

In the High Court of Punjab and Haryana at Chandigarh

LPA No. 962 of 2015(O&M)

Date of Decision: 3.12.2015

Sarwan Singh @ Swaran Singh

---Appellant

versus

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

---Respondents

**Coram: Hon'ble Mr. Justice Rajive Bhalla
Hon'ble Mrs. Justice Rekha Mittal**

**Present: Mr. Ish Puneet Singh, Advocate
for the appellant**

1. Whether Reporters of local papers may be allowed to see the judgment?
2. To be referred to the Reporter or not?
3. Whether the judgment should be reported in the Digest?

Rekha Mittal, J.

The present appeal has been directed against the judgment dated 13.2.2015 passed by the learned Single Judge dismissing the petition filed by the appellant against the award dated 18.2.2013 passed by the Industrial Tribunal-cum-Labour Court, Hisar upholding dismissal of the appellant from service of the Sirsa Central Cooperative Bank Limited.

Counsel for the appellant would contend that the punishment awarded to the appellant i.e. dismissal from service is not commensurate to the gravity of the articles of charge as the amount involved is less than ₹ 1,00,000/-. It is further argued that dismissal of the appellant from

service would cause extreme hardship as he would be denied pensionary benefits which he has earned by putting in service for more than 30 years. According to counsel, the Industrial Tribunal and the learned Single Judge have been swayed by the number of articles of charge while affirming order of dismissal from service but disregarded the total amount involved in the entire transaction. Another submission made by counsel is that the appellant made a request for providing services of a co-employee during enquiry proceedings but no decision was taken on his request and thus, he was seriously prejudiced during departmental proceedings. It was prayed that order of dismissal from service may be converted to compulsory retirement so that the appellant may be entitled to get his retiral benefits.

We have heard counsel for the appellant and perused the records.

The appellant was working as a Secretary of the Sirsa Central Cooperative Bank Limited and was placed under suspension for certain acts of omission and commission on 31.7.1998. He was charge sheeted by invoking the provisions of Haryana State Central Co-operative Bank Staff Services (Common Cadre Rules), 1975. As many as 66 articles of charge relating to embezzlement of funds were framed, regular enquiry proceedings were conducted and the appellant was held guilty of 55 articles of charge after following due procedure in accordance with the relevant rules and principles of natural justice that eventually culminated into dismissal from service. Keeping in view gravity of the allegations that the appellant embezzled the funds and committed financial irregularities in discharge of his official duties, we do not find any reason to interfere in the findings

recorded by the Industrial Tribunal and the learned Single Judge, much less on the arguments addressed.

So far as the plea that the appellant was not provided with services of a co-employee during enquiry proceedings, counsel for the appellant has fairly conceded that there is no material on record to substantiate the appellant's contention that he ever made a request in this regard either before the enquiry officer or the disciplinary authority. That being so, we do not find any error much less any illegality in the impugned judgment.

For the reasons aforesaid, the appeal is dismissed in limine with no order as to costs.

(Rajive Bhalla)
Judge

(Rekha Mittal)
Judge

3.12.2015

PARAMJIT