

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

2025:PHHC:052274



(125)

**CWP-10971-2025**

**Date of Decision: 24.04.2025**

Panchayat Samiti Nathana

--Petitioner

Versus

Presiding Officer, Industrial Tribunal and  
Labour Court, Bathinda & another

--Respondents

**CORAM:- HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI.**

Present:- Mr. D.K. Saldi, Advocate for petitioner.

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

1. In the present petition, challenge is to the award dated 05.11.2024 (Annexure P-12), passed by the learned Industrial Tribunal, Bathinda.

2. Learned counsel for the petitioner has argued that by the said award dated 05.11.2024 (Annexure P-12) the workman has been reinstated in service with continuity, though, without back wages with liberty to initiate the departmental proceedings against the respondent no.2-workman on the basis of the allegations levelled by the management that the workman had procured the job on the basis of fraud and malafides.

3. Learned counsel for the petitioner submits that once the Executive Officer on the basis of the complaint received, came to the conclusion that the appointment of respondent no.2-workman was not in accordance with law, granting him reinstatement in service with continuity, was incorrect and therefore, the award dated 05.11.2024 may kindly be set aside.

4. I have heard the learned counsel for the petitioner and have gone through the record carefully.

5. A bare perusal of the award dated 05.11.2024 (Annexure P-12) would show that the petitioner never produced any material evidence to support the contention that the inquiry was conducted before taking action against the respondent no.2-workman qua the allegation that he had procured the job with malafide in connivance with his mother, who was also working with the petitioner Panchayat Samiti. The only one witness Raja Singh had given his affidavit by way of examination-in-chief but never came for cross-examination. The learned Tribunal, ultimately came to the conclusion that the management had failed to produce the evidence that the process was followed before terminating the services of the respondent no.2-workman based upon the allegations that he procured the job on the basis of the malafide and favoritism. The Tribunal, though, has set aside the said termination and granted the resinstatement but has given the liberty to initiate departmental proceedings against the respondent no.2-workman.

6. Learned counsel for the petitioner has cited the judgement passed by the Hon'ble Apex Court in case of **Jainendra Singh Vs. State of U.P. Transport Principal Secretary, Home and others (Civil Appeal No.5671 of 2012 decided on 30.06.2012)**. The reliance is being placed upon para 31 of the judgement.

7. It may be noticed that the judgement is applicable based upon the facts of the case. In the present case, the management has not produced any material evidence on record to show that the appointment of the respondent no.2-workman was bad. In the absence of any material evidence being produced before the learned Tribunal, it cannot be held that the

allegation made against the respondent no.2-workman stands proved. Once the liberty has been given to the petitioner to hold the departmental proceedings and then proceed against the respondent no.2-workman, the judgement in **Jainendra Singh's** case (supra) is not applicable in the facts and circumstances of the present case.

8. Learned counsel for the petitioner has not been able to show as to how, the order passed by the Tribunal is perverse to the fact of the material evidence brought on record. In the absence of any perversity shown, no interference is called for by this Court, especially when, the liberty has already been given to the petitioner to initiate departmental proceedings against the respondent no.2-workman.

9. In view of the findings recorded above, there is no merit in the present petition and the same is, accordingly, dismissed.

24.04.2025

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(HARSIMRAN SINGH SETHI)  
JUDGE

Whether speaking/reasoned: Yes/No

Whether Reportable: Yes/No