departmental proceedings were held against the petitioner and the charge of embezzlement has been proved, on the basis of which he was dismissed from service, this Court cannot re-appreciate the evidence so as to record a different finding than the one arrived at.

7. In the present case, the departmental enquiry has been held and the charges have been duly proved. Further, a finding has been recorded by the Labour Court that during the examination, the petitioner conceded that he had received the money but the same was spent without depositing the same but nothing has been brought on record as to where the said money was spent that is why the Enquiry Officer proved the charges of embezzlement.

8. Keeping in view the said admission of the workman himself, the finding which has been recorded by the Labour Court cannot be treated as perverse either to the facts or the evidence on record.

9. With regard to the argument raised by learned counsel for the petitioner that no personal hearing was given to the petitioner which has



come in the statement of Sh. Yadwinder Singh-MWW1, it may be noticed that nothing has been brought before this Court that personal hearing is required to be given before imposing the punishment. The argument that notice was not sent after the enquiry report has not been conceded by the witness as being projected rather, the personal hearing not given has been conceded, which is entirely different.

10. No ground is made out for any interference by this Court in the present petition.

11. Dismissed.

12. Pending miscellaneous application, if any, also stands disposed of.

July 28, 2025
kanchan

(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No