

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 13816 of 2015
Date of decision : July 22, 2015

Principal Khalsa Senior Secondary School, Talwandi

..... Petitioner

Versus

Presiding Officer, Industrial Tribunal, Bathinda and another

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. N. S. Dandiwal, Advocate
for the petitioner.

1. Whether reporters of local papers 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?

Amit Rawal, J (oral).

The challenge in the present petition is to the award dated 12.5.2015 whereby reference has been answered in favour of respondent No.2-workman whereby he has been held entitled to reinstatement along with continuity of service and 30% back wages.

Mr. N. S. Dandiwal, learned counsel for the petitioner submits that the workman was found committing theft and therefore his services were dispensed with. The Labour Court has not appreciated the fact that once the Management has lost the confidence he could not have been ordered to be reinstated.

Be that as it may, assuming for an argument sake that the workman had committed theft, the Management was not

prevented from issuing charge sheet and holding enquiry. Even the procedure could have been adopted by requesting the Labour Court to hold enquiry before ordering termination. Having not done so, the Labour Court rightly held that the Management did not follow the provisions of Section 25-F of the Industrial Disputes Act, 1947 while dispensing with services of the workman.

There is no merit in the writ petition. Resultantly, the writ petition is dismissed.

(AMIT RAWAL)
JUDGE

July 22 , 2015
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