

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

CWP-10147-2014 (O&M)
Date of Decision: 04.12.2023

ROHTASH SINGH

...Petitioner

Versus

STATE OF HARYANA THROUGH SECRETARY,
GOVERNMENT OF HARYANA, TRANSPORT DEPARTMENT,
CIVIL SECRETARIAT, CHANDIGARH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSH BUNGER

Present : Mr. Sharad Choudhary, Advocate
for the petitioner.

Mr. Praveen Chander Goyal, Addl. A.G., Haryana.

HARSH BUNGER, J.

1. Petitioner (Rohtash Singh) has filed the instant writ petition under Article 226 of the Constitution of India, seeking issuance of a writ in the nature of *certiorari* for quashing the impugned Award dated 12.10.2012 (Annexure P-7) passed by the learned Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar (here-in-after referred to as 'the Tribunal'); whereby, the reference of industrial dispute regarding termination of services of the petitioner has been answered against him.

A further prayer has been made for directing the respondents to reinstate the petitioner with continuity of service and other consequential benefits.

2. Briefly, the petitioner is stated to have been working as a Clerk in Charkhi Dadri Depot of Haryana Roadways since 1973. It appears that a complaint was lodged before the authorities, alleging local purchases of spare parts, amounting to Rs.60 lacs approximately in that Depot during the

period from December 1999 to June 2000, without any demand or justification and causing loss of Rs.27 lacs to the Depot. In fact, the same very spare parts which were purchased locally, had been purchased by the department from reputed companies as per procedure and were lying at transports and were not got released to facilitate local purchases

3. In order to look into the said complaint, it appears that a Committee, consisting of S/Sh. Vasudev Sharma, Stock Purchase Officer, Haryana Roadways, Rewari Depot and Kuldeep Singh, Stock Verifier at Head Office, was constituted to conduct on the spot inspection and to submit its report. The afore-said Committee conducted the inspection and detected serious irregularities like purchase of material from un-authorized/local sources and purchase of sub-standard material, displaying the grave negligence, dereliction of duties and mis-appropriation of funds causing a heavy loss to the Depot and a detailed inspection report (Annexure P-1) was submitted by the Committee on 09.08.2000 in the Office of Transport Commissioner, Haryana.

4. It further appears that the petitioner was placed under suspension on 26.09.2000 and on 05.04.2001(Annexure P-2), he was charge-sheeted, to which, he submitted his reply dated 05.07.2001. It also appears that one Sh. Narender Kumar was appointed as an Enquiry Officer vide order dated 31.07.2001 (Annexure P-3), who conducted the enquiry and submitted his enquiry report dated 03.05.2002 (Annexure P-4); whereupon, the Transport Commissioner (respondent No.2, herein) formed an opinion to impose penalty of dismissal from service and issued a Show Cause Notice. Subsequently, the petitioner was dismissed from service vide order dated

27.04.2004 (Annexure P-5) passed by the Transport Commissioner, Haryana.

5. It is borne out from the paper-book that being aggrieved against the dismissal order dated 27.04.2004, the petitioner herein filed an appeal before the Financial Commissioner and Principal Secretary to Government of Haryana, Transport Department, which was also dismissed vide order dated 06.02.2006 (Annexure P-6).

6. Subsequently, the petitioner served a demand notice dated 29.05.2006 raising an industrial dispute regarding termination of his services, which was referred for adjudication to the Tribunal below. Thereafter, the petitioner submitted a claim statement, which was contested by the respondent-department and from the pleadings of the parties, the following issues were framed :-

“1. Whether the termination of services of workman Sh. Rohtash is legal or not? If not, to what relief he is entitled to ? OPA

2. Whether a fair and proper enquiry was conducted by the management? If not, its effect? OPA

3. Relief.”

7. Vide impugned Award dated 12.10.2012 (Annexure P-7), the Tribunal below has considered the claim of the petitioner and on the basis of material/evidence placed on the record, decided the reference against the petitioner by holding that the petitioner was not entitled to any relief.

