

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
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**LPA-910-2022 &
CM-2178-LPA-2022**

Date of Decision: October 18, 2022

RAMPAL SINGH

...APPELLANT

Versus

**THE HARYANA STATE FEDERATION OF CONSUMER (CONFED)
AND OTHERS**

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE AUGUSTINE GEORGE MASIH
HON'BLE MR. JUSTICE ALOK JAIN**

**Present: Mr. Kapil Aggarwal, Advocate,
for the appellant.**

AUGUSTINE GEORGE MASIH, J. (ORAL)

CM-2178-LPA-2022

C.M. is allowed subject to just exceptions. Filing of certified and typed copy of CWP No. 22768 of 2020 along with annexures is dispensed with.

LPA-910-2022

Challenge in this appeal is to the judgment passed by the learned Single Judge dated 25.08.2022, whereby the writ petition preferred by the appellant (petitioner therein) challenging the Award dated 10.12.2019 (Annexure P-23) passed by the Labour Court, Panipat, vide which the reference made to the said Court had been answered against the appellant upholding the termination of the appellant, has been dismissed.

It is the contention of the learned counsel for the appellant that although there is nothing which has been pointed out with regard to the

violation of the statutory rules governing the departmental enquiry but the punishment, which has been imposed upon the appellant, is disproportionate to the charges which are found to have been proved against him. He, therefore, contends that the non-exercise of the powers under Section 11-A of the Industrial Disputes Act, 1947 by the Labour Court, Panipat is illegal and, therefore, the writ petition had been preferred by the appellant. Learned Single Judge has also not appreciated the said facts and has proceeded to uphold the Award of the Labour Court. He, thus, contends that the present appeal may be allowed and the punishment of termination may be substituted by some lighter punishment.

We have considered the submissions made by the learned counsel for the appellant and with his assistance, have gone through the pleadings and the Award passed by the Labour Court including the judgment passed by the learned Single Judge but do not find ourselves in a position to accept the prayer as has been made by the counsel for the appellant.

There can be no dispute with regard to the limited jurisdiction of the Industrial Tribunal-cum-Labour Court while exercising powers under the Industrial Disputes Act qua the reference where the departmental enquiry has been held leading to the passing of order of termination. Nothing has come on record with regard to the findings returned by the Industrial Tribunal-cum-Labour Court, Panipat relating to non-compliance of the provisions which were laid down for holding a departmental enquiry. Principles of natural justice have also been duly complied with as proper notices were issued to the appellant. There being no statutory violation during the enquiry proceedings and there being no illegality committed

during the said process, the Labour Court could not and has rightly not interfered with the same.

As regards the non-exercise of powers under Section 11-A of the Industrial Disputes Act, 1947 is concerned, it is for the Industrial Tribunal to have exercised its jurisdiction, which, on the basis of the charges proved against the appellant, had found the said punishment to be proportionate to the charges which have been proved against him. Learned Single Judge is also concurred with the said findings returned by the Labour Court.

In the present appeal, while exercising the jurisdiction, which is more of an aspect of a judicial review, the interference, on this aspect, would not be called for especially when the competent authority as well as the Labour Court had come to a definitive conclusion that the charges, which have been proved against the appellant, were proportionate to the punishment imposed upon him. No interference, therefore, can be called for in the order passed by the learned Single Judge.

The appeal, therefore, stands dismissed.

(AUGUSTINE GEORGE MASIH)
JUDGE

(ALOK JAIN)
JUDGE

October 18, 2022

pj

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No