



2026:DHC:7381



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IN THE HIGH COURT OF DELHI AT NEW DELHI

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Date of Decision: 31st August, 2026

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CNR No. DLHC010730322006

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W.P.(C) 4436/2006 & CM APPL. 51123/2026**HARISH KUMAR CHAUDHRY**

.....Petitioner

Through: Mr. Anuj Aggarwal, Ms. Anjali Bansal, Mr. Pradeep Kumar, Ms. Kritika Matta and Ms. Tanya Rose, Advs.

versus

M/S AJUDHIA TEXTILE MILLS

.....Respondent

Through: Mr. Achal Gupta, Mr. Widaphi L. and Ms. Nidhi Jain, Advs.

CORAM:**HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. By the present petition, the petitioner challenges the award dated 22.03.2005 passed in ID No. 238/1997, whereby the learned Industrial Tribunal found the petitioner workman guilty of misconduct and declined to interfere with the punishment of termination.
2. Briefly stated, it was the case of the petitioner workman that he had worked with the respondent for 18 years as a junior clerk. The petitioner was suspended with effect from 06.03.1993 and a chargesheet was issued to him on 12.03.1993 alleging misconduct. The allegations have been aptly summarised in the impugned order as under:

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Signed By: HARMINDEER KAUR
Signing Date: 02.09.2026 14:41:08
W.P.(C) 4436/2006



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“i) Habitual in leaving the work place during duty hours without permission in the inside and outside the mills permission in the inside and outside the mills premises and indulgence in the activities of inciting the workers against the management to create industrial unrest in the mills.

ii) He also created industrial unrest in the mills by pa-sting notice dated 1.3.93 for provoking the workers.

iii) On 20.2.93 got stopped the working the departments of the mills and gheraoed the officers of the mills alongwith the workers of the mills by provoking the workers against the management.

iv) Misbehaviour and use of abusive language with the factory Manager on 27.2.93.”

3. The petitioner was found to be guilty of misconduct in the enquiry proceedings, whereafter, on 05.07.1994, the services of the petitioner were dismissed.

4. The enquiry proceedings were found to be unfair by the learned Tribunal by order dated 20.04.2001, pursuant to which, evidence was led by the parties on the issue of whether misconduct was made out. After appraising the evidence led by the parties, by the impugned award, the learned Tribunal found that the misconduct alleged against the petitioner was proved and upheld the punishment of termination of his services.

5. It is argued on behalf of the petitioner that the petitioner was the General Secretary of M/s. Ajudha Kapra Mill Staff Karamchari Sanghathan (Regd.) and he was also the office bearer in many other Unions due to which he was unjustly targeted by the management as is evidenced from the fact that action was only pursued against the petitioner. It is submitted that the management examined the same witnesses before the Tribunal who had also been examined in the enquiry proceedings, and the learned Tribunal erroneously relied on the evidence of the said witnesses to hold that misconduct was proved



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even after the enquiry proceedings had been held to be perverse. It is further submitted that there is no other evidence against the petitioner. It is also contended that the respondent management did not preserve the right to lead evidence to prove charges in its written statement and thus no evidence could have been led by the respondent before the learned Tribunal.

6. On the other hand, the learned counsel for the respondent management submitted that the learned Tribunal had aptly appreciated the material on record and the impugned award suffers from no infirmity.

7. Having perused the record and heard the counsel, this Court is of the opinion that the learned Tribunal has rightly found that misconduct is proved against the petitioner.

8. Pertinently, before delving into the merits of the case, it is necessary to note that the enquiry was held to be perverse after noting that the documents were not supplied to the petitioner and certain documents given by the petitioner were not relied. It was also noted that a police report was made against the second enquiry officer on allegations of misbehaviour and misconduct as well as for snatching record of the petitioner, despite which he was not changed. In addition to the same, certain other procedural lapses were found which led the learned Tribunal to find that the enquiry officer had unfairly assisted the management witnesses. Further, it was found that statement of five out of six management witnesses could not be considered as no proper opportunity to cross-examine them was given to the petitioner. Thus, it is clear that it was the violation of principles of natural justice that



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led to the enquiry report being deemed perverse.

9. Though it is rightly pointed out that the management witnesses in the enquiry proceedings were also examined before the learned Tribunal, this Court is unable to accept the argument that the evidence of the same witnesses could not be considered. As noted above, the primary reason for not considering the evidence of the said witnesses was that the petitioner was not given a fair opportunity to cross-examine them. In such circumstances, once a proper opportunity to cross-examine the said witnesses was granted, nothing precluded the Tribunal from appreciating the statements of the said witnesses, which included Sh. B.V. Rao who specifically deposed that he had seen the petitioner coaxing and insisting workmen to stop work and that the petitioner had also gheraoed officers. The learned Tribunal was also rightly weighed by the fact that the petitioner had not challenged the authenticity of the register which reflected frequent in and out entries of the petitioner. No argument is made before this Court in respect of any infirmity or inconsistency in evidence of the witnesses, and this Court can even otherwise not reappraise evidence in exercise of writ jurisdiction.

10. Even though it is contested that the learned Tribunal erred in allowing the management to lead evidence to prove misconduct, considering that due opportunity was granted to the petitioner to cross-examine the witnesses, no prejudice can be said to have been caused to the petitioner by virtue of the same.

11. Though it is also argued that the petitioner was unfairly targeted, the assertions of victimisation are vague and general, which



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do not inspire confidence. Merely because other workers were not charge sheeted, the proved misconduct on part of the petitioner cannot be ignored.

12. Having found that misconduct of the petitioner stands proved, it is not permissible for this Court to interfere with the punishment imposed on the workman on account of his conduct merely on account of any sympathetic considerations.

13. It is well settled that while exercising powers under Article 226 of the Constitution of India, this Court ought not to act as an appellate Court. This Court therefore cannot substitute its own view for the view taken by the Labour Court unless the same is shown to be arbitrary or perverse.

14. In the facts and circumstances of the present case, no such perversity has been pointed out to warrant exercise of jurisdiction by this Court.

15. The present petition is accordingly dismissed. Pending application stands disposed of.

AMIT MAHAJAN, J

AUGUST 31, 2026

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