8. In the afore-mentioned circumstances, the petitioner has filed the instant writ petition before this Court.

9. Learned counsel for the petitioner has submitted that the Tribunal below has erred in law and facts in passing the impugned Award and thereby, rejecting the claim of the petitioner. It is submitted that the

Tribunal below has failed to appreciate the report submitted by the Committee, which was constituted to conduct on the spot inspection. It is next submitted that the authorities below had failed to appreciate that the Enquiry Officer had given findings contrary to the facts available on the file and that the petitioner had no role to play in the purchase of spare parts. It is the case of the petitioner that his duty was only to get the goods released from the transporters after the payment had been made by the purchase/Accounts Branch. It is submitted that the Enquiry Officer had used some of the record against the petitioner, which even on insistence made by the petitioner to see it, was not shown to him. Learned counsel for the petitioner further contends that the Enquiry Officer as well as the concerned authority have failed to consider the statements of S/Sh. Vasudev Sharma, Store Purchase Assistant and Sh. Kuldeep Singh, Stock Purchase Assistant, who have submitted the Inspection Report; wherein, they had categorically stated in their cross-examination that the release of goods from the transport companies had nothing to do with the petitioner. It is contended that while inflicting punishment of dismissal on the petitioner, his service record of 32 years was not taken into account and the punishment imposed upon the petitioner was inappropriate to the charges levelled against him; moreso, in the light of the fact that the petitioner had been working in the Department of Haryana Roadways since 1973 and till the date of his dismissal, he had never been accused or found guilty of any kind of offence.

With the afore-said submissions, learned counsel for the petitioner submitted that the writ petition be allowed by setting aside the impugned Award dated 12.10.2012 (Annexure P-7) passed by the Tribunal as well as the dismissal order dated 27.04.2004 (Annexure P-5) passed by

the Transport Commissioner, Haryana and a further direction be issued to the respondents for reinstating the petitioner with all consequential benefits.

10. Per contra, learned State counsel appearing for the respondent-Department has opposed the prayer made by learned counsel for the petitioner by submitting that the Tribunal below has passed a well-reasoned and justified Award after taking into account all the contentions raised by the petitioner herein. It is submitted that the petitioner was dismissed from service vide order dated 27.04.2004 (Annexure P-5) passed by the Transport Commissioner, Haryana, for the embezzlement mentioned in the charge-sheet and that too, after conducting a regular departmental enquiry as per rules and procedure. The appeal filed by the petitioner was also rejected vide order dated 06.02.2006. It is next submitted that even the reference of industrial dispute regarding termination of petitioner's services has been decided by the Tribunal below, in accordance with law after affording full opportunity to the petitioner.

As regards the submission of the petitioner that the other senior officers had been left out, it is submitted that the orders (Annexure P-8, collectively) against the other senior officers were passed by the competent authority as per the facts and the role found of the individuals, after conducting the Regular Departmental Enquiry.

Accordingly, it is submitted that there is no merit in the writ petition and prayer for dismissal of the same has been made.

11. I have heard learned counsel for the parties and have gone through the paper-book with their able assistance.

12. In the instant case, the petitioner is aggrieved against the order of dismissal from service on account of the charges of irregularities by

violating departmental instructions intentionally and causing loss to the department and also to carry out his duty. The petitioner was charge-sheeted and thereafter, a Regular Departmental Enquiry was conducted; wherein, he was found guilty of three charges levelled against him and thereafter, the Punishing Authority, after considering the entire evidence/material, proceeded to pass the order of dismissal from service against the petitioner. The appeal filed by the petitioner before the Appellate Authority, was also dismissed and thereafter, the petitioner raised an industrial dispute regarding termination of his services, which has also been answered against him by holding that the petitioner is not entitled to any relief.

