



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH.**

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**LPA-1314-2024 (O&M).
Date of Decision: 27.11.2025.**

BCH Electric Limited (Formerly known as Bhartia Industries
Limited/ Bhartia Cutler Hammer Limited
....Appellant.

VERSUS

Presiding Officer, Labour Court-II, Faridabad and another
....Respondents.

**CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA**

Present: Mr. Adarsh Jain, Senior Advocate with
Ms. Kamadeep Kaur, Advocate for the appellant.

ANUPINDER SINGH GREWAL, J. (Oral)

CM-8190-LPA-2025

This application is for preponing the date of hearing in the main
appeal.

Heard.

For the reasons stated in the application, the same is allowed and
date of hearing is preponed and the appeal is taken up for hearing today itself.

LPA-1314-2024

The appellant has impugned the judgment of the Single Bench
dated 20.02.2024, whereby the Award of the Labour Court has been modified
to the extent that instead of reinstatement with continuity of service along

with 50% back wages, a lump sum compensation of Rs. 2 lakhs has been directed to be paid to respondent No.2.

2. Learned senior counsel for the appellant-employer submits that the misconduct on the part of respondent No.2 was grave, inasmuch as he had threatened and abused the senior management officials, and therefore, his termination was in accordance with law and he ought not to be paid any compensation.

3. Heard.

4. Respondent No.2, namely, Jeevat Singh is stated to have been appointed by the appellant as a Sheet Metal Fitter on 15.02.1973. He was elected as the secretary of the workers' union. It is alleged that respondent No.2 had threatened, intimidated and misbehaved with the senior management officials on 26.09.2001 at 9:30 AM. He was placed under suspension on the same day and was issued charge-sheet on 04.10.2001. A strike was called by the workmen on 5.11.2001 which was called off only on 10.01.2002. Thereafter, in January 2002, he was informed that vide order dated 27/29.11.2001 his services had been terminated. Aggrieved, he raised an industrial dispute. Vide award dated 27.02.2013, the reference was answered in favour of the workman and the appellant was directed to reinstate him with continuity in service along with 50% back wages. Thereafter, the appellant preferred writ petition impugning the award of the Labour Court.

5. We have perused the material on record. The Learned Single Judge in the impugned judgment has rightly observed that the award of the

labour court suffered from material infirmities. The Labour Court while dealing with the issue of fairness of the domestic inquiry, had held that the inquiry was improper, unfair and against the principles of natural justice but had done so without assigning cogent reasons. There is hardly any reference or discussion with regard to the evidence led by the parties. The Tribunal had hastily concluded that the charges levelled against respondent no.2 were fake and bogus.

6. It is not in dispute that when respondent No.2-workman was examined as WW-2, he had stated in his cross-examination that during the inquiry proceedings, he had admitted his mistake and tendered an unconditional apology before the inquiry officer. He had promised to never repeat his mistake as he was assured that he would be taken back on duty and the disciplinary proceedings would stand abated. A photocopy of this statement before the inquiry officer, has been annexed with the writ petition at Annexure P-7.

7. Admittedly, respondent no.2 had worked with the appellant for over 28 years and it was the sole lapse on his part. We, therefore, are in agreement with the judgment of the Single Bench that as this was the only lapse in his entire service of 28 years, for which he had even duly apologized and expressed regret, it would be wholly inequitable and harsh to dismiss him from service. Therefore, as respondent No.2 had attained the age of superannuation, the award of the Labour Court directing reinstatement with continuity in service along with 50% back wages, has been rightly modified to grant of lump sum compensation of Rs.2 Lakhs.

8. We also do not find the grant of compensation of Rs.2 Lakhs along with interest at the rate of 6% per annum with effect from the date of the judgment, to be excessive or unreasonable, so as to warrant interference in appeal.

9. Consequently, the Letters Patent Appeal being devoid of any merit stands dismissed.

10. Pending application(s), if any, stands disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

27.11.2025
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Whether speaking/ reasoned : Yes/ No

Whether Reportable : Yes/ No