

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

208

LPA-106-2017 (O&M)
Date of decision: 19.09.2024

SUBEG SINGH

..Appellant

Versus

PRESIDING OFFICER INDUSTRIAL TRIBUNAL & ORS

..Respondents

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

Present: Ms. Jasneet Mehra, Advocate
for Mr. L.M. Gulati, Advocate
for the appellant.

Mr. Anupam Singla, Advocate
for respondent No.2 to 5.

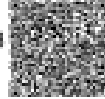
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SHEEL NAGU, C.J. (Oral)

1. The present intra Court appeal has been filed against an order dated 04.11.2016, passed by learned Single Judge in CWP-7809-2013, titled as Subeg Singh Vs. Presiding Officer and others, wherein, while dismissing the writ petition; the Award dated 10.01.2013, passed by the Labour Court has been upheld.

2. The dispute before the Labour Court was regarding dismissal from service on the charge of embezzlement has been found proved.

3. The disciplinary inquiry conducted against the appellant-workman was held to be proper and thereafter the quantum of punishment of dismissal from service in view of charge of embezzlement having been



proved was found to be commensurate to the gravity of misconduct found proved.

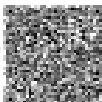
4. Learned counsel for appellant-workman has raised a contention before this Court that similarly placed Budh Singh, Wakil Singh and Major Singh were let off with lesser punishment i.e. withholding of increments, whereas, the appellant, who also suffered the same charges and disciplinary proceedings, has been discriminated against by imposing major punishment i.e. 'dismissal from service'.

5. After having perused the record and having heard learned counsel for rival parties, this Court is of the considered view that ground of parity is not made out on the following grounds:-

i. Though, the charges against Budh Singh, Wakil Singh and Major Singh were somewhat similar to the charges against appellant-workman but in case of Wakil Singh, the charge of embezzlement was not found proved, whereas, against Budh Singh, there was no charge alleged as regards embezzlement.

ii. In regard to Major Singh, the charge was of having been found in possession of used tickets and not of embezzlement. Thus, it is obvious that the charges proved against said three persons were not as grave as suffered by the appellant.

6. With respect to the appellant-workman, the records reveal that he was found to have embezzled Rs.40/- and Rs.14/- on two different occasions i.e. 14.08.2000 and 08.08.2000.



7. In view of the above, the contention of learned counsel for appellant-workman with respect to discrimination on the aspect of imposition of penalty pales into insignificance.
8. No other ground has been raised by the learned counsel for appellant-workman.
9. This Court therefore, does not deem it appropriate to interfere with the order passed by learned Single Judge vide impugned order dated 04.11.2016.
10. Accordingly, the present appeal stands dismissed.
11. All the pending miscellaneous applications, if any, are also disposed of.

(SHEEL NAGU)
CHIEF JUSTICE

(ANIL KSHETARPAL)
JUDGE

September 19th, 2024
Ay

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether reportable</i>	<i>Yes/No</i>