13. As regards the scope of interference in the findings of the disciplinary authorities, it would be gainful to refer to a judgment rendered by the Hon'ble the Supreme Court in the case of ***Union of India v. P. Gunasekaran***, 2015(1) S.C.T. 5, wherein, it has been held as under:-

*“13. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the **disciplinary proceedings**, re-appreciating even the evidence before the enquiry officer. The finding on Charge No. I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Article 226/227 of the Constitution of India, shall not venture into re-appreciation of the evidence. The High Court can only see whether :*

- a) the enquiry is held by a competent authority;*
- b) the enquiry is held according to the procedure prescribed in that behalf;*

c) there is violation of the principles of natural justice in conducting the proceedings;

d) the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;

e) the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;

f) the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;

g) the disciplinary authority had erroneously failed to admit the admissible and material evidence;

h) the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;

i) the finding of fact is based on no evidence.

Under Article 226/227 of the Constitution of India, the High Court shall not:

(i) re-appreciate the evidence;

(ii) interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;

(iii) go into the adequacy of the evidence;

(iv) go into the reliability of the evidence;

(iv) interfere, if there be some legal evidence on which findings can be based.

(v) correct the error of fact however grave it may appear to be;

(vi) go into the proportionality of punishment unless it shocks its conscience.

14. In one of the earliest decisions in ***State of Andhra Pradesh and others v. S. Sree Rama Rao, AIR 1963 Supreme Court 1723***, many of the above principles have been discussed and it has been concluded thus :

"7. ... The High Court is not constituted in a proceeding under Article 226 of the Constitution a court of appeal over the decision of the authorities holding a departmental enquiry against a public servant: it is concerned to determine whether the enquiry is held by an authority competent in that behalf, and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Where there is some evidence, which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court in a petition for a writ under Article 226 to review the evidence and to arrive at an independent finding on the evidence. The High Court may undoubtedly interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous

to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion, or on similar grounds. But the departmental authorities are, if the enquiry is otherwise properly held, the sole judges of facts and if there be some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226 of the Constitution."

15. In *State of Andhra Pradesh and others v. Chitra Venkata Rao*, (1975)2 SCC 557, the principles have been further discussed at paragraph-21 to 24, which read as follows :

*"21. The scope of Article 226 in dealing with departmental inquiries has come up before this Court. Two propositions were laid down by this Court in **State of A.P. v. S. Sree Rama Rao**. First, there is no warrant for the view that in considering whether a public officer is guilty of misconduct charged against him, the rule followed in criminal trials that an offence is not established unless proved by evidence beyond reasonable doubt to the satisfaction of the Court must be applied. If that rule be not applied by a domestic tribunal of inquiry the High Court in a petition under Article 226 of the Constitution is not competent to declare*

the order of the authorities holding a departmental enquiry invalid. The High Court is not a court of appeal under Article 226 over the decision of the authorities holding a departmental enquiry against a public servant. The Court is concerned to determine whether the enquiry is held by an authority competent in that behalf and according to the procedure prescribed in that behalf, and whether the rules of natural justice are not violated. Second, where there is some evidence which the authority entrusted with the duty to hold the enquiry has accepted and which evidence may reasonably support the conclusion that the delinquent officer is guilty of the charge, it is not the function of the High Court to review the evidence and to arrive at an independent finding on the evidence. The High Court may interfere where the departmental authorities have held the proceedings against the delinquent in a manner inconsistent with the rules of natural justice or in violation of the statutory rules prescribing the mode of enquiry or where the authorities have disabled themselves from reaching a fair decision by some considerations extraneous to the evidence and the merits of the case or by allowing themselves to be influenced by irrelevant considerations or where the conclusion on the very face of it is so wholly arbitrary and capricious that no reasonable person could ever have arrived at that conclusion. The departmental authorities are, if the enquiry

is otherwise properly held, the sole judges of facts and if there is some legal evidence on which their findings can be based, the adequacy or reliability of that evidence is not a matter which can be permitted to be canvassed before the High Court in a proceeding for a writ under Article 226.

