

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

**CWP No. 13121 of 2012 (O&M)
Date of decision: 10.02.2015**

Zonal Director Nehru Yuva Kendra Sangathan, Chandigarh ...Petitioner

V/s.

Raju Chand and another ...Respondents

CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA.

Present: Mrs. K.K. Kahlon, Advocate for the petitioners.

Mr. Vikas Chaudhary, Advocate for
respondent No. 1.

No ground is made out to interfere in the findings of fact recorded by Labour Court in the well reasoned award. The order of termination was both stigmatic and punitive and, therefore, an enquiry should have been held. Assuming that the order was not stigmatic or punitive then retrenchment compensation should have been paid to the respondent. Either way, the action of the petitioner was wrong and the Labour Court after appreciating the evidence on record; has returned findings of fact which cannot be disturbed in judicial review under Articles 226/227 of the Constitution of India, in view of dicta laid down by the Supreme Court in *Syed Yakub V/s. K. S. Radhakrishnan AIR 1964 SC 477*.

Dismissed.

Interim order stands vacated.

The award shall remain executable in terms of the award passed.

February 10, 2015
Divyanshi

(RAJIV NARAIN RAINA)
JUDGE