

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

LPA No.853 of 2018(O&M)
Date of decision: 09.08.2018

Ishwar Singh

... Appellant

Versus

Presiding Officer, Industrial Tribunal-cum-Labour Court, Ambala and others
... Respondents

**CORAM: HON'BLE MR. JUSTICE KRISHNA MURARI, CHIEF JUSTICE
HON'BLE MR. JUSTICE ARUN PALLI, JUDGE**

Present: Mr. Vinod Bhardwaj, Advocate for the appellant.

ARUN PALLI, J. (Oral)

This is an intra-court appeal under clause X of the Letters Patent against an order and judgment dated 01.03.2018, rendered by the learned Single Judge, vide which the writ petition preferred by the appellant against the award dated 01.10.2013, made by the Labour Court declining his claim, has since been dismissed.

The appellant, who was employed as Clerk with the Haryana Roadways, was posted as Diesel Pump Clerk (DPC) at Kaithal Depot in February, 2009. A departmental inquiry was initiated against him, for he had filled 225 litres of diesel in bus No.HR-64-0190 showing the journey to be undertaken as 1080 kilometers, whereas as per the waybills only a distance of 622 kilometers was required to be covered. Thus, an extra 100 litres of diesel was filled in the bus, which the appellant subsequently sold in connivance with the driver of the bus, namely, Mahavir Singh. The appellant

was found guilty by the Inquiry Officer. Accordingly, he was dismissed from service vide order dated 15.03.2011. The departmental appeal preferred by the appellant was also dismissed by the appellate authority on 29.02.2012. Being aggrieved by his dismissal from service, he also raised an industrial dispute. However, the Labour Court, on a consideration of the matter and the evidence on record, reached a conclusion that the departmental inquiry held against the appellant was fair and proper, and his misconduct was duly proved. Further, in view of the sensitivity of the charges the punishment awarded by the authorities warranted no interference. That being so, even the learned Single Judge, as indicated earlier, dismissed the writ petition preferred by the appellant.

We have heard learned counsel for the appellant and perused the record.

The argument advanced by the learned counsel for the appellant that even the services of Mahavir Singh (Driver) were terminated along with the appellant, but he was reinstated in service pursuant to an order dated 10.10.2012 passed by the Joint Transport Commissioner Haryana, lacks conviction. Records show that the authorities on a consideration of the case of Mahavir Singh and the attending circumstances thought it fit to reinstate him on the lowest pay-scale of a Driver for a period of two years. Further, a recovery was ordered against him for the loss of 100 litres of diesel. Whereas, the charges against the appellant were far more grave and sensitive as he being the Diesel Pump Clerk manipulated the entries in the relevant register, fabricated the records and filled 100 litres of extra diesel in the vehicle. Further, his case that he was not present on duty on the fateful day i.e. on 24.02.2009 was also proved to be false, for his attendance was duly

marked in the Attendance Register. And, the appellant failed to lead even an iota of evidence to prove that the charges leveled against him were false or he was not guilty of the alleged misconduct. On being pointedly asked, learned counsel for the appellant could not refer to anything on record to show if the conclusions arrived at by the Labour Court as also the learned Single Judge were either contrary to the record or suffered from any material illegality.

Thus, the appeal being devoid of merit is accordingly dismissed.

(Krishna Murari)
Chief Justice

(Arun Palli)
Judge

09.08.2018
Rajan

Whether speaking / reasoned:
Whether Reportable:

YES
NO