

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Letters Patent Appeal No.319 of 2015 (O&M)
DATE OF DECISION: 27.02.2015

Vikram Ready Mix Concrete Pvt. Ltd.

....Appellant

versus

Presiding Officer Labour Court-I, Gurgaon and another

.....Respondents

CORAM:- HON'BLE MR.JUSTICE S.J. VAZIFDAR, ACTING CHIEF JUSTICE
HON'BLE MRS. JUSTICE RAJ RAHUL GARG

Present: Mr. Gorav Kathuria, Advocate for the appellant
..

S.J. VAZIFDAR, ACTING CHIEF JUSTICE (Oral) :

This is an appeal against the order of the learned single Judge dated 27.01.2015 dismissing the appellant's petition challenging the order of the labour court granting the respondent reinstatement with 40% back-wages.

2. The appellant had charge-sheeted the respondent, who was employed as a driver. The main contention raised by the respondent-workman was that the enquiry was not proper. The appellant failed to produce the papers and proceedings relating to the enquiry. The contention is that the enquiry officer had refused to part with the enquiry papers on account of the animosity that had developed between the appellant and himself. We are further informed that the appellant had charge-sheeted the enquiry officer also for various alleged misdeeds including refusal to part with the papers and proceedings of the enquiry.

However, the charge-sheet, which is at Annexure P/7, does not state that the enquiry officer had refused to part with the papers and proceedings of the enquiry. There is nothing on record that indicates that the papers and proceedings were only with the enquiry officer and that the same were not in custody of the appellant.

3. In the circumstances, the finding that the entire proceedings were vitiated on account of the enquiry being bad cannot be faulted.

4. The appeal is, therefore, dismissed.

(S.J. VAZIFDAR)
ACTING CHIEF JUSTICE

27.02.2015
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(RAJ RAHUL GARG)
JUDGE