

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

224

CWP-18186-2018

Date of Decision : 08.04.2024

MALKIT SINGH

... PETITIONER

Versus

PUNJAB NATIONAL BANK AND ORS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present : Mr.K.S.Boparai, Advocate and
Ms. Archana Vashisht, Advocate
for the petitioner.

Mr. Saurav Verma, Advocate and
Ms. Preeti Grover, Advocate
for the respondents.

JAGMOHAN BANSAL, J. (Oral)

1. The petitioner through instant petition under Article 226 of the Constitution of India is seeking setting aside of charge-sheet dated 12.02.2014 (Annexure P-3) and order dated 05.12.2014 (Annexure P-10).

2. On 26.07.2018, the following order was passed :

“Present writ petition is challenge to the charge sheet dated 12.02.2014 (Annexure-P3), order dated 05.12.2014 (Annexure-P10) passed by respondent No.2, thereby directing the Enquiry Officer to continue with the enquiry proceedings, order dated 09.12.2015 (Annexure-P18) passed by respondent No.2 removing the petitioner from service and order dated 20.04.2016 (Annexure-P19) passed by the appellate authority vide which the appeal filed by the petitioner was declined.

Learned counsel for the petitioner contended that the allegations contained in the above mentioned charge sheet are relating to the year 1997 and for the said allegations, the petitioner faced criminal trial and he was acquitted of the charges in 26.05.2011 and in revision the matter was remanded back and even after remand his acquittal was upheld vide order dated 14.12.2016. On the basis of the said enquiry proceedings, disciplinary proceedings were concluded and dismissal order was passed and the petitioner has challenged the same as well.

Notice of motion for 26.11.2018.”

3. Mr.K.S.Boparai, Advocate submits that writ petition is pending since 2018 and it is settled proposition of law that if an employee is acquitted in the criminal proceedings, he on the same set of evidence in the departmental proceedings cannot be punished.

4. The respondents in the reply dated 25.08.2019 raised preliminary objection of jurisdiction. The respondent has pointed out that the petitioner has alternative remedy to approach Labour Court as per Industrial Disputes Act, 1947 as well as bipartite settlement between management and workers' Union.

5. I have perused the impugned order passed by departmental authorities. The petitioner has been acquitted by trial Court and authorities have passed order after order of acquittal passed by the trial Court. The departmental authorities have taken into consideration different documents and reports of handwriting experts. The petitioner is disputing these documents. This Court in its writ jurisdiction cannot examine evidence led by both sides especially when both parties are disputing evidence. The petitioner is having alternative remedy to approach Labour Court, thus, this Court does not find it appropriate to invoke its writ jurisdiction.

6. Disposed of with liberty to petitioner to avail alternative remedy.

08.04.2024

anju

(JAGMOHAN BANSAL)
JUDGE

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No