

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

CWP No.5575 of 2013
Date of decision : 23.03.2015

The District Education Officer, Education Department, Fatehabad &
another

...Petitioners

Versus

Surender and another

...Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present: Mr. Keshav Gupta, AAG, Haryana.

Mr. Amit Chaudhary, Advocate
for the respondent No.1.

AMIT RAWAL, J. (Oral)

Challenge in the present writ petition is to the award dated 12.06.2012 (Annexure P-1), whereby the respondent No.1 has been ordered to be reinstated without any continuity of service & back wages.

Mr. Keshav Gupta, learned counsel for the State contends that conduct of the respondent had not been up to the mark as he had been indulging into the vandalism. The criminal case was registered against the workman which ultimately resulted into acquittal. The plea

taken by the Management before the Labour Court was that the workman had absented on 18.01.2007 and alleged incident of misbehaviour is of 17.01.2007. He further contends that since the workman had not discharged the duties of Sweeper, requisition was sent by Headmaster of the Block Education Officer, Bhattu Kalan, Middle School to make arrangements for alternative Sweeper.

Learned counsel for the workman contends that de hors of the fact that plea of the Management is to be accepted on the face value, the fact remains that it was incumbent upon the Management to issue charge sheet. The workman was not allowed to enter premises & rather told that his services had been terminated thus compelled to raise the demand notice, which resulted into entering into the reference by the Labour Court.

I, have heard learned counsel for the parties and appraised the impugned paper book and as well as the award and am of the view that award of the Labour Court awarding the reinstatement without any continuity of service and back wages is fair, legal and justified. Management failed to hold any enquiry, much less, serve any charge-sheet, in case of alleged absenteeism from the duty. Sending requisition to the Block Education Officer also amounts to violation of Section 25-H of the Act. Labour Court on the basis of evidence brought on record to held there was violation of the provision of Section 25-F & 25-H of the Industrial Disputes Act and once there had been a violation, workman was entitled to all the benefits.

No fault can be found with the findings rendered by the Labour Court which is based on the appreciation of the law and as well as evidence brought on record.

In view of what has been observed above, the writ petition is accordingly dismissed.

23.03.2015

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**(AMIT RAWAL)
JUDGE**