

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH

CWP No. 9907 of 2015
Date of decision : May 18, 2015

Ved Parkash

..... Petitioner

Versus

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

..... Respondents

CORAM: HON'BLE MR. JUSTICE AMIT RAWAL

Present:- Mr. Raj Kaushik, Advocate
for the petitioner.

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?

Amit Rawal, J (oral).

The challenge in the present writ petition is to the order dated 25.4.2011 (Annexure P-3) and order dated 10.5.2011 (Annexure P-4) whereby the charge sheet (Annexure P-1) served on the petitioner had been proved. Thereafter reference has been decided against the petitioner.

Learned counsel appearing on behalf of the petitioner submits that the impugned orders are illegal and perverse, much less no opportunity, or reasonable opportunity has been granted to the petitioner for cross-examination of the witnesses and the reply submitted to the charge sheet by the petitioner has also not been considered.

I have heard learned counsel for the petitioner and

appraised the impugned orders and the paper book.

The Labour Court while adjudicating issue No.2 found that the enquiry had been conducted in a most fair and proper manner and there was no defiance to the principles of natural justice and the workman did not lead any cogent evidence and that the enquiry was proper and fair.

On the basis of adjudication upon issue No.2 the Labour Court proceeded to decide the reference on the basis of the evidence lead and found that since the charges against the petitioner have been proved and there was no occasion for exercising the power under Section 11-A of the Industrial Disputes Act, 1947 as the allegations made against the petitioner-workman were constraint with the alleged misconduct and therefore the petitioner has rightly been dismissed from services.

The finding rendered by the Labour Court is based on appreciation of oral as well as documentary evidence. No document has been placed on record to belie the stand taken by the Labour Court in deciding issue No.2.

No fault can be found with the award of the Labour Court. The award is fair, legal and justified, much less is passed in accordance with law.

Accordingly the writ petition is dismissed.

(AMIT RAWAL)
JUDGE

May 18, 2015
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