



CWP-16210-2000 (O&M)

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

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CWP-16210-2000 (O&M)

Date of decision: 23.08.2024

RAJINDER PRASAD

...PETITIONER

Vs.

MANAGEMENT COMMITTEE, S.M. HINDU HIGH SCHOOL,
SONEPAT AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Ashwani Talwar, Advocate
for the petitioner.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through instant petition under Articles 226/227 of the Constitution of India is seeking setting aside of Award whereby Labour Court has answered against the workman.
2. The petitioner joined respondent-Hindu High School, Sonapat on 01.03.1983 as a clerk. He was terminated on 31.01.1992. He assailed his order of termination before District Education Officer who approved his termination vide order dated 29.01.1992. He further preferred appeal before Director, Secondary Education Haryana who dismissed his appeal vide order dated 06.04.1993 holding that action was taken as per Rules. The petitioner approached Labour Authorities and his matter came to be referred to Labour Court which by impugned order has answered reference against him. The relevant extract of impugned award are reproduced as below:-



“14. The workman Rajender Parshad who had examined himself before decision of preliminary issue on 23-10-1996 again examined himself on 20-10-1999 and he stated that the management was bent upon dismissing him and he did not have any quarrel and dispute with anybody and that allegations against him were false. In cross examination he admitted that the management school is an Haryana Government Aided School and further that it was under that Act that he preferred an appeal to Smt. Manju Gupta Director of Secondary Education, Haryana and his appeal was dismissed and only thereafter he raised the present industrial dispute. He admitted receipt of Ex.M-3 and to have submitted reply thereof. In fact he claimed that the Head Master got the reply of Ex.M-3 written from him. In fact he admitted receipts of many letters from the management or the Head Master and to have given reply of those letter but he insisted that every time the Head Master dictated the reply to him. This is not at all the case of the petitioner in the demand notice or in the claim statement that the management or the Head Master of the school put pressure upon him and obtained admissions of lapses and faults on his part.

15. Reference to some documents relevant for decision of this case is also required to be made. Ex.M-1 is copy of show cause notice dated 12-9-1991 calling upon the petitioner to submit his reply and asking him why disciplinary proceedings should not be initiated against him for his misconduct, wilful absence from duty, disobedience and dereliction of duty and also for committing financial irregularities. These charges included his habitually remaining absent from duty, warnings given to him from time to time, not depositing amount collected by him on account of school magazine, misbehaviour with a student Vinay Arora and also many complaints of misbehaviour with other students and teachers and also complaint of wilful violation of office order dated 15-7-89 for keeping cash of the school amounting to Rs.900/- with him and reporting that cash had been stolen. It also contained a charge at



Sr. No. 13 that on 6-2-1991 Sh. Bal Kishan had pointed out that he had unauthorisedly kept funds of students from the Hostel and then another charge that vide letter dated 17-7-91 he was asked to deposit a sum of Rs. 5521/- with the school office which he had no reason to keep with him.

16. *Ex.M-2 is reply submitted by the petitioner of that chargesheet and therein he disclosed that on account of drawer of his table being in broken condition a sum of Rs.900/- had been stolen and further that Sobhraj and Jagbir had made complaints against him only on the basis of doubt and regarding the complaint made by the warden Shri Bal Kishan Sharma he had undertaken to deposit the amount kept by him and later on he deposited that amount also. Regarding the amount of 5521/-, he submitted his reply that he never refused to deposit that much amount with the management but he wanted time because he had spent that amount on the treatment of his ailing wife. In this way, in this reply the petitioner admitted serious charges against him.*

18. *The learned authorised representative of the workman has very vehemently argued that the petitioner had been appointed by the Manager of the Managing Committee but his dismissal order has been passed by the Head Master who had no authority to do so. I am afraid that this does not appear to be so because from Ex.M-6/1, which is copy of the enquiry report submitted by Sh. B.R. Bansal and the endorsement made by the management on that report, it is quite clear that on considering that report finding the workman guilty of the charges of gross misconduct, wilful absence from duty, disobedient of the Head Master, dereliction of duty and committing financial irregularities in the work assigned to him, the manager thought it fit to dispense with the services of the petitioner and also ordered recovery of Rs. 5521/- from the petitioner. The manager found that the petitioner was incorrigible. It is in pursuance of this order that permission of the District Education Officer was sought for dismissal of the petitioner from service and on receipt of such sanction the Head Master only*

communicated the decision of the management to dismiss the petitioner from service. The dismissal order can not at all be stated to be a dismissal order passed by the Head Master of the school.”

3. From the perusal of findings recorded by Labour Court, it is evident that petitioner before the Authorities had admitted misappropriation of funds. He had also accepted his other lapses. The Competent Authority conducted inquiry and found that petitioner was guilty of absence from duty, disobedience and committing financial irregularities. The petitioner accepting his mistake deposited funds as pointed out by the management. These facts collectively indicate that petitioner was dismissed from service on account of his incorrigible behaviour as well as financial irregularities committed by him. The respondent-Management conducted inquiry and petitioner joined the proceedings.
4. This Court does not find any jurisdictional error or factual infirmity warranting interference.
5. Dismissed.
6. Pending miscellaneous application(s), if any, shall also stand disposed of.

23.08.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No