

CWP-3546-1995

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In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision:10.02.2016

Jasbir Singh

...Petitioner

Versus

The State of Punjaab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. R.S. Khosla, Senior Advocate with
Mr. Sarvesh Malik, Advocate,
for the petitioner.

Mr. Neeraj Yadav, AAG, Punjab.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India challenging the award dated 05.10.1982.

Petitioner had raised an industrial dispute by serving a demand notice challenging his termination. The said dispute was referred for adjudication to Labour Court, Ludhiana by the appropriate Government.

Case of the petitioner, in brief, was that he was working as a Conductor with respondents No.1 to 3 and his

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services were illegally terminated on 20.05.1981.

Case of the management was that services of the petitioner has been dispensed with after holding a fair and proper inquiry.

On the pleadings of the parties, following issues were framed by the Labour Court:-

- “1. Whether the fair and proper enquiry was conducted?*
- 2. Whether the termination is justified and in order?*
- 3. Relief.”*

Parties led their evidence in support of their respective pleas.

Labour Court vide its award dated 05.10.1982 declined the reference sought by the petitioner. Hence, the present petition by the petitioner-workman.

I have heard learned counsel for the parties and have gone through the record available on the file carefully.

Admittedly, petitioner was working with the respondents-State as a Conductor. Charge-sheet was issued to the petitioner on the allegation that he had charged fare from 6 passengers but had failed to issue tickets to them. Petitioner has submitted his reply to the said charge-sheet. The Inspectors who had inspected the bus were examined by the Inquiry Officer during inquiry proceedings. The said

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witnesses were duly cross-examined by the petitioner. Petitioner also led his evidence in defence before the Inquiry Officer. The Inquiry Officer submitted the report that the allegations levelled against the petitioner stood proved. Thereafter, show cause notice was issued to the petitioner and he filed reply to the same. Thereafter, termination order was passed.

Thus, in the present case, services of the petitioner were terminated after holding a departmental inquiry as per rules. Labour Court has declined both the provisions of Section 11-A of the Industrial Disputes Act, 1947 on the ground that it is also evident from the record that the petitioner was in the habit of committing the misconduct in question. Thus, in the facts and circumstances of the present case, Labour Court rightly held that the reference sought by the petitioner was liable to be dismissed.

No ground for interference by this Court while exercising jurisdiction under Article 226 of the Constitution of India is made out.

Dismissed.

February 10, 2016
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(SABINA)
JUDGE