

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

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**L.P.A No. 1016 of 2015
Date of Decision: 23.08.2016**

Pepsu Road Transport Corporation Appellant

Vs.

Sajjan Singh & Ors. Respondents

**CORAM: HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE DR. SHEKHER DHAWAN**

Present: - Mr. Harsh Aggarwal, Advocate, for the appellant.

Ms. T.S.Sidhu, Advocate, for respondent No.1.

MAHESH GROVER, J.(ORAL)

This appeal is directed against the judgment of learned Single Judge passed on 21.11.2014. The respondent workman was proceeded against for misconduct and his services were terminated upon which he claimed re-instatement before the Labour Court in a reference, who passed an award in favour of the respondent-workmen.

The charge against the respondent-workman was of misappropriating some amount by charging fare from 24 passengers without accounting/issuing tickets, which was detected, when the flying squad checked the bus.

The appellant justified the termination by pleading that opportunity was given to the workman prior to an order of dismissal being passed.

The learned Single Judge noticed in the impugned order that the enquiry was virtually a sham. No reasons were recorded therein and finding it to be not sustainable upheld the award of the labour Court which is now cause

of grievance to the appellant who contends that once the inquiry was held and the misconduct established, the workman would have no cause to agitate against his termination particularly when the charge in the enquiry reflects on his integrity. It is also contended before us that the workman has numerous misconduct to his credit having suffered 50 punishments during his entire service. This plea was raised before the learned Single Judge, but was discarded as the charge pertains only to one misconduct, without any reference to any other material and thus the same cannot be taken into account while considering the issue of termination or the procedure leading thereto.

We also noticed that no attempt was made by the appellants to even remotely raise this issue before the Labour Court to prove the misconduct of the workman. So much so when confronted with the situation where the inquiry was adversely commended upon no attempt was made by the appellants even to seek a remand of the matter for consideration afresh. We are, thus, of the opinion that looking at the farcical inquiry that the appellants relied upon to dispense with the services of the workman and it being a case where principles of natural justice were grossly violated. The appellants plea has been rightly rejected. Consequently, we do not find any reason to interfere with the impugned judgment.

The Latters Patent Appeal is dismissed accordingly.

(MAHESH GROVER)
JUDGE

(SHEKHER DHAWAN)
JUDGE

August 23, 2016
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Whether speaking/reasoned - Yes/No
Whether reportable - Yes/No