



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

Date of Decision : 17-07-2025

1. CWP-5601-1999 (O&M)
BALESHWAR YADAVPetitioner
VERSUS
PRESIDING OFFICER, LABOUR COURT, JALANDHAR AND ANR.
.....Respondent(s)

And
2. CWP-985-2000 (O&M)
GANGA PARSHADPetitioner
VERSUS
PRESIDING OFFICER, LABOUR COURT, JALANDHAR AND ANR.
.....Respondent(s)

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

**Present: Mr. K.S Dadwal, Advocate
for the petitioner.**

**Mr. Puneet Jindal, Senior Advocate with
Mr. Rahul Bansal, Advocate
for the respondent-Management.**

HARSIMRAN SINGH SETHI, J. (Oral)

1. Present is the set of two writ petitions, the details of which are mentioned in the heading involve common question of law in the context of common set of facts and thus they are being decided together. For the sake of convenience, first facts are being drawn from CWP No.5601 of 1999.

2. Learned counsel for the petitioner argues that though the enquiry was held but the allegations were not proved hence, imposing the extreme punishment of termination by the Management of Mill is totally disproportionate to the charges alleged and proved hence, the award of the Labour Court dated 26.05.1998 (Annexure P-1) has been passed without appreciating the said fact so as to uphold the punishment of termination of the petitioner-Workman, is incorrect and perverse to the facts and evidence brought on record and the same may kindly be set aside.

3. Learned Senior counsel appearing on behalf of the respondent-Management submits that keeping in view the misconduct of the petitioner-Workman, the departmental proceedings were initiated and due opportunity was given to the petitioner-Workman to defend the allegations and keeping in view the finding of the Enquiry Officer, the competent authority took a decision that was required and the services of the petitioner-Workman were terminated hence, the Labour Court while passing the award dated 26.05.1998 (Annexure P-1) rightly did not exercise the jurisdiction to substitute the punishment of termination awarded by the competent authority in the facts and circumstances of the present case hence, the aforementioned award is perfectly valid and legal and the writ petition may kindly be dismissed.

4. I have heard learned counsel for the parties and have gone through the records of the present case with their able assistance.

5. The only argument which has been raised is that the punishment of termination imposed is disproportionate to the charges

alleged and proved. The law on the said issued is settled. As per the judgment of the Hon'ble Supreme Court of India in ***Civil Appeal No.219 titled "Union of India and ors. Vs. Const. Sunil Kumar***, decided on 19.01.2023, wherein it has been held that it is only in case the punishment imposed is shockingly disproportionate to the charges alleged and proved against the delinquent employee, the Court should interfere with the decision of the authorities. Relevant Paras of the judgment are as under:

“6.2. Even otherwise, the Division Bench of the High Court has materially erred in interfering with the order of penalty of dismissal passed on proved charges and misconduct of indiscipline and insubordination and giving threats to the superior of dire consequences on the ground that the same is disproportionate to the gravity of the wrong. In the case of Surinder Kumar (supra) while considering the power of 11 judicial review of the High Court in interfering with the punishment of dismissal, it is observed and held by this Court after considering the earlier decision in the case of Union of India Vs. R.K. Sharma; (2001) 9 SCC 592 that in exercise of powers of judicial review interfering with the punishment of dismissal on the ground that it was disproportionate, the punishment should not be merely disproportionate but should be strikingly disproportionate. As observed and held that only in an extreme case, where on the face of it there is perversity or irrationality, there can be judicial review under Article 226 or 227 or under Article 32 of the Constitution.

6.3 Applying the law laid down by this Court in the aforesaid decision(s) to the facts of the case on hand, it cannot be said that the punishment of dismissal can be said to be strikingly disproportionate warranting the interference of the High Court in exercise of powers under Article 226 of the

Constitution of India. In the facts and circumstances of the case and on the charges and misconduct of indiscipline and insubordination proved, the CRPF being a 12 disciplined force, the order of penalty of dismissal was justified and it cannot be said to be disproportionate and/or strikingly disproportionate to the gravity of the wrong. Under the circumstances also, the Division Bench of the High Court has committed a very serious error in interfering with the order of penalty of dismissal imposed and ordering reinstatement of the respondent.”

6. In the present case, there are charges of insubordination, insubordinating the co-workers to not to perform their duties, creating agitation within the premises of the factory and making gestures of disrespect to the superiors as well as to the guests of the respondent Management.

7. Keeping in view the totality of the facts and circumstances where an employee who is supposed to work for the betterment of the Management, after being held guilty of such misconduct, the termination cannot be treated as shockingly disproportionate to the charges alleged and proved, hence same needs no interference at the hands of the Court.

8. Learned counsel for the petitioner also submits that the petitioner was not given due opportunity of hearing to defend himself.

9. In the present petition, the said issue has also been examined and in Paragraph No.9 of the Labour Court award dated 26.05.1998 (Annexure P-1), the findings have been recorded that during the conduct of the disciplinary proceedings, not even a single grievance was raised and it is only after the termination, of services, the said facts are being stated in order to get the relief. Once, the petitioner did not raise any grievance while

participating in the disciplinary proceedings, raising such grievance at the later stage will not be permissible and the same has rightly been held by the Labour Court.

10. No ground is made out for any interference by this Court in the facts and circumstances of the present case.

11. Present writ petition i.e. Civil Writ Petition No.5601 of 1999 stands dismissed.

12. With regard to the other writ petition i.e. CWP No.985 of 2000, learned counsel for the petitioner argues that the petitioner has been discriminated as, similar allegations were proved against two employees and with one of the employee namely Vinod Singh, against whom also similar allegations were alleged and proved, the respondents settled the issue with him by paying him Rs.20,000/- whereas the order of punishment has been passed against the petitioner, which is discriminatory.

13. Learned Senior Counsel for the respondents submits that after the proving of the charge Vinod Singh came for settlement and the same settlement was also offered to the petitioner but the petitioner refused to accept the offer so as to contend that he will get the relief through legal means and not by way of settlement hence, Vinod Singh, who agreed, was paid a settlement amount of Rs.20,000/-.

14. Keeping in view the totality of the circumstances, as the allegations alleged against the petitioner as well as Vinod Singh were same and the respondent-Management has already settled the issue with Vinod Singh and same offer was also made to the petitioner, in the facts and

circumstances of the present case, the justice will be achieved in case, the respondents are directed to pay a sum of Rs.50,000/- as full and final settlement in favour of the petitioner.

15. The present writ petition i.e. CWP No.985 of 2000 stands disposed of in abovestated terms.

16. Let the said amount of Rs.50,000/- be released in favour of the Workman within a period of 8 weeks from the receipt of copy of this order, failing which it will carry interest @ 6% from today.

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

18. Photocopy of this order be placed on the file of other connected case.

17-07-2025
Sapna Goyal

(HARSIMRAN SINGH SETHI)
JUDGE

NOTE: Whether speaking: YES
Whether reportable: NO