

CWP-10707-2014 (O&M)

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

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CWP-10707-2014 (O&M)

Decided on : 01.04.2024

Piare Lal (deceased) through his LRs

. . . Petitioner(s)

Versus

The Presiding Officer,
Industrial Tribunal, Bathinda and others

. . . Respondent(s)

CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

PRESENT: Mr. Baltej Singh Sidhu, Sr. Advocate with
Mr. Divij Datt, Advocate
for the petitioner(s).

Mr. Anupam Singla, Advocate
for respondents No.2 & 3.

SANJAY VASHISTH, J. (Oral)

1. At the outset, counsel for respondents No.2 & 3, informs the Court that order dated 04.01.2024 has been complied with, by paying cost amount of Rs.10,000/-, to petitioner No.1 – Jamana Devi.

2. Petitioner – Piare Lal (since deceased), has filed the present writ petition, challenging the award dated 20.08.2013 (Annexure P-1), passed by respondent No.1 – Industrial Tribunal, Bathinda (in short, ‘learned Tribunal’), vide which, Reference No.150/2005, under Section 10(1)(C) of the Industrial Disputes Act, 1947 (for brevity, ‘ID Act’), has been answered against him.

3. Petitioner was working as conductor with respondents No.2 & 3 (Pepsu Road Transport Corporation) since 02.07.1979. His services were terminated vide order dated 27.10.1999. Against the termination order, appeal was preferred by him, but same was also dismissed.

4. By raising an industrial dispute, petitioner – workman issued a demand notice, which ultimately converted into a reference i.e. Reference No.150/2005, for its adjudication by the learned Tribunal.

5. Respondents – Management pleaded that workman was appointed as Conductor No.BD-5 on 02.07.1979, but his work and conduct was not satisfactory. His services were terminated on 27.10.1999. Further pleaded that workman was charge-sheeted and inquiry was conducted as per the rules of PRTC, and after holding the workman guilty, order of termination was passed on 27.10.1999. Appeal filed by the workman was also dismissed by the appellate authority vide speaking order dated 23.02.2000.

6. After perusing the evidence, learned Tribunal recorded that workman himself confessed his guilt before the Inquiry Officer, and thereafter, he was terminated from the service. The relevant finding recorded by learned Tribunal in paragraph No.12, is reproduced here-under:-

“12. Whereas authorized representative of the respondent has contended that admittedly, he was working as conductor since 02.07.1979 but his work and conduct was not satisfactory. Order passed by the respondents is legal and valid as he was charge-sheeted and inquiry was got conducted against him as per the rules of PRTC and rules of natural justice. After finding the workman to be guilty of charges, order dated 27.10.1999 was passed as per the rules. Hence services of workman were terminated in a legal and valid manner. Appeal preferred by the workman against the order of his dismissal from service was also dismissed according to the rules and law. He was afforded full opportunity of being heard and he himself confessed his guilt before the Inquiry Officer. Hence his services were terminated as per rules and

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law. To prove the fact, authorized representative of the respondent has referred Ex.M-1, which is a Inspector's Detection Report, in which, it has been reported that two persons were not issued tickets but amount of Rs.24/- has been taken from them. Tickets were also attached alongwith this report. After this report, inquiry was ordered to be conducted and a show cause notice was served upon him. Learned authorized representative of the respondent further referred Mark-A, which is a letter written by the workman to Inquiry Officer of PRTC Patiala Bathinda-II, in which he has admitted that he received the letter No.1582 dated 13.07.1999 and he confessed all the charges leveled against him. In this letter, he further requested that he did not want to conduct inquiry and inquiry be closed and whatever punishment is given by GM is acceptable to him. Similarly, in statement Ex.MX, he confessed his guilt. He was also given opportunity of being heard, in which, he requested that he be awarded minimum punishment. Later on termination order was passed by the General Manager and workman preferred an appeal against this order, which was also dismissed. To prove the factum, authorized representative of the respondent referred the documents coupled with the admission of present workman namely Piare Lal, who himself stepped into the witness box as WW-1 and admitted that he is metric pass and he signed in Punjabi. It is correct that he filed application dated 22.09.1999, which is signed by him as per his own will and on documents Mark A to Mark E are also signed by him as per his own will. He also admitted that he filed reply to the show cause notice, which bears his signatures. He also admitted his signatures on his confession report. Hence all the abovesaid facts shows that workman confessed his guilt to the charges leveled against him and he was afforded full opportunity of being heard as per rules of PRTC and rules of natural justice. Appeal preferred by the workman was also dismissed in

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accordance with law. As such, there is nothing on record to show that services of the workman were terminated in illegal manner. Rather, his services were terminated in a legal and proper manner after following the rules of PRTC as well as rules of natural justice. Hence these issues are decided in favour of the Management/respondents and against the workman.”

7. Regarding the admission and signature over the confession, a fact is acknowledged that the termination from service was ordered on 27.10.1999, but first time, while issuing the demand notice dated 28.08.2002, a ground was taken that it was on asking of the General Manager, Bathinda, petitioner – workman had confessed the guilt under the assurance of minor punishment.

8. This Court notices that long time had elapsed by the time, demand notice was issued, so after about three years, taking of such a defense cannot be believed. Moreover, during the hearing of the petition, counsel appearing on behalf of respondents No.2 & 3, produced the vernacular copy of the Order No.142/PRTC/Admn, dated 30.08.2023, issued by the Pepsu Road Transport Corporation, Patiala (respondent No.2 herein), and submits that apart from the incident, which is subject matter of the present writ petition, total 57 times right from the year 1980 till 27.10.1999, petitioner – workman had been found guilty of mischief committed by him. All the times, it was let off by authorities by issuing warning and besides, once a termination order was also issued, however, the same was later on set-aside in the appellate jurisdiction.

Copy of the order dated 30.08.2023, produced by counsel for respondents No.2 & 3, is taken on record, subject to all just exceptions.

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Office to tag the same at appropriate place.

9. Counsel for respondents No.2 & 3 submits that such an important fact has been withheld from this Hon'ble Court by not mentioning anything about the involvement of the petitioner – workman, 57 times earlier in similar kind of activities.

A copy of the aforesaid order dated 30.08.2023, has also been handed-over to the counsel for the petitioner in Court today, who is not in a position to controvert the facts recorded therein.

10. On the basis of the grounds recorded in the impugned award dated 20.08.2013 (P-1), and the submissions addressed by counsel for respondents No.2 & 3, this Court does not find any reason to deviate from the view point already taken by learned Tribunal. Thus, maintaining the award dated 20.08.2013 (P-1), present writ petition stands dismissed.

Needless to say that in case, any legal right has accrued in regard to the service of about 20 years rendered by the deceased petitioner – workman, same would be released to the legal heirs as per law within six months, from today.

(SANJAY VASHISTH)
JUDGE

April 01, 2024

J.Ram

Whether speaking/reasoned: ✓ Yes/~~No~~

Whether Reportable: ✓ Yes/~~No~~