

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

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**CWP No. 25409 of 2014 (O&M)
Date of decision: 21.04.2016**

Pepsu Road Transport Corporation and others

....Petitioner

Versus

Presiding Officer and another

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

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

Present: Mr. Anil Kumar Sharma, Advocate for the petitioner.

Mr. Vikas Singh, Advocate for the respondents.

P.B. Bajanthri, J.

CM No. 16041 of 2015

CM filed by the respondents for placing on record Annexures R2 and R3 is allowed. Accordingly, CM is disposed of.

CWP No. 25409 of 2014

Respondent No.2 is appointed as a Conductor on 3.5.2001. On the allegations of embezzlement of Rs.296/-, his services were terminated on 01.07.2009. Feeling aggrieved by the same, demand notice was issued on 18.03.2010. On failure of the application proceedings the dispute was referred to Labour Court, Patiala (now Industrial Tribunal, Patiala) by the

Assistant Labour Commissioner, Patiala under Section 2-A and under Section 10(1) (c) of Industrial Disputes Act, 1947 vide Endorsement No. 4524 dated 17.09.2010. The reference is to the extent that whether termination of the services of the workman Harvinder Singh -respondent No.2 is illegal and unjustified? If yes, what relief the workman is entitled to? The Industrial Tribunal, Patiala was pleased to reinstatement with continuity of service but without back wages on 31.03.2014. Petitioner aggrieved by the order dated 31.03.2014 vide Annexure P1 presented this petition.

Admittedly, no enquiry was held against respondent No.2- Harvinder Singh before his termination. The allegations is relating to embezzlement of money. In the absence of enquiry and finding, termination of the Harvinder Singh is illegal and arbitrary. Therefore, no interference is called for by this court in respect of the order dated 31.03.2014. However, the petition is disposed of with the observation that the petitioner shall be reinstated forthwith reserving liberty to the petitioner to hold an enquiry in accordance with law.

21.04.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**