

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

LPA No.1454 of 2016 (O&M)

Date of Decision :03.02.2017

Rajinder Singh

....Appellant

Versus

The Presiding Officer Labour Court,
Ambala and another

....Respondents

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

....

Present: Mr. Fateh Saini, Advocate
for the appellant.

....

MAHESH GROVER, J. (Oral)

This appeal is against the judgment of the learned Single Judge dated 22.02.2013 declining interference in the case of the appellant who had initially raised an industrial dispute questioning his termination where the Labour Court even though acknowledging the misconduct of the appellant had directed back wages of 7 years provided the appellant deposited the misappropriated amount with the society. The prayer of the appellant before the writ court was qua reinstatement on the premise that since the society did not suffer any loss on account of the sufficient deposit made by him, he ought to be reinstated in service.

The learned Single Judge did not accept the plea resulting in the present appeal where the learned counsel for the appellant prays likewise as was done before the writ court.

After hearing the learned counsel for the appellant, we are of the opinion that no interference is warranted. A person who has faced allegations of misappropriation, which are established in subsequent proceedings, cannot persist with continuation of his service as this is a matter which shatters the confidence of the employer in the employee who was well within its right to dispense with the arrangement. The equities have been well settled as the appellant has been given back wages of 7 years.

Apart from this, there is a delay of 1199 days in filing the present appeal which we do not intend to condone for the lack of reasons that the application for condonation of delay contains.

Dismissed.

(MAHESH GROVER)
JUDGE

03.02.2017
dss

(SHEKHER DHAWAN)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No