

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

CWP-2531-2017 (O&M)  
Date of Decision:-24.11.2017.

Sukhdevi

.....Petitioner

Versus

The District Development and Panchayat Officer, Kurukshetra and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE P.B. BAJANTHRI**

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Present: Mr. Rajesh Bansal, Advocate for the petitioner.

Mr. Siddharth Sanwaria, DAG, Haryana.

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**P.B. BAJANTHRI, J. (Oral)**

In the instant writ petition, petitioner has challenged the validity of the award passed by the Labour Court dated 23.8.2016 (Annexure P-4).

Petitioner was appointed as a Sweeper in the year 2008 after due selection process by the second respondent. In the year 2012, on certain allegations of misconduct relating to discharging the duties of the post held by her, notices were issued by the Sarpanch of the Gram Panchayat and sought her explanation. There were allegations relating to abusing Sarpanch and other members of the Gram Panchayat in a filthy language etc. Based on these allegations read with the notices, petitioner's services were stated to have been terminated on 14.1.2013. She has raised an industrial dispute.

Labour Court proceeded to decide Reference No.125 of 2014 on 23.8.2016

to the extent that petitioner is not entitled to reinstatement since she has worked for about 5 ½ years from May, 2008 to November, 2013 and she is entitled to compensation of ₹ 1,00,000/-. Hence, the present petition.

Learned counsel for the petitioner submitted that petitioner was selected and appointed to the post of Sweeper after due selection procedure. If any shortcomings like misdeeds committed by the petitioner, the respondents should have resorted for inquiry. The respondents have resorted to short-circuit method of terminating services of the petitioner instead of holding inquiry. The same has not been appreciated by the Labour Court. It was further submitted that it is not a case of *ad hoc* appointment. Therefore, instead of reinstatement compensation had been granted by the Labour Court, which is wholly incorrect. Hence, award passed by the Labour Court is liable to be set aside.

*Per contra*, learned counsel for the respondents submitted that petitioner has rendered 5 ½ years of service and Labour Court has granted sufficient compensation of ₹ 1,00,000/- in the light of **Bharat Sanchar Nigam Limited v. Bhurumal (2014) 7 SCC 177.** Thus, petitioner has not made out case.

Heard learned counsel for the parties.

Undisputed facts are that petitioner was regularly selected and appointed as a Sweeper after due procedure in the year 2008. Before terminating her services on any allegations, it was bounden duty of the respondents-Department to hold disciplinary proceedings. Mere issuance of show cause notice and terminating the services is not fair. Moreover, petitioner was selected and appointed as regular employee. Therefore,

regulations before terminating petitioner's services. The Labour Court failed to appreciate that petitioner was appointed on regular basis in accordance with the procedure. Therefore, there is error in the award passed by the Labour Court. Consequently reliance on Supreme Court decision passed in **Bharat Sanchar Nigam Limited v. Bhurumal's** (case cited) supra is not applicable to the present case having regard to the fact that the petitioner was appointed by regular selection procedure. Accordingly, award passed by the Labour Court dated 23.8.2016 is set aside. Consequently, petitioner is entitled to reinstatement with all service benefits including monetary benefits from the date of termination till reinstatement. The above exercise shall be completed by the concerned respondent within a period of 2 months from today.

Petition stands partly allowed.

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

**November 24, 2017.**

sandeep

Whether speaking/reasoned:-

Yes / No

Whether Reportable:-

Yes / No.