

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

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CWP No.4647 of 2022

DATE OF DECISION : 17<sup>th</sup> MAY, 2022

**Jagpreet Singh**

.... **Petitioner**

**Versus**

**Managing Director, Pepsu Road Transport Corporation, Patiala &  
others**

.... **Respondents**

**CORAM : HON'BLE MR. JUSTICE RAJBIR SEHRAWAT**

\* \* \* \*

Present : Mr. Vikas Chatrath, Advocate for the petitioner.

\* \* \* \*

**RAJBIR SEHRAWAT, J. (Oral)**

The petitioner has filed this petition under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari for modification of award dated 22.01.2019 (Annexure P-1) passed by the Presiding Officer, Industrial Tribunal, Patiala, wherein arrears upon the reinstatement of the petitioner has been declined against the factual and legal position, consequently the same is liable to be modified to the said extent and allowing all the consequential benefits w.e.f. the termination order till his reinstatement with interest @ 18% per annum; along with certain other prayers.

It is submitted by counsel for the petitioner that the Labour Court has committed error in not granting the back-wages while ordering reinstatement of the petitioner in service with continuity of service. The counsel has further submitted that since the Labour Court has changed the punishment awarded to the petitioner by disciplinary authority; from termination of service to stoppage of one increment without cumulative

effect, vide impugned award dated 22.01.2019, therefore, the back wages should have been awarded by Labour Court.

Having heard the counsel for the petitioner and having perused the award, this court does not find any force in the argument of the counsel for the petitioner. The perusal of the award itself shows that the service of the petitioner was terminated on the ground of proved misconduct and after holding departmental inquiry. The validity of the inquiry has been upheld by the Labour Court. In that situation, the Labour Court has shown only compassion by exercising its power under **Section 11A of the Industrial Disputes Act, 1947** and has granted whatever relief was deemed appropriate by it. The petitioner cannot claim any particular degree of compassion or sympathy as a matter of right. Moreover, this court is not expected to interfere on the aspect of quantum of punishment, as modified by the Labour Court, except in a case where the punishment is so disproportionate to the misconduct as to shock the conscience of the court. However, the Labour Court has changed the punishment of termination of service to the one of stoppage of one increment without cumulative effect. The stoppage of one increment, without cumulative effect can, by no means, be interpreted disproportionate to the misconduct to such an extent that it shocks conscience of the court.

In views of the above, finding no merit in the present petition the same is dismissed.

**17<sup>th</sup> MAY, 2022**  
'raj'

**(RAJBIR SEHRAWAT)**  
**JUDGE**

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|-----------------------------------|------------|-----------|
| <i>Whether speaking/reasoned:</i> | <i>Yes</i> | <i>No</i> |
| <i>Whether Reportable:</i>        | <i>Yes</i> | <i>No</i> |