

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

**L.P.A.No.1453 of 2015 (O&M)
Date of Order: 05.10.2015**

The Jind Central Cooperative Bank Ltd., Jind.

..Appellant

Versus

**The Presiding Officer, Industrial Tribunal-cum-Labour Court,
Hisar and another.**

..Respondents

**CORAM: HON'BLE MR. JUSTICE RAJIVE BHALLA
HON'BLE MS. JUSTICE REKHA MITTAL**

**Present: Ms. Kshitija Mittal, Advocate,
for the appellant.**

**RAJIVE BHALLA, J (Oral)
C.M.No.3112-LPA of 2015**

Prayer in this application is to condone delay of 253 days
in filing the appeal.

We have heard counsel for the appellant and as sufficient
cause has been shown, allow the application and condone the delay
of 253 days in filing the appeal.

L.P.A.No.1453 of 2015

The appellant, challenges order dated 30.10.2014,
dismissing the writ petition, challenging award dated 28.01.2011,
passed by the Industrial Tribunal-cum-Labour Court, Hissar.

Counsel for the appellant submits that the ex-parte award passed by Industrial Tribunal-cum-Labour Court, Hissar, reinstating respondent no.2, has been wrongly affirmed by ignoring that in departmental proceedings, respondent no.2 was found guilty of embezzlement etc. and the order terminating his services was affirmed by the Registrar, Cooperative Societies, Haryana. Counsel for the appellant further submits that the the Tribunal was not justified in passing an ex-parte award as the appellant was absent on one date alone. The charge of embezzlement etc. having been proved against the workman in departmental proceedings, the writ petition has been wrongly dismissed and the award has been wrongly affirmed.

We have heard counsel for the appellant, perused the impugned order as well as the award.

The fact that the award is ex-parte and respondent no.2 was found guilty of embezzlement etc. in departmental proceedings, may have persuaded us to entertain the appeal but a perusal of the facts reveal that the Labour Court after framing a preliminary issue whether the domestic enquiry is just and fair, held vide order dated 20.09.1995, that the domestic enquiry has not been conducted in a fair and proper manner. The appellant filed a writ petition, challenging this order, which was admittedly dismissed on 19.01.2007. Thus, even if the ex-parte award is set aside and the matter is remitted, it would make no difference to the final outcome of the present dispute, as findings recorded by the Labour Court that the domestic enquiry was illegal and void, have already been affirmed by this court in

another writ petition. The writ petition has, therefore, been rightly dismissed.

Finding no merit, the appeal is dismissed.

(RAJIVE BHALLA)
JUDGE

October 05, 2015
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(REKHA MITTAL)
JUDGE