

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

**CWP No.1350 of 2015 (O&M)**

**Date of Decision : 27.1.2015**

Vikram Ready Mix Concrete Pvt.Ltd.

....Petitioner

Versus

Presiding Officer, Labour Court-I, Gurgaon  
and another

...Respondents

CORAM : HON'BLE MR.JUSTICE MAHESH GROVER

....

1. Whether Reporters of Local Newspapers may be allowed to see the judgment?
2. To be referred to the Reporters or not?
3. Whether the judgment should be reported in the Digest?

Present: Mr.Gorav Kathuria, Advocate  
for the petitioner.

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**MAHESH GROVER.J.**

The petitioner impugns the award dated 2.6.2014. Respondent No.2, who was engaged as Driver with the petitioner since 1.11.2014, was initially suspended in the year 2006 and then served with a chargesheet dated 3.4.2006. He faced termination of his services on 14.8.2006. He had pleaded in his demand notice that fraudulent inquiry had been conducted and his stand was totally ignored. It was submitted by him that even prior to this his services were terminated on 25.11.2005 and when he raised a demand notice before the Labour-cum-

Conciliation Officer, a settlement was arrived at on 6.1.2006 and he was taken back in service but his services were again terminated in August 2006.

The petitioner contested the proceedings and stated that the services of the workman were dispensed with after conducting a fair and proper inquiry. It was specifically pleaded that all the principles of law and natural justice were duly followed and after receipt of the report of the Inquiry Officer and finding that the charges levelled against the workman were proved, his services were terminated.

Before the Labour Court the issue of validity of termination of services of the workman was the question for determination and while dealing with the matter, following issues were framed :

- “1. Whether the services of workman were illegally terminated? If so, to what relief, he is entitled to? OPW
2. Whether the reference is not maintainable in the present form? OPM
3. Relief?”

After perusing the evidence on record the Labour Court concluded the reference in favour of the workman and held that his services were terminated without following the process of

law thereby leading to a direction of reinstatement along with 40% back wages w.e.f.14.8.2006 onwards.

Learned counsel for the petitioner while assailing the award contends that the Inquiry Officer was in possession of all the requisite documents and thus the petitioner was prevented from producing the same before the Labour Court. This is the specific contention raised time and again before this Court in order to attempt an offset of the findings of the Labour Court.

A perusal of the award indicates that even though the petitioner claimed to have conducted a valid departmental inquiry, no evidence was adduced by them in this regard. Neither the inquiry report nor the proceedings before the Inquiry Officer were brought on record. The plea of the petitioner before this Court that the Inquiry Officer having died, the possession of the documents could not be retrieved from him, is totally a negation of what has been the stand of the petitioner before the Labour Court where a specific plea was taken in the reply that the inquiry report was perused by them before terminating the services of the workman. Not only this, it was specifically pleaded that full opportunity was given to the workman to participate in the inquiry.

The contention of the petitioner obviously does not conform to the stand taken by them in the reply before the Labour

Court.

Once the plea of holding a fair and proper inquiry has been raised by the petitioner, so it was incumbent upon them to lead adequate evidence in this regard, more particularly when the case of the workman rested solely on this plea that his services were dispensed with without even holding a proper departmental inquiry.

No other point has been urged before this Court.

Since the petitioner has miserably failed to produce evidence to show the holding of a departmental inquiry preceding the termination of the workman, I am of the view that the findings recorded by the Labour Court do not warrant any interference.

Petition dismissed.

27.1.2015  
dss

(MAHESH GROVER)  
JUDGE