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IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

CWP-11451-2000 (O&amp;M)

Date of Decision : 05-05-2025

SHYAM LAL

.....Petitioner

VERSUS

THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL-CUM-  
LABOUR COURT, GURGOAN AND ANR.

.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ashwani Bakshi, Advocate for the petitioner.

None for the respondents.

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**HARSIMRAN SINGH SETHI, J. (Oral)**

1. In the present petition, the challenge is to the award passed by the Labour Court dated 10.11.1997 and 01.05.1999, copies of which have been appended as Annexure P-2 and Annexure P-3 respectively by which, the claim of the petitioner that his services have been terminated in an illegal and arbitrary manner and in violation of the provisions of the Industrial Disputes Act, 1947 (hereinafter referred as "1947Act") has not been accepted and the reference raised by the petitioner-Workman has been rejected, which is causing prejudice to the petitioner-Workman.

2. Learned counsel for the petitioner argues that while the petitioner-Workman was in service with respondent No.2, he was issued a chargesheet dated 20.02.1988 whereby two allegations were alleged against him. The first allegation was that the petitioner-Workman has not given the

output required and was deliberately slowing down the work and further that the petitioner-Workman is remaining absent from his duties without any authorisation.

3. Learned counsel for the petitioner submits that an enquiry against the petitioner qua the said allegations was conducted and without there being any valid justification, the allegations alleged against the petitioner-Workman were proved on the basis of which, the service of the petitioner-Workman was terminated hence, the Labour court while passing the order impugned was under obligation to ensure as to whether, while holding an enquiry against the petitioner-Workman in the wake of the allegations alleged against the petitioner-Workman was in accordance with law or not, which duty has not been performed by the labour Court while rejecting the claim of the petitioner hence, the impugned award dated 10.11.1997 (Annexure P-2) and 01.05.1999 (Annexure P-3), may kindly be set aside.

4. I have heard learned counsel for the petitioner and have gone through the records of the present case with his able assistance and no one is appearing on behalf of the respondents.

5. The findings which have been recorded by the Labour Court in the order impugned are that after issuing the chargesheet alleging allegations against the petitioner-Workman, an enquiry was conducted and in the said enquiry, a due opportunity of hearing was given to the petitioner-Workman to defend himself qua the said allegation and ultimately, the allegations alleged against him were proved and therefore, once the employee was held to be liable of the allegations alleged against him and enquiry qua the said allegation was held in accordance with law and the allegations alleged

against the petitioner-Workman have been proved, the Labour Court did not interfere with the said proceedings so as to hold that termination of the petitioner-Workman at the hands of respondent No.2 was bad.

6. The argument of the learned counsel for the petitioner-Workman is that the Labour Court should have looked into the aspect as to whether, there was enough evidence on record so as to hold the allegation alleged against the petitioner-Workman as proven.

7. The Labour Court keeping in view the evidence brought on record wherein the allegations alleged against the petitioner-Workman were shown to be proved, recorded a finding. The Enquiry Report wherein the allegations alleged against the petitioner-Workman were held to be proved during the departmental enquiry was not under challenge in the reference raised by the petitioner-Workman. Once, the said Enquiry Report was not under challenge, the Tribunal appreciated the said Enquiry Report and upheld the decision thereof.

8. The argument of the learned counsel for the petitioner is that the petitioner-Workman has been held guilty of deliberately slowing down the work and giving less output on the ground that the machine was required to give a particular output, which output has not been given by the petitioner work while working on the said machine. Once, no valid justification had been given by the petitioner work as to why the output, which was required to be given had not been given, the allegations against the petitioner-Workman has rightly been proved in the departmental enquiry.

9. Further, perversity is to be proved in the award qua the facts and the evidences which have come on record, which has not been proved in the facts and circumstances of the present case hence, no ground is made out

for interference by this Court in the facts and circumstances of the present case.

10. Present petition stands dismissed.

11. Pending application, if any, also stands disposed of.

05-05-2025

Sapna Goyal

**(HARSIMRAN SINGH SETHI)**

**JUDGE**

NOTE: Whether speaking: YES  
Whether reportable: NO