

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

208

CWP-10851-1998
Date of Decision: 20.03.2024

GULAB SINGH

.... Petitioner

Versus

PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT, PANIPAT AND ANRRespondents

CORAM:HON'BLE MR. JUSTICE SANJAY VASHISTH

Present: Mr. J.P. Dhull, Advocate for the petitioner.

Mr. P.K. Mutneja, Sr. Advocate with
Ms. Suverna Mutneja, Advocate
Mr. V.S. Mahal, Advocate
Mr. Gurnaam, Advocate
for respondent No.2.

SANJAY VASHISTH, J.(Oral)

1. By way of present writ petition, petitioner-Gulab Singh (workman) has assailed the award dated 05.12.1997 (Annexure P-4) passed by respondent No.1, whereby Industrial dispute raised by him and forwarded by the Labour Commissioner as reference No.141 of 1996 for its adjudication to the Industrial Tribunal-cum Labour Court, Panipat, has been answered against him.

2. Pleaded case of the petitioner is that he being workman, was appointed as Cane Clerk in the year 1993 in Sugar Mills, Karnal. The process for recovery of Rs.30,811.84/- was initiated by the Management and for the same workman was charge-sheeted on 25.03.1993. Main allegation against the workman was that he

attempted to tamper with the record and cheated farmers for his personal wrongful gain and got recovery proceedings stayed by instituting a civil suit at Karnal. After conducting inquiry, he was dismissed from service on 27.12.1993. Thereafter, workman raised the industrial dispute and same has been adjudicated by the learned Tribunal against him.

3. On examination of the complete set of evidence and the material available on record, learned Tribunal held that workman had been accorded reasonable opportunity to lead the evidence, but he failed to avail such opportunity.

Learned Tribunal, while dealing with the conduct of the workman, reached to the conclusion that he (workman) deliberately preferred to stay away from the inquiry proceedings despite specific notices being given to him. While concluding its findings, learned Tribunal held that the order of dismissal from service has been passed after holding a fair and proper inquiry and same does not require any interference.

4. With the assistance of learned counsel for the parties, I have examined the facts available on record and the impugned award.

This Court is of the view that the reasoning given by the learned Tribunal appears to be genuine.

5. Mr. J.P. Dhull, Advocate representing the petitioner, is unable to refer any material to show that the reasoning recorded by learned Tribunal is perverse or unsustainable. Moreover, the dispute

pertains to the year 1993 and this Court is of the view that with the
afflux of time, no specific issue is left requiring its adjudication.
Accordingly, while maintaining the award dated 05.12.1997
(Annexure P-4), the present writ petition is dismissed.

March 20, 2024

rashmi

Whether speaking/reasoned

Whether reportable?

[SANJAY VASHISTH]

JUDGE

yes/no

yes/no