

**CWP-3225-1998 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****221****CWP-3225-1998 (O&M)
Date of Decision :10.07.2025****Bhuna Co-operative Sugar Mill, Bhuna****...Petitioner****Versus****Pradeep Kumar and another****...Respondents****CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI**

Present: Ms. Anju Bansal, Advocate for
Mr. Sourabh Goel, Advocate for the petitioner.

None for the respondents.

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Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to the award dated 24.09.1997 (Annexure P/1) passed by the Presiding Officer, Industrial Tribunal-cum-Labour Court, Hisar by which, the respondent-workman has been reinstated in service with full back wages from the date of demand notice dated 29.09.1993 with continuity in service on the ground that the termination of the services of the respondent-workman was illegal, invalid and unjustified.

2. Learned counsel for the petitioner-Mill submits that the respondent-workman was appointed as Mechanic with the petitioner-Mill in the year 1992 on probation with certain conditions and as during the period of probation, his work and conduct was not satisfactory therefore, his



services were terminated. Learned counsel for the petitioner-Mill further submits that any services terminated during the probation period, will not amount to termination and therefore, the said fact has been ignored by the Labour Court while passing the award dated 24.09.1997 (Annexure P/1) so as to record a finding that the termination of the services of the respondent-workman was illegal and arbitrary.

3. I have heard learned counsel for the petitioner-Mill and have gone through the record with their able assistance.

4. It is a conceded position that the respondent-workman appointed in the year 1992 vide Annexure P/2 and he was on probation. During the period of probation, the petitioner-Mill itself passed an order dated 24.11.1992 (Annexure P/3) making certain allegations against the respondent-workman that he is not sincerely performing his duties and he is always found absent from duty without prior permission of the authorities and a strict action should be taken against him. Further it was mentioned that workman should be placed under suspension and ultimately he was suspended by the Managing Director of the petitioner-Mill. Thereafter, a charge sheet dated 29.03.1993 (Annexure P4) was also served upon the respondent-workman. Thereafter, the respondent-workman was sought to be transferred whereas, it was recommended that he should be dismissed from service. Ultimately, a show cause notice was given to him as to why his services be not terminated and ultimately, the services of the respondent-workman were terminated vide order dated 08.09.1993 during the probation period by making allegations.

5. It may be noticed that in case, the allegations are to be made

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basis of termination, an enquiry has to be held by following due procedure and giving due opportunity to the workman to defend himself/herself.

5. Keeping in view the fact that there was no enquiry conducted despite issuance of charge sheet before terminating the services of the respondent-workman to prove the allegations, the view taken by the Labour Court that same was illegal and arbitrary and contrary to the settled principle of law, cannot be treated to be incorrect or needs any interference at the hands of this Court.

6. Learned counsel for the petitioner-Mill has not been able to prove that the findings recorded by the Labour Court while passing the award dated 24.09.1997 (Annexure P/1) are perverse to the pleadings and evidence brought on record. In the absence of any perversity being pointed out in the award passed by the Labour Court, no ground for interference by this Court is made out and the present writ petition is accordingly dismissed.

7. Civil miscellaneous application pending, if any, is also disposed of.

July 10, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No