



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

(217)

CWP No. 3061 of 2011

Date of Decision: 09.07.2026

Sunil Kumar Saini

.....Petitioner

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court-I, ...Respondents
Gurgaon and another

CORAM: HON'BLE MS. JUSTICE KIRTI SINGH

Present: Mr. Sandeep Kumar Rawal, Advocate for
Mr. Rakesh Gupta, Advocate
for the petitioner.

Mr. Pawan Kumar Mutenja, Senior Advocate with
Mr. Viranjeet Singh Mahal, Advocate and
Ms. Suverna Mutneja, Advocate
for respondent No. 2.

KIRTI SINGH, J. (ORAL)

1. The present writ petition has been filed under Articles 226/227 of the Constitution of India for quashing of the order 17.12.1999 passed by respondent No. 2, whereby the services of the petitioner has been dismissed, as well as the award dated 18.12.2009 (Annexure P-8) passed by the Labour Court, Gurgaon, whereby the claim of the petitioner has been dismissed.

2. The brief facts for disposal of the present case are that the petitioner joined the respondent-department on 02.1.1998 as an Assistant Section Chief. The initial appointment of the petitioner was on temporary/contract basis. Subsequently, after finding the work and conduct of the petitioner to be satisfactory, he was appointed on regular basis with

the respondent department on 24.8.1998. After approximately one year of his



regular appointment, certain allegations were levelled against the petitioner. on the basis whereof he was placed under suspension vide order dated 08.07.1999, and a charge-sheet of even date was served upon him. The petitioner submitted his reply to the charge-sheet on 13.07.1999. However, being dissatisfied with the explanation furnished by the petitioner, the competent authority appointed an Inquiry Officer to conduct a departmental enquiry against him. Upon conclusion of the departmental proceedings, the Inquiry Officer submitted his enquiry report, on the basis of which the respondent-department passed an order dated 17.12.1999 dismissing the petitioner from service. Aggrieved by the aforesaid order of dismissal, the petitioner approached the Industrial Tribunal-cum-Labour Court-I, Gurgaon-respondent No. 1. However, vide impugned order dated 18.12.2009, the claim of the petitioner was dismissed. Hence, the present writ petition.

3. Learned counsel for the petitioner submits that although an enquiry had been conducted by the respondent-department, but the same was not carried out in a fair manner, inasmuch as only the witnesses produced by the respondent-department had been considered by the enquiry officer whereas the witnesses produced by the petitioner were totally ignored. It is also submitted that the petitioner was never supplied a copy of the show cause notice and the enquiry report prior to the passing of the order of dismissal, and that no effective opportunity was afforded to him to submit his representation against the findings recorded by the enquiry officer. Therefore, the said order of dismissal has been passed in violation of the principle of natural justice. It is further submitted that the learned Labour Court also failed to appreciate the above facts and vide impugned order dated 18.12.2009, upheld the order of dismissal dated 17.12.1999 passed by

respondent No. 2. It is, therefore, submitted that the impugned award dated



18.12.2009 as well as the dismissal order dated 17.12.1999 are liable to be quashed and set aside.

4. *Per contra*, learned senior counsel for respondent No. 2 opposes the present petition. He submits that the principal grievance of the petitioner that the enquiry report and second show cause notice were not supplied to him, is incorrect. It is submitted that the enquiry report along with the second show cause notice (Anneure R-2/1) was given to the petitioner on 03.12.1999. However, after reading the same, the petitioner refused to accept them. Thereafter, the said documents were sent to the petitioner through registered post bearing registration No. 2938 dated 04.12.1999 on his address. It is further submitted that the enquiry was conducted in accordance with the principles of natural justice. The petitioner was afforded full opportunity to participate in the enquiry and lead evidence in his defence. The learned Labour Court, after appreciating the entire evidence, rightly upheld the enquiry as well as the order of dismissal. Therefore, it is prayed the present writ petition deserves to be dismissed.

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

6. It is not in dispute that the petitioner-workman had worked for about 1½ years of service when he was served with the charge sheet dated 08.7.1999. A perusal of the same reveals that the petitioner was charge sheeted for remaining absent from duties on 2.6.1999 and 23.06.1999; for not obeying the orders of his superiors on 22.6.1999 and 30.6.1999, and for inciting his co-workers to abstain from work on 02.7.1999. The petitioner filed reply to the said charge sheet. Subsequently, the respondent-department appointed Mr. Ravi Sharma as an Enquiry Officer, who conducted domestic



domestic enquiry and also cross-examined the witnesses of the respondent-department. After examination of the said witnesses, the petitioner appeared as a witness himself, besides examining one Madan Mohan Sharma and one Surender Kumar Chuahan as witnesses. After both the parties adduced their evidence, the enquiry officer gave his report, whereafter the show cause notice was issued to the petitioner, and subsequently the order of termination dated 17.12.1999 was passed by respondent No. 2. It has also come on record that when the enquiry report along with the second show cause notice were given to the petitioner, he deliberately refused to accept the same. Thereafter, the said documents were dispatched to the petitioner through registered post. Thus, the domestic enquiry was conducted in accordance with the principles of natural justice, and the petitioner was afforded adequate opportunity to participate in the proceedings and lead evidence in his defence. The learned Labour Court, upon appreciation of the oral and documentary evidence, rightly upheld the order of dismissal dated 17.12.1999.

7. In view of the facts and circumstances of the present case, this Court is of the considered view that the findings recorded by the authorities concerned are based on a proper appreciation of the material on record.

8. This Court while exercising jurisdiction under Articles 226 /227 of the Constitution of India does not sit as an appellate Court to re-appreciate factual findings in the absence of any manifest illegality or perversity. The petitioner has failed to demonstrate any jurisdictional error, violation of principles of natural justice or patent illegality, warranting any interference by this Court.

9. Consequently, finding no merit in the present writ petition, the



10. Pending miscellaneous application(s), if any, also stands disposed of.

(KIRTI SINGH)
JUDGE

July 09th, 2026
Gurpreet Singh

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No