*22. Again, this Court in **Railway Board, representing the Union of India, New Delhi v. Niranjan Singh** said that the High Court does not interfere with the conclusion of the disciplinary authority unless the finding is not supported by any evidence or it can be said that no reasonable person could have reached such a finding. In Niranjan Singh case this Court held that the High Court exceeded its powers in interfering with the findings of the disciplinary authority on the charge that the respondent was instrumental in compelling the shut-down of an air compressor at about 8.15 a.m. on May 31, 1956. This Court said that the Enquiry Committee felt that the evidence of two persons that the respondent led a group of strikers and compelled them to close down their compressor could not be accepted at its face value. The General Manager did not agree with the Enquiry Committee on that point. The General Manager accepted the evidence. This Court said that it was open to the General Manager to do so and he was not bound by the conclusion reached by the committee. This Court held that the conclusion reached by the disciplinary authority should prevail and the High Court*

should not have interfered with the conclusion.

*23. The jurisdiction to issue a writ of certiorari under Article 226 is a supervisory jurisdiction. The Court exercises it not as an appellate court. The findings of fact reached by an inferior court or tribunal as a result of the appreciation of evidence are not reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by a tribunal, a writ can be issued if it is shown that in recording the said finding, the tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Again if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. A finding of fact recorded by the Tribunal cannot be challenged on the ground that the relevant and material evidence adduced before the Tribunal is insufficient or inadequate to sustain a finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal. See **Syed Yakoob v. K.S. Radhakrishnan**.*

24. The High Court in the present case assessed the entire evidence and came to its

own conclusion. The High Court was not justified to do so. Apart from the aspect that the High Court does not correct a finding of fact on the ground that the evidence is not sufficient or adequate, the evidence in the present case which was considered by the Tribunal cannot be scanned by the High Court to justify the conclusion that there is no evidence which would justify the finding of the Tribunal that the respondent did not make the journey. The Tribunal gave reasons for its conclusions. It is not possible for the High Court to say that no reasonable person could have arrived at these conclusions. The High Court reviewed the evidence, reassessed the evidence and then rejected the evidence as no evidence. That is precisely what the High Court in exercising jurisdiction to issue a writ of certiorari should not do."

*These principles have been succinctly summed-up by the living legend and centenarian Justice V. R. Krishna Iyer in **State of Haryana and another v. Rattan Singh, (1977) 2 SCC 491**. To quote the unparalleled and inimitable expressions:*

"4. in a domestic enquiry the strict and sophisticated rules of evidence under the Indian Evidence Act may not apply. All materials which are logically probative for a prudent mind are permissible. There is no allergy to hearsay evidence provided it has reasonable nexus and credibility. It is true that departmental authorities and Administrative Tribunals must be careful in

evaluating such material and should not glibly swallow what is strictly speaking not relevant under the Indian Evidence Act. For this proposition it is not necessary to cite decisions nor text books, although we have been taken through case-law and other authorities by counsel on both sides. The essence of a judicial approach is objectivity, exclusion of extraneous materials or considerations and observance of rules of natural justice. Of course, fair play is the basis and if perversity or arbitrariness, bias or surrender of independence of judgment vitiate the conclusions reached, such finding, even though of a domestic tribunal, cannot be held good. ..."

*16. In all the subsequent decisions of this Court upto the latest in **Chennai Water Supply and Sewarage Board v. T.T. Murali Babu, 2014(2) S.C.T. 193 : (2014)4 SCC 108**, these principles have been consistently followed adding practically nothing more or altering anything.*

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18. The disciplinary authority, on scanning the inquiry report and having accepted it, after discussing the available and admissible evidence on the charge, and the Central Administrative Tribunal having endorsed the view of the disciplinary authority, it was not at all open to the High Court to re-appreciate the evidence in exercise of its jurisdiction under Article 226/227 of the Constitution of India.

