

CWP No.11724 of 2013

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

**CWP No.11724 of 2013**

**Date of decision : 11.02.2019**

**Charan Dass**

**...Petitioner**

**Vs.**

**Presiding Officer, Industrial Tribunal, Jalandhar and another**

**...Respondents**

**CORAM: HON'BLE MR. JUSTICE RAJIV NARAIN RAINA**

Present: Mr. Raj Kaushik, Advocate for the petitioner.

Mr. Pratik Pandit, Advocate for respondent No.2.

**RAJIV NARAIN RAINA, J. (ORAL)**

1. There were three charges levelled against the workman of gross misconduct: The first charge was failure to report on duty on 26.8.2000 under the Central Pool as directed by Balwant Singh, Supervisor of the Peons working in the respondent Guru Nanak Public School, Jalandhar.

2. The second charge was of rude behaviour with Wing Commander of A Chauhan, the Bursar. The imputation of misconduct was that when the Bursar asked the petitioner the reason for not reporting for work, the petitioner misbehaved and said that he will not bother about the directions of the Bursar and Balwant Singh. He said further that he would attend to work as pleases him and none else.

3. The third charge was graver still in the same incident when the petitioner was asked reasons for not attending to his duties; the

petitioner bluntly told the Bursar that he would get him fixed by the Chairman. This was insolence.

4. These allegations were more or less admitted by the petitioner in his explanation letter dated 29.8.2018 exhibited on record as Ex.M7. The letter is in Devanagari script in which the petitioner felt remorseful pleading that he will not misbehave in future and would not raise his voice and the words he had spoken are regretted, asking for forgiveness. The existence of the letter or its contents is not disputed before me. Charge sheet was concluded by regular enquiry wherein the charges were proven.

5. Mostly for these reasons the Labour Tribunal has declined the reference and refused granting any relief to the workman against the order of dismissal. No legal infirmity has been pointed in the enquiry report or the procedure followed. Nor any infirmity or perversity in the reasons contained in the findings recorded on the three charges by the enquiry officer establishing guilt on the evidence on record of the enquiry file.

6. The second show cause notice issued to the workman offered him an opportunity to challenge the findings in the enquiry report. The reply added to nothing in mitigation of the articles of charge. The enquiry was conducted in fair and proper manner after reasonable opportunity of defence.

7. For the reasons above stated, I find no illegality or irregularity committed by the respondents-Management in passing the

dismissal order on justifiable grounds. Nor do I find any illegality committed by the Tribunal to deny relief or an error apparent on the face of the record to warrant issue of writ of certiorari to upset the award. The award of the labour Tribunal is maintained. The petition is dismissed.

**11.02.2019**

Meenu/Vimal

**(RAJIV NARAIN RAINA)  
JUDGE**

|                           |   |     |
|---------------------------|---|-----|
| Whether speaking/reasoned | : | Yes |
| Whether reportable        | : | No  |