

CWP-5389-2013

[1]

In the High Court of Punjab and Haryana at Chandigarh.

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Date of Decision:29.02.2016

Charan Singh

...Petitioner

Versus

Presiding Officer, Industrial Tribunal, Labour Court, Ludhiana
and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE SABINA

Present: Mr. Harnek Singh, Advocate,
for the petitioner.

Mr. Anil Sharma, Advocate and
Mr. Ajaypal Singh, Advocate
for respondents No.2 and 3.

SABINA, J.

Petitioner has filed this petition under Article 226 of the Constitution of India challenging the award dated 13.09.2012 (Annexure P-1).

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

Case of the petitioner, in brief, was that he was working with respondents No.2 and 3 as a Driver and his

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services have been illegally terminated on 09.08.2002.

Case of the respondent-corporation, on the other hand, was that the services of the petitioner had been terminated after following due procedure of law.

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

- “1. *Whether the domestic inquiry conducted against the workman by the management is not fair and proper*”
2. *Whether the reference is bad in law on account of inordinate and unexplained delay? OPM*
3. *Whether termination of services of the workman is justified and in order? If not, to what relief the workman is entitled to? OPW*
4. *Relief.*”

Parties led their evidence in support of their respective pleas.

Industrial Tribunal vide award dated 13.09.2012 set aside the punishment order dated 09.08.2002. Petitioner was ordered to be reinstated in service and it was further ordered that his three annual increments be stopped with cumulative effect and petitioner was allowed back wages to the extent of 30%. 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.

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A perusal of the award reveals that so far as issue No.1 is concerned, the same was not pressed by the representative of the petitioner during the course of arguments.

While deciding issue No.3, the Industrial Tribunal came to the conclusion that the services of the petitioner had been terminated on account of his absence from duty. In this regard, the Tribunal held that the punishment of termination was too harsh and consequently modified the punishment awarded to the petitioner. In view of the facts and circumstances of the present case, the Industrial Tribunal further held that the petitioner was entitled to the relief of back wages to the extent of 30%. The discretion exercised by the Industrial Tribunal calls for no interference while exercising jurisdiction under Article 226 of the Constitution of India.

Dismissed.

February 29, 2016
kapil

(SABINA)
JUDGE