

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

**L.P.A. No.1980 of 2017 (O&M)
Decided on : 24.10.2017**

Darshan Lal

... Appellant

Versus

Presiding Officer, Labour Court, Ambala and others

... Respondents

**CORAM : HON'BLE MR.JUSTICE MAHESH GROVER
HON'BLE MR.JUSTICE RAJ SHEKHAR ATTRI**

Present : Mr. Aman Pal, Advocate,
for the appellant.

MAHESH GROVER, J.(Oral)

CM-4315-LPA-2017

For the reasons explained in the application, delay of 13 days in filing the appeal is condoned.

Main case

This appeal is directed against the judgment of the learned Single Judge dated 1.9.2017 whereafter noticing the facts of the case, learned Single Judge granted compensation of ₹ 3 lacs to the appellant for default of the respondent-employer.

While serving the respondent-employer, the appellant was accused of stealing iron strips for which a criminal case was registered resulting in his conviction and finally his release on probation. The respondent-employer in the meantime issued charge sheets repeatedly but bungled by either not following it up or withdrawing them. This resulted in a situation where the appellant did not face any disciplinary proceedings but was kept out of employment and one of the resultant

charge was of the appellants' absence from duty. Even qua this, no proper procedure was initiated or followed up by the respondent-employer. Learned Single Judge took notice of these defaults and awarded a compensation of ₹ 3 lacs.

The appellant dissatisfied with the findings has come before us in appeal to contend that in fact it was a case where his default was never established in disciplinary proceedings which would entitle him to reinstatement or atleast higher compensation. We are of the opinion that the case of reinstatement is ill founded. The case against the appellant was of theft qua which he suffered a conviction and besides in any eventuality, the appellant having lost confidence of employer, the respondent-employer would very well be within their rights to decline reinstatement. In the face of these facts, to insist upon the respondent-employer to consider the appellant for reinstatement would not be a feasible course and the learned Single Judge wisely adopted the alternate course of grant of compensation which in the given set of circumstances is just.

No ground for interference is made out.

Dismissed.

(MAHESH GROVER)
JUDGE

(RAJ SHEKHAR ATTRI)
JUDGE

October 24, 2017

Paritosh Kumar

Whether speaking/reasoned: Yes/No
Whether Reportable: Yes/No