

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

Civil Writ Petition No.9251 of 2013

Date of Decision: April 21, 2015

Gulab Singh

...Petitioner

Versus

**The Presiding Officer Industrial Tribunal-cum-Labour Court, Circle-I,
Faridabad & 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.Shiv Kumar, Advocate,
for the petitioner.

Mr.Ashwani Bakshi, Advocate,
for respondent No.2.

AMIT RAWAL, J. (Oral

The challenge in the present writ petition is to the award dated 17.10.2012 (Annexure P-4), whereby the Labour Court found that the enquiry conducted by the Management was not in consonance with the provisions of the Industrial Disputes Act (for short “the Act”) and the case law and, therefore, directed the Management to hold a fresh enquiry by setting-aside the punishment of termination. The operative part of the award of the Labour Court is extracted herein below:-

“The claimant was dismissed from service without proper inquiry. The punishment is therefore set aside with the direction to management to hold fresh inquiry, giving proper opportunity to the delinquent to defend himself. This issue is answered

accordingly partly in favour of the claimant

The reference is disposed of with a direction to the respondent to hold fresh inquiry as per rules and according to principles of natural justice.”

Mr.Shiv Kumar, learned counsel appearing for the petitioner, *inter-alia*, contends that the petitioner would be satisfied in case the award of the Labour Court is modified by issuing a direction to the Labour Court to hold an enquiry instead of Management. Mr.Ashwani Bakshi, learned counsel appearing for respondent No.2 has no objection to the same.

As per the provisions of Section 11-A of the Act, the Labour Court has the power to hold an enquiry qua the alleged termination of the petitioner vis-a-vis the issuance of show cause notice and charge sheet.

The grievance of the petitioner is that the Management may not again follow the principles of natural justice and the officer, so appointed, may be partial.

In order to rule out the act of biasness, I deem it appropriate to direct the Labour Court to hold an enquiry qua the alleged termination of the petitioner.

With the above observations, the award of the Labour Court is modified and the writ petition is disposed of with a direction to the Labour Court to hold an enquiry qua termination of the petitioner in accordance with law by giving opportunity to the parties to the lis.

The parties, through their counsel, are directed to appear before the Labour Court on 14.5.2015.

April 21, 2015
ramesh

(AMIT RAWAL)
JUDGE