



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

LPA-1112-2024 (O&M)

Date of decision : 14.10.2024

Omparkash @ Parkash

.....Appellant

Versus

State of Haryana and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE SHEEL NAGU, CHIEF JUSTICE
HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Surender Singh Dalal, Advocate,
for the appellant.

SHEEL NAGU, CHIEF JUSTICE (Oral)

CMs-2686-LPA-2024 and 2687-LPA-2024

For the reasons mentioned in the applications, duly supported by
an affidavit of the appellant, delay of 24 days in re-filing and 02 days in filing
the appeal is condoned.

Applications are, accordingly, allowed.

CM-5896-LPA-2024

Annexures A-1 to A-5, filed by the appellant, are taken on record.

Application is, accordingly, allowed.

LPA-1112-2024 (O&M)

1. This intra-court appeal assails the order dated 04.01.2024 passed by the learned Single Judge, whereby the award of the Labour Court dated 30.11.2015 dismissing the reference made by appropriate government in respect of termination of the appellant - workman has been upheld.

2. The Labour Court, while rendering award, had found that termination of the appellant – workman was without holding any disciplinary proceeding and, therefore, declared the impugned order of termination as vitiated on account of violation of principle of natural justice. Accordingly, the Labour Court asked the Management to prove charges against the workman. In support of charges against the workman, the Management produced three witnesses, namely, Ramesh Chand (MW-1), Chander Pal (MW-2) and Zile Singh (MW-3), who were duly cross-examined by the workman. The workman himself appeared in the witness-box as WW-1 and examined one more witness, namely Omparkash son of Shri Kadhera Singh, as WW-2.

3. This Court on 29.07.2024, to properly adjudicate the matter, had asked the appellant – workman to place on record depositions of the witnesses for and against the Management, which have been filed by the workman vide CM-LPA-5896-2024.

4. This Court, after going through the statements of witnesses produced by the Management as well as the workman, including statement of workman himself, is of the considered view that on the principle of preponderance of probability, charges of absence from duty and misbehaviour against the workman have been proved.



5. In view of the above, no scope for interference is made out.

Learned Single Judge has rightly passed the order upholding the award of the Labour Court.
6. Appeal stands dismissed.
7. Pending application, if any, stands disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

October 14, 2024
narotam

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No