

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

C.W.P.No.8802 of 2012

Date of Decision: April 07, 2015

Punjab National Bank, Divisional Office, Amritsar

...Petitioner

Versus

**Central Government Industrial Tribunal-cum-Labour Court, Chandigarh &
another**

...Respondents

CORAM: HON'BLE MR.JUSTICE AMIT RAWAL, JUDGE

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?

Present: Mr.Santosh Sharma, Advocate,
for the petitioner.

Mr.Amarjeet Singh, Advocate,
for respondent No.2.

AMIT RAWAL, J. (Oral)

The challenge in the present writ petition is to the order dated 31.1.2012 (Annexure P-7) passed by the Labour Court-Industrial Tribunal, Chandigarh, whereby it embarked upon the issue qua the compliance of natural justice, i.e., whether it was incumbent upon the Management to supply the list of documents and witnesses along with the charge sheet at a later stage. The Presiding Officer had arrived at a conclusion that the enquiry was not fair as the claimant was prejudiced and could not submit defence as he was not supplied the list of documents and witnesses along with the charge sheet.

Mr.Santosh Sharma, learned counsel appearing for the

petitioner-Bank contends that as per the Bipartite Settlement, it was not incumbent upon the Management to supply the list of documents and witnesses.

Mr.Amarjeet Singh, learned counsel appearing for respondent No.2 contends that the order under challenge passed by the Presiding Officer is fair, legal, justified and as a consequence of natural justice.

I have heard the learned counsel for the parties, appraised the paper book and as well as the impugned order.

It is a matter of record that the workman has been provided list of documents and witnesses during the stage of enquiry and not prior thereto, which prevented respondent No.2 to effectively rebut the allegations of charges. Had those documents been provided to respondent No.2, he would have got an opportunity to rebut the charges and would have conceived a situation where the Management could have been satisfied and decided not to proceed any further.

Since the petitioner-Bank has not complied with the procedure, the order passed by the Presiding Officer is fair and just. No interference is called for. Accordingly, the same is upheld.

It has been brought to the notice of the Court that now respondent No.2 has been provided the list of witnesses and documents. I hereby direct the Management to hold a de novo enquiry in support of the alleged charges served upon respondent No.2 in accordance with law.

The writ petition is accordingly dismissed.

April 07, 2015
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(AMIT RAWAL)
JUDGE