

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:011050-DB



105

LPA No. 220 of 2025 (O&M)

Date of decision: 24.01.2025

Vinod Kumar Tiwari

....Appellant

Versus

**Presiding Officer, Industrial Tribunal-cum-Labour Court, Circle-I,
Faridabad and another**

....Respondents

CORAM: HON'BLE MR. JUSTICE SUDHIR SINGH

HON'BLE MRS. JUSTICE SUKHVINDER KAUR

Present: Ms. Ritu Pathak, as Legal Aid Counsel, Advocate
for the appellant.

SUDHIR SINGH, J.

C.M. No. 503-LPA of 2025

For the reasons given in the application, the same is allowed and
delay of 94 days in filing the present appeal is condoned, subject to all just
exceptions.

Main Case

The instant intra Court appeal is directed against the order dated
20.09.2024 passed by the learned Single Judge, whereby the writ petition
filed by the appellant-workman challenging the award dated 22.10.2014
(Annexure P-5) passed by the Labour Court, has been dismissed.

2. The brief facts of the case are that the appellant-workman joined respondent No.2-M/s Shahi Export Pvt. Ltd. as a Helper on 14.06.2001 at monthly salary of Rs.2,850/-. He was suspended on 16.09.2006. A Domestic Inquiry was conducted pursuant where to, his services were terminated. Reference made to the Labour Court, was answered against him vide award dated 22.10.2014. The Labour Court while passing the award, noticed that as per the testimony of the appellant-workman, he was given a warning by the management on 06.09.2006 and that he tendered an apology on 03.05.2006. The factum of issuing the Charge-sheet was also admitted by him and so was the factum of the Domestic Inquiry. The plea of the appellant-workman regarding not allowing him to engage a union leader of his choice was also negated by the Labour Court for the reason that in terms of the standing order, he could take assistance of a co-worker, but not of any outsider. It was also found that the appellant-workman was granted ample opportunity to cross-examine the witnesses of the management.

3. Vide the impugned order, the learned Single Judge, while upholding the award passed by the Labour Court, referred to the judgment of Hon'ble the Supreme Court in ***Syed Yakoob Vs. K.S. Radhakrishnan, AIR 1964 SC 477*** and ***Central Council for Research in Ayurvedic Sciences and another Vs. Bikartan Das and others 2023 SCC online SC 996***, to hold that only an error of law can be corrected by issuing a writ of certiorari and not an error of fact. Besides, it was also found that almost a period of 18 years had already elapsed since the termination of the services of the appellant-workman.

4. We do not find any error apparent on the findings recorded by the learned Single Judge. The factual position as narrated above, has not been disputed by the learned counsel for the appellant. That being the

position, we find that the appellant is not entitled to any indulgence in the present appeal.

5. Consequently, the present appeal is dismissed.

(SUDHIR SINGH)
JUDGE

24.01.2025

reema

(SUKHVINDER KAUR)
JUDGE

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