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

CWP No.3676 of 2012

Date of decision: February 02, 2016

Manmohan Singh

.....Petitioner

Versus

The Presiding Officer and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Raj Kaushik, Advocate
for the petitioner.

Mr. V.K. Kataria, Advocate
for respondent No.2.

SABINA, J

Petitioner has filed this petition under Article 226 of the Constitution of India seeking a writ in the nature of certiorari for quashing the award dated 23.03.2010.

Petitioner had raised an Industrial dispute by serving a demand notice challenging his termination. The appropriate Government referred the said dispute for adjudication to the Industrial Tribunal-cum-Labour Court-I, Chandigarh.

The case of the petitioner, in brief, was that his services had been illegally terminated by the respondent-Management. The inquiry officer had not afforded proper opportunity to the petitioner to enable him to put up his case. Petitioner had no concern with regard to manipulation

made in account Nos.4500 and 4580. The claim was put-forth by the brother of the petitioner.

Respondent-Bank in its written statement averred that the services of the petitioner had been terminated after holding the departmental inquiry against him. The charges levelled against the petitioner stood duly proved in the departmental proceedings.

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

- "1. Whether the petitioner is a workman as defined under the provisions of the Act?
2. Whether a proper, fair and reasonable enquiry was conducted against the workman by the management?
3. Whether there has been any violation of the principle of natural justice while adjudicating the enquiry and during disciplinary proceedings?
4. Whether the decision making of the enquiry officer and disciplinary authority respectively suffers with any perversity affecting their decision making?
5. To what relief, if any the workman is entitled."

Parties led their evidence in support of their respective pleas.

The Industrial Tribunal-cum-Labour Court vide its award dated 23.03.2010 dismissed 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, the petitioner was officiating as Assistant Manager at Branch office, Rumi. Charge-sheet Annexure P-1 was issued to the petitioner. The same reads as under:-

“That while you were officiating as Assistant Manager at Branch Office, Rumi you have:-

- i) tampered with the Bank's records in SB Account No.4500 in the name of Mr. Manmohan Singh and Amarjit Singh, VPO Kamalpur. That on 14.3.1990 Dr. entry of Rs.4022/- relating to SB Account No. altered from SB Account No.4500 to SB Account No.4580.
- ii) That on 16.3.1990 Dr. entry of Rs.14,000/- relating to SB Account No.4500 has been altered as SB Account No.4580 whereas Account No.4580 did not exist on that date.
- lii) That the two debit entries amounting to a total sum of Rs.18032/- does not appear in the relative Pass Book submitted by the depositor while lodging claim on account of burnt record of the Branch.
- iv) That as per record, SB Account No.4500 was in the joint name of Mr. Manmohan Singh and Mr. Amarjit Singh VPO Kamalpur whereas while lodging the claim No.1002 SB concerning SB Account No.4500 you have not put your name as joint claimant of this

account.”

Thereafter, Inquiry Officer was appointed and he submitted his inquiry report after holding inquiry and held that the charges levelled against the petitioner stood duly proved. Petitioner had duly participated in the inquiry proceedings and had also examined witnesses in his defence. The punishing authority on the basis of the inquiry report ordered that the petitioner be dismissed from service. In an appeal filed by the petitioner, the case was remanded to the punishing authority with a direction that fresh order be passed after affording personal hearing to the petitioner. Thereafter, opportunity of personal hearing was afforded to the petitioner and the punishing authority again ordered that the petitioner be removed from service. The said order dated 19.12.1994 has been placed on record as Annexure P-7. Thereafter, petitioner raised an Industrial dispute challenging his termination.

In the present case, the services of the petitioner were terminated after holding departmental inquiry as per Rules. The learned Industrial Tribunal-cum-Labour Court has also taken in consideration the fact that petitioner had examined his brother as DW1 during inquiry. Statement of Amarjeet Singh DW1 has been placed on record as Annexure P-10. A perusal of the same reveals that the brother of the petitioner had taken up the plea that he had

contacted Satnam Singh Clerk and was told by him that there was a balance of ₹18,096/- in the pass book and he should lodge the claim for the said amount with the Bank. He had lodged the claim on 30.12.1991. However, in his cross-examination, he stated that the application for lodging the claim was filled by the petitioner as he was sitting on the relevant seat at that time.

The plea put-forth by the petitioner that the relevant entries had been made by Satnam Singh was rightly disbelieved by the Inquiry Officer as well as by the learned Industrial Tribunal-cum-Labour Court as Satnam Singh Clerk had not been examined by the petitioner to establish his case that the entries in fact, had been made by Satnam Singh.

It has also been noticed by the learned Industrial Tribunal-cum-Labour Court that the petitioner had taken the plea that in fact, the petitioner was having strained relations with his brother Amarjeet Singh and had been falsely involved in the case. The said plea taken by the petitioner was also rightly disbelieved by the learned Industrial Tribunal-cum-Labour Court as a perusal of Annexure P-10 reveals that Amarjeet Singh in his examination-in-chief had duly supported the case of the petitioner and had not averred that his relations with the petitioner were strained. Amarjeet Singh DW1 had stated

that the claim had been filled by the petitioner and he was sitting on the relevant seat at that time and the application was signed by him (Amarjeet Singh). There is nothing on record to suggest to the contrary. Petitioner could have examined a hand-writing expert to establish that the claim was not filled by him and was rather, filled by his brother Amarjeet Singh.

Since in the present case, during inquiry proceedings, charges stood duly proved and keeping in view the seriousness of allegations levelled against the petitioner, the learned Industrial Tribunal-cum-Labour Court rightly rejected the reference sought by the petitioner.

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

Dismissed.

**(SABINA)
JUDGE**

February 02, 2016
mahavir