



CWP-17083-2024

-1-

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

112

CWP-17083-2024

Date of Decision: 29.07.2024

Dilsher Singh**...Petitioner****Versus**

**The Presiding Officer Industrial Tribunal-Cum-Labour Court Panipat
and others**

...Respondents**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present: - Mr. Samrat Malik, Advocate for the petitioner

Mr. Raman Sharma, Additional Advocate General, Haryana

*********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 dated 26.02.2024 (Annexure P-1) whereby he was not reinstated with full back wages, rather has been paid meager lumpsum amount of ₹50,000/-

2. The petitioner was appointed as Watchman in Government Primary School, Village Pinana, District Sonapat on 28.08.2007. He was not appointed by Government whereas he was appointed by School Management Committee and Village Panchayat. His salary was paid out of funds arranged by the School Management. He was supposed to watch electronic gadgets of the school. On 28.12.2016, a theft took place in the school wherein electronic



gadgets were stolen. The petitioner at the time of theft was sleeping and when he woke up in the morning, he found one Samsung TV, two batteries, one inverter, one set-up box and two sauce pan missing from school. He lodged FIR No.164 dated 31.12.2016 at Police Station Mohana. The respondent terminated his service. The matter, on reference in terms of Section 2-A(2) & (3) of Industrial Disputes Act, 1947 (for short '**1947 Act**') came up for consideration before Industrial Tribunal-cum-Labour Court, Panipat (for short '**Tribunal**') which vide order dated 26.02.2024 directed the respondents to pay a sum of ₹50,000/- to the petitioner as compensation within a period of two months.

3. Mr. Samrat Malik, Advocate submits that petitioner was terminated without notice and in non-compliance of provision of Section 25-F of 1947 Act, thus, he was entitled to be reinstated and the Tribunal has wrongly awarded compensation of ₹50,000/- instead of reinstatement.

4. Notice of motion.

5. Mr. Raman Sharma, Additional Advocate General, Haryana, who on advance notice is present in Court, accepts notice on behalf of respondent-State and waives service.

6. With the consent of both sides, the matter is taken up for final adjudication.

7. Mr. Raman Sharma, learned State counsel submits that petitioner was appointed as a Watchman by School Management and village Panchayat.



He was not paid by the Government. There was a dispute with respect to his salary which has already been paid by the School Management. He was a Watchman and at the time of theft, admittedly, he was sleeping which was a gross misconduct on his part.

8. I have heard the arguments of learned counsels for both sides and perused the record with their able assistance.

9. From the perusal of record and arguments of both sides, it comes out that petitioner was not appointed by Government whereas he was appointed by School Management and village Panchayat. He was paid a small amount by the School Management out of funds arranged by it. His duty was to take care of electronic gadgets and theft of those gadgets took place while he was sleeping in the school. The School Management, finding his conduct inappropriate, terminated his services.

10. The petitioner was not holding a post whereas he was temporarily appointed by the School Management. He was removed from service on account of misconduct though without complying with the provisions of 1947 Act. He had no vested or fundamental right to continue because he was never appointed or paid by the Government. Admittedly, there was lapse on his part still on account of procedural infirmity on the part of School Management, he has been awarded compensation to the tune of ₹50,000/-.

11. In the wake of above discussion and findings, this Court does not find any infirmity in the award dated 26.02.2024, thus, it is of the considered



CWP-17083-2024

-4-

opinion that present petition being bereft of merit deserves to be dismissed and accordingly dismissed.

(JAGMOHAN BANSAL)
JUDGE

29.07.2024
Mohit Kumar

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