19. Equally, it was not open to the High Court, in exercise of its jurisdiction under Article 226/227 of the Constitution of India, to go into the proportionality of punishment so long as the punishment does not shock the conscience of the court. In the instant case, the

disciplinary authority has come to the conclusion that the respondent lacked integrity. No doubt, there are no measurable standards as to what is integrity in service jurisprudence but certainly there are indicators for such assessment. Integrity according to Oxford dictionary is "moral uprightness; honesty". It takes in its sweep, probity, innocence, trustfulness, openness, sincerity, blamelessness, immaculacy, rectitude, uprightness, virtuousness, righteousness, goodness, cleanness, decency, honour, reputation, nobility, irreproachability, purity, respectability, genuineness, moral excellence etc. In short, it depicts sterling character with firm adherence to a code of moral values.

*20. The impugned conduct of the respondent working as Deputy Office Superintendent in a sensitive department of Central Excise, according to the disciplinary authority, reflected lack of integrity warranting discontinuance in service. That view has been endorsed by the Central Administrative Tribunal also. Thereafter, it is not open to the High Court to go into the proportionality of punishment or substitute the same with a lesser or different punishment. These aspects have been discussed at quite length by this Court in several decisions including **B.C. Chaturvedi v. Union of India and others**, 1996(1) S.C.T. 617 : (1995) 6 SCC 749, **Union of India and another v. G. Ganayutham**, 1997(4) S.C.T. 214 : (1997) 7 SCC 463, **Om Kumar and others v. Union of India**, 2001(1) S.C.T. 214 : (2001) 2 SCC 386, **Coimbatore District Central Cooperative Bank v. Coimbatore District Central Cooperative Bank Employees Association and another**, 2007(3) S.C.T. 255 : (2007) 4 SCC 669, **Chairman-cum-Managing Director, Coal India Limited and another v. Mukul Kumar Choudhuri and others**, 2009(4) S.C.T. 426 :*

(2009) 15 SCC 620 and the recent one in Chennai Metropolitan Water Supply (supra)...”

14. Coming to the case in hand, the Tribunal below while considering the case of the petitioner herein, returned the following findings:

“19. After hearing the Ld. AR of the petitioner and going through the evidence on the file, I am of the view that the only question for determination is whether the petitioner committed any lapse in not getting the goods released lying at the transports on time which facilitated local purchases and caused huge loss to the department. It is true that the builties were required to get the goods released from the transports and the petitioner was not in possession of any such builtiy as those were not got released from bank by the people of accounts department by making payment, but perusal of the record would show that even in the month of July 2000 the goods were got released by the petitioner from the transports without builties. He has sought to explain it stating that in the month of July 2000 he has lifted the goods lying at the transports without builties, on the instructions of the General Manager and Works Manager, but he did not place on the file any document to that effect nor examined either the General Manager or the Works Manager concerned to support his claim on said point. Meaning thereby when he could get the goods released without builties in the month of July 2000, he could get the goods released prior to said period too without builties, but he did not done so. It suggests that he was in conspiracy with other senior officers of the department who had made local purchases.

20. It is true the enquiry officer did not record any finding on the point whether the petitioner had prepared the purchase orders, but said fact is proved from the documents placed on the file by the petitioner

himself as Ex.W-2 to Ex.W-14. It is borne out from those documents that the orders regarding local purchases were prepared by the petitioner. Further he was not simply purchase/builty Clerk. Perusal of the impugned order dated 27.04.2004 passed by the Transport Commissioner whereby his services were terminated would show that his immediate higher authority i.e. the Store Purchase Assistant had retired from service on 21.03.2000. After his retirement, he had also worked as the Store Purchase Assistant from 01.04.2000 onwards and thus played a vital role in local purchases.

21. The impugned order passed by the Transport Commissioner would further show that while passing said order dated 27.04.2004, the Transport Commissioner took into consideration all the facts and circumstances of the case. He went through the every aspect of the case in a very detailed manner. He has mentioned in his order that as Store Purchase Assistant, the petitioner was supposed to prepare the purchase order as per requirements given by the Chief Store Keeper. He was also supposed to know the authorized sources from which required material was supposed to be purchased. Further in his capacity as Store Purchase Assistant, he was one of the parties for getting the bills clear and for making payments to the suppliers. Perusal of the impugned order would also show that the petitioner had handed over the documents received in the months of January, February and March 2000 to the accounts departments with a delay of couple of months as a result, the money could not be deposited with the bank and the goods could not be got released from the transports on time. It suggests his complicity with other officers of the department to make local purchases without getting the same very spare parts which were purchased locally released from the transports.

