

106

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

-. -

CWP-22768-2020
Date of decision: 25.08.2022

Rampal Singh

.....*Petitioner*

Versus

Haryana State Federation of Consumer (Confed) and ors

.....*Respondents*

Coram: Hon'ble Mr. Justice Rajbir Sehrawat

Present: Mr. Vivek Sharma, Advocate
for the petitioner

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Rajbir Sehrawat, J. (Oral)

The present writ petition has been filed under Articles 226/227 of the Constitution of India, praying for issuance of a writ in the nature of certiorari quashing the award dated 10.12.2019 (Annexure P-23) passed by the Labour Court, Panipat, vide which, termination of the petitioner is being upheld, without appreciating the facts/evidence and settled law.

A perusal of the impugned award shows that service of the petitioner was termination by the respondent-department by way of disciplinary measures. A due enquiry was held to adjudicate upon the charges levelled against the petitioner. The petitioner had questioned the validity of the inquiry report by raising various points related to the

proceedings of the enquiry. All the points raised by the petitioner have duly been dealt with by the Labour Court. Counsel for the petitioner is not even in a position to impeach any part of the findings with reference to any material available on the enquiry report. Therefore, this Court does not find any illegality or perversity in the findings recorded by the Labour Court qua validity of the enquiry proceedings.

The term '*retrenchment*' is defined under Section 2(oo) of the Industrial Disputes Act, 1947. The very starting language of this Section stipulates that termination of the service of workman shall not be retrenchment if the same is the result of disciplinary action. Therefore, once service of the workman is terminated as disciplinary measures by way of punishment, then the limited scope available to the Labour Court is to adjudicate upon validity of the enquiry proceedings. However, if the same is found to be consistent with the law relating to the procedure, as well as, in accordance with the principles of natural justice, then the Labour Court would not have any further jurisdiction; on account of such an action of the employer being not falling within the definition of the retrenchment. Hence, this Court does not find any ground to interfere in the present writ petition,

Dismissed.

August 25, 2022

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(Rajbir Sehrawat)

Judge

Whether speaking/reasoned

Whether reportable

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Yes/No

Yes/No