

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

**CWP No.25631 of 2015
Date of decision:8.12.2015**

Radhey Shyam

... Petitioner

Versus

M/s Hyderabad Industries Limited & anr.

... Respondents

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

Present: Mr. ID Singla, Advocate,
for the petitioner.

1. To be referred to the Reporters or not?
2. Whether the judgment should be reported in the Digest?

RAJIV NARAIN RAINA, J.(Oral)

The domestic inquiry conducted by the management has established that the petitioner got employment on the basis of false information with respect to his date of birth recorded at the time of recruitment. The original application (Ex.M-17) made by the petitioner while seeking employment self declared his age as 20 years. That was in the year 1971. It means that he was born in 1951. He attained the age of 58 years in the year 2009, which was date of superannuation in the service of the respondent-management. However, when he was asked to submit proof of his age, the claimant-workman produced Ex.M-16, which was his matriculation certificate, wherein his age has been entered as February 2, 1956. This certificate has been issued by the Haryana School Education Board on July 14, 1981 while he was already in service of the respondent-management. The inquiry officer in his report has found him guilty of misconduct. The Labour Court has held the inquiry to be fair and proper. This was not a case to invoke Section 11-A of the Industrial

Disputes Act, 1947 to award any lesser punishment. The petitioner was dismissed from service by the punishing authority when the charge against him was proven by the inquiry officer of submitting false declaration of age at the time of recruitment.

Having read the award and having heard Mr. ID Singla, learned counsel for the workman-petitioner, I find no cogent and valid ground to interfere with the award dated August 27, 2015 passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court-III, Faridabad, declining the reference. Accordingly, the petition is dismissed.

(RAJIV NARAIN RAINA)
JUDGE

8.12.2015
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