

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

**CWP No.27437 of 2015
Date of Decision:24.12.2015**

The Gharaunda PACS, Gharaunda, KarnalPetitioner

Vs.

**The Presiding Officer, Industrial Tribunal-cum-Labour Court,
Panipat and anotherRespondents**

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

Present:- Mr. Jangjit Singh Dahiya, Advocate for the petitioner.

RAJIV NARAIN RAINA, J.(Oral)

If the charge-sheet has not been produced before the Labour Courts which was the substratum of the case for dismissal from service, then the Labour Court cannot be faulted in holding that it is not a case of dismissal after inquiry. The Labour Court has even discussed the law on the subject indicating that a defective inquiry is as good as no inquiry in the eyes of law. When there is no inquiry, there is no punishment and this gives rise to the question of compliance of the law in the Industrial Disputes Act, 1947 (for short, 'the Act') especially Section 25-F thereof which provides the pre-requisites of a valid termination.

I find no reason to interfere with the award of the Labour Court dated 11.9.2012 and the present petition is ordered to stand dismissed. Neither the charge-sheet nor the inquiry report was produced before the Labour Court. It is well settled in law that new matter will not be entertained in writ jurisdiction arising out of an award passed in

proceedings under Section 10(1)(c) of the Act. Reference may be made to Harjinder Singh v. Punjab State Warehousing Corporation, 2010(1) SCR 591. The present is a case of no evidence in support of valid termination. The management miserably failed to produce evidence to substantiate its defence. There is not even an application filed for additional evidence nor was a request made to the Labour Court. Besides, the petition has been filed after the award has been final over 3 years and 3 months after it was pronounced on 11.9.2012.

Dismissed with costs of Rs.10,000/- to be paid by the petitioner- Society to the workman in execution proceedings.

December 24, 2015
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(RAJIV NARAIN RAINA)
JUDGE