22. No doubt, the Senior Officers of the department were involved in making local purchases causing loss to the department and the petitioner alone was not responsible for the fraud of such a magnitude, he being the lowest functionary, but certainly he was in league with Senior Officers of the department. Therefore, I find no ground or justification to set aside the enquiry report. It cannot be said that it was a case of no evidence so far the petitioner is concerned.

It is mentioned here that the petitioner in the claim statement has challenged the enquiry proceedings and enquiry report on other grounds also, but at the time of arguments Ld. AR for the petitioner did not press the same.

24. The next question which arises for determination is whether the punishment awarded to the petitioner was disproportionate to the charges leveled against him. Keeping in view the nature of the charges it cannot be said by any stretch of imagination that the punishment awarded to him was disproportionate to his misconduct. Misappropriation and fraud causing financial loss to the department are the misconduct of such grave nature that no other punishment except dismissal from service is warranted. Both the issues are, therefore, decided against the petitioner.

RELIEF

25. For the reasons discussed hereinbefore, the petitioner has not been found entitled to any relief and, therefore, reference made to this court stands decided accordingly against the petitioner.”

15. A perusal of the above extracted findings would manifest that the Tribunal below has held that the records would show that even in the month of July 2000, the goods were got released by the petitioner from the transports without the bilties, which was sought to be explained by the

petitioner that he had lifted the goods lying at the transports without the bilties on the instructions of the General Manager and Works Manager; however, he failed to place on record any document to that effect nor the petitioner examined either the General Manager or the Works Manager concerned to substantiate the afore-said stand taken by him. Accordingly, it was concluded that when the petitioner could get the goods released without bilties in the Month of July 2000 then he could get the goods released prior to the said period too also without the bilties but he did not do so. Therefore, it was held that he was in conspiracy with other senior officers of the department, who had made local purchases. The Tribunal below had further recorded that from the documents (Exhibits W-2 to W-14), it was borne out that the orders regarding local purchases were prepared by the petitioner and that the petitioner was not only a simple purchase/bilty Clerk as from the order dated 27.04.2004 passed by the Transport Commissioner, it was apparent that his immediate higher authority i.e. Store Purchase Assistant had retired from service on 21.03.2000 and after his retirement, petitioner had also worked as Store Purchase Assistant from 01.04.2000 onwards and thus, played a vital role in local purchases. It has further been held by the Tribunal that the petitioner had handed over the documents received in the months of January, February and March 2000 to the Accounts Department with a delay of couple of months, as a result, the money could not be deposited with the bank and the goods could not be released from the transport on time, which suggested the complicity of the petitioner with other officers of the department to make local purchases without getting the same very spare parts which were purchased locally released from the transports.

16. As regards the quantum of punishment, the Tribunal below has returned a finding that the charges of misappropriation and fraud causing financial loss to the department, was a misconduct of grave nature and the punishment awarded to him cannot be said to be disproportionate to his misconduct.

17. Learned counsel for the petitioner could not put forth any procedural irregularity while holding the departmental enquiry. The Disciplinary Authority, on the basis of the material brought in enquiry, rightly recorded a finding proving charge(s) levelled against the petitioner.

18. Keeping in view the above discussion and in the peculiar facts and circumstances of the present case, in my considered view, the penalty of dismissal is not shockingly disproportionate. Therefore, I do not find any perversity in the impugned Award passed by the Tribunal below so as to warrant interference by this Court. There is no merit in this petition and the same is hereby dismissed.

19. All pending application/s, if any, shall also stand closed.

December 04, 2023

gurpreet

(HARSH BUNGER)

JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No