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

CWP No.27181 of 2015

Date of decision: January 28, 2016

Maghar Singh

.....Petitioner

Versus

The Presiding Officer, Industrial Tribunal, Patiala
and another

.....Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

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

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 22.08.2013 (Annexure P-11).

Petitioner raised an Industrial dispute by serving a demand notice challenging his termination. The dispute raised by the petitioner was referred by the appropriate Government to Industrial Tribunal, Patiala for adjudication.

The case of the petitioner, in brief, was that he had worked as a Driver with the respondent-Management from 04.10.1990 to 02.08.2002. Services of the petitioner were illegally terminated.

Respondent-Management in its written statement averred that the petitioner was habitual of taking alcohol

while on duty. Petitioner was appointed as a Driver. Petitioner was to pick up and drop School children. Petitioner had been warned on so many occasions that he should not take alcohol while driving the vehicle but he refused to mend his ways. On many occasions, penalty was imposed on the petitioner and his increments were stopped. Services of the petitioner were terminated after holding due inquiry.

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

- “1. Whether the departmental enquiry conducted against the workman by the respondent is fair and proper?OPR
2. If issue No.1 is not proved, whether the workman is guilty of the alleged misconduct?OPR
3. Whether termination of services of the petitioner is proper and justified?OPR
4. Whether the workman is entitled to get any relief from the respondents?OPP
5. Relief?”

Parties led their evidence in support of their respective pleas.

The Industrial Tribunal vide award dated 22.08.2013 dismissed the reference sought by the petitioner. Hence, the present petition by the petitioner.

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

In the present case, admittedly, petitioner was working as a Driver with the respondent-Management and his services were terminated. Petitioner admitted in his cross-examination that complaint Exhibit M3 was filed against him by all the drivers and conductors to the Principal of the respondent-Management. As per Exhibit M78 dated 18.07.2001, petitioner had stated that in case, in future, he was found under the influence of liquor, Management would be at liberty to terminate his services and had prayed for reinstatement. Vide Exhibit M95, petitioner had again sought forgiveness for the mistakes committed by him. Petitioner in his cross-examination further admitted that he had been warned for his rash and negligent driving by the Management on 2-3 occasions. Petitioner also admitted that he had been warned on 07.10.1991 on account of his rash and negligent driving. He also admitted that he had been punished for his rash and negligent driving and penalty of ₹2,000/- was imposed on him. Petitioner further admitted that he had given reply to show-cause notice as his vehicle had met with an accident and inquiry was conducted against him and he had confessed his guilt before the Inquiry Officer.

Thus, in the present case, petitioner was driving a School bus. Petitioner was found driving the School bus under the influence of liquor. Petitioner had admitted his

mistake before the Inquiry Officer. In the facts and circumstances of the present case, the Management rightly took the decision to terminate the services of the petitioner as by allowing him to continue in service, the lives of School children would have been put in danger. Petitioner who was on duty to pick up and drop the School children while driving the bus was required to act in a responsible manner. In the facts and circumstances of the present case, the learned Industrial Tribunal had rightly dismissed 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**

January 28, 2016
mahavir