

In the High Court of Punjab and Haryana at Chandigarh

206

CWP-219-1993 (O & M)

Date of Decision: March 02, 2022

DARSHAN SINGH

.....PETITIONER

VERSUS

LABOUR COURT, PATIALA AND ORS

....RESPONDENTS

CORAM: HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present: Mr. Abhishek Arora, Legal Aid Counsel,
for the petitioner.

Mr. Anupam Singla, Advocate for respondents No.2 and 3.

ANUPINDER SINGH GREWAL, J (ORAL)

The petitioner has challenged the impugned award dated 03.08.1992 whereby his claim for reinstatement in services had been declined.

Learned counsel for the petitioner contends that the petitioner, who was working as a Conductor, had put in 6 ½ years of service, when his services were arbitrarily terminated. The petitioner was not afforded proper opportunity of hearing during the conduct of the inquiry. The inquiry proceedings were completed in haste and the petitioner could not appear before the inquiry officer.

Learned counsel for the respondents No.2 and 3, however, contends that the petitioner had been granted adequate opportunity to appear in the inquiry. The matter was adjourned on a number of dates and the petitioner did not submit any application indicating his inability to appear before the inquiry officer. He had later submitted that he was unwell but neither any application was preferred nor medical record had been submitted in support thereof.

Heard.

The allegations against the petitioner are that he while working as a Conductor had taken a sum of ₹61 from the passengers but had not issued the tickets for the same. He was also found to be under the influence of liquor. The petitioner was working as a conductor with the respondent-Corporation. It is apparent from the material on record that the petitioner had been issued a charge-sheet to which he had sent his reply. He was asked to appear before the Inquiry Officer but he chose not to appear before him. He had admitted in his cross-examination that he did not appear before the inquiry officer on 25.09.1984 and he came to know about ex parte proceedings on 27.09.1984 but he did not prefer any application before the inquiry officer against the ex parte proceedings. The inquiry officer had examined several witnesses including the checking staff and after the inquiry report was prepared, show cause notice was issued to the petitioner and he was accorded an opportunity of personal hearing and thereafter his services were terminated.

In view of the above, I do not find any infirmity in the order of the Labour Court dismissing the claim petition preferred by the petitioner.

The petition is dismissed.

(ANUPINDER SINGH GREWAL)
JUDGE

March 02, 2022
A.Kaundal

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