

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

LPA No.1005 of 2015 (O&M)

DATE OF DECISION : September 07, 2015

Surinder Pal Singh

.... APPELLANT

Versus

Central Government Industrial Tribunal-cum-
Labour Court-1, Chandigarh and others

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

HON'BLE MRS. JUSTICE SNEH PRASHAR

Present: Mr. A.R. Takkar, Advocate,
for the appellant.

...

SATISH KUMAR MITTAL, J.

Surinder Pal Singh (employee) has filed the instant intra-court appeal under Clause X of the Letters Patent against the order dated 13.03.2015 passed by the learned Single Judge, whereby the writ petition (C.W.P. No.21582 of 2014) filed by him challenging the Award dated 21.04.2014 (Annexure P11) passed by the Labour Court upholding the action of the Management in imposing penalty of dismissal of compulsory retirement with superannuation benefits, has been dismissed. In the aforesaid writ petition, the appellant has also challenged the order dated 27.01.2007 (Annexure P3) vide which he was compulsorily retired with

superannuation benefits as well as the order dated 27.04.2007 (Annexure P5) whereby the appeal filed by him against the said order was dismissed.

Though this appeal is barred by limitation, and along with the appeal, the appellant has filed an application (CM No.2090-LPA of 2015) for condonation of delay of 26 days in filing the appeal, yet without taking the said delay into consideration, we have heard the learned counsel for the appellant on merits and gone through the impugned order passed by the learned Single Judge.

In this case the respondent-Management passed the order of compulsory retirement as a punishment after holding a departmental enquiry on establishing certain misconduct against the appellant. The appeal filed by the appellant against the said order was also dismissed. Thereafter, the appellant sought a reference about the said punishment after issuing the demand notice and on that the reference was made to the Industrial Tribunal-cum-Labour Court, Chandigarh to the effect whether the action of the Management in imposing the penalty of dismissal of service with superannuation benefits was justified or not.

Before the Labour Court, an issue was raised by the appellant whether the domestic enquiry conducted by the Management was fair and proper. The Labour Court decided that issue in favour of the appellant while holding that no fair and proper enquiry was held. However, the Management was provided an opportunity to lead the evidence to prove the charges against the appellant. Thereafter, both the parties led the evidence before the Labour Court. After appreciating the documentary as well as oral

evidence led by both the parties, the Labour Court vide its Award dated 21.04.2014 (Annexure P11) had come to the conclusion that Charges No.1,3 and 4 proved against the appellant. However, the Management failed to prove Charge No.2. On the basis of the said findings, the Labour Court held that the penalty of dismissal of compulsory retirement with superannuation benefits imposed on the appellant stood fully justified, while observing as under:-

“....As regard the penalty of dismissal of compulsory retirement with superannuation benefits imposed upon the workman is concerned, the workman created scene in the office and consumed liquor on duty and police was called which stand proved from the medical examination conducted by the doctors of Government Hospital, and other two charges which relates to misbehavior with the customers and leaving the office early which are serious in nature and he was given the punishment of compulsory retirement with superannuation benefits which needs no intervention in any way by this Tribunal as any misbehaviors and indiscipline in the public office like bank can not be treated in a casual way which tarnish the image of the bank. Therefore, the workman is not entitled to any relief what so ever. The action of the management of State Bank of India in imposing the penalty of dismissal of compulsory retirement with superannuation benefits on workman Surinder Pal Singh is fully justified.”

The writ petition filed by the appellant challenging the aforesaid Award has been dismissed. Hence this appeal.

Learned counsel for the appellant tried to assail the findings of the Labour Court that the charge of consuming liquor on duty was not proved by the Management. Similar arguments were raised before the learned Single Judge, but the learned Single Judge after appreciating the evidence led by both the parties before the Labour Court and in view of the fact that the appellant did not deny the allegations in the charge-sheet with regard to consumption of liquor, has come to the conclusion that the said charge has been duly proved against the appellant. It was also held that the stand/defence taken by the appellant that he had only consumed the cough syrup under the advice of the doctor and not the liquor was also not believed by the Labour Court as well as the learned Single Judge. In view of these facts, we are of the opinion that the charges stand proved against the appellant and the said finding has also been affirmed by the learned Single Judge. Now there is no scope to appreciate the evidence in this appeal for reaching to a contrary conclusion. Therefore, we do not find any merit in the present appeal. The learned counsel, however, argued that in the facts and circumstances of the case the penalty of dismissal of compulsory retirement with superannuation benefits is harsh. We do not find any substance in this contention also. Keeping in view the nature of allegations and the charges which have been proved against the appellant, we are of the opinion that the penalty of dismissal of compulsory retirement with superannuation benefits is neither excessive nor unjustified. Rather, the appellant has been leniently dealt with by the Management. Therefore, we do not find any ground to interfere in the impugned order on quantum of

punishment also.

No merits. Dismissed.

(SATISH KUMAR MITTAL)
JUDGE

September 07, 2015
vkg

(SNEH PRASHAR)
JUDGE