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

CWP-26413-2022

Date of decision : 31.01.2023

Sukhdev Sharma

...Petitioner

Vs.

**The Presiding Officer, Industrial
Tribunal-cum-Labour Court,
Chandigarh and another**

...Respondents

CORAM:- HON'BLE MR. JUSTICE MANOJ BAJAJ

Present: Mr. R.K.Gautam, Advocate for the petitioner.

MANOJ BAJAJ, J.

Petitioner has filed this writ petition under Article 226 Constitution of India for issuance of a writ in the nature of Certiorari for setting aside the award dated 21.01.2020 (Annexure P-2) passed by Industrial Tribunal & Labour Court, Union Territory, Chandigarh, whereby his claim seeking reinstatement in service with continuity and back-wages was dismissed.

Learned counsel for the petitioner submits that the petitioner was appointed on 16.08.1996 as Beldar and he continued to work till 2013, when he was implicated in case FIR No.RCCHG2013A-0022 dated 11.09.2013 registered under Sections 7 and 13 (1) (D) read with Section 13 (2) Prevention of Corruption Act, 1988. He submits that the petitioner had worked for a long period, therefore, he could not have been removed from services illegally, much less without complying with the provisions of Section 25-F Industrial Dispute Act, 1947. He submits that merely because the petitioner was involved in a criminal case would not absolve the management from holding any inquiry

before removing the petitioner, as two similarly situated daily wagers, namely, Sukhdev Singh and Om Parkash, despite their involvement in criminal case, were allowed to continue in service. According to learned counsel, the Industrial Tribunal, Chandigarh has failed to evaluate the material on record properly, therefore, interference is warranted by this Court. He prays that the impugned order be set aside and the petitioner be reinstated in service with full back-wages.

After hearing learned counsel and considering the above background, it transpires that the petitioner was engaged on daily wage basis, but he was arrested on 11.09.2013 through a trap laid against him as he had allegedly demanded bribe. Concededly, the trial in the FIR ended in conviction of the petitioner vide judgment dated 30.05.2019 and his appeal against conviction is pending adjudication before this Court. Though the petitioner has raised the ground that before his removal from service, no inquiry was conducted, but a perusal of the record reveals that pursuant to the show cause notice dated 02.12.2013 (Ex.W-3) issued to him by Management thereby asking him as to why his services be not terminated, the workman in response, questioned the authority of the management through Ex.W-9 to Ex.W-13, and pleaded that the petitioner is a poor man, who has to support his family.

Apparently, the material evidence on record of this case shows that the services of the petitioner were dispensed with on legitimate grounds, because of his involvement in a criminal case, wherein he now stands convicted also. Thus, this Court has no hesitation in holding that the writ petition is without any merit, as perusal of the impugned award shows that the findings returned by the Industrial Tribunal on material issues are based upon

proper appreciation of evidence on record.

Resultantly, no case is made out for exercise of extra ordinary writ jurisdiction.

Dismissed.

31.01.2023
vanita

(MANOJ BAJAJ)
JUDGE

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