



CWP-13781-2012 (O&M)

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

(222)

CWP-13781-2012 (O&M)

Date of Decision : 21.08.2025

Nachhattar Singh

...Petitioner

Versus

Union of India and others

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. K.K. Goel, Advocate for the petitioner.

Mr. Sandeep Bhatia, Sr. Standing Counsel
for respondents-Union of India.

KULDEEP TIWARI, J.(ORAL)

1. Through the instant writ petition, cast under Articles 226/227 of the Constitution of India, a challenge is thrown to the award dated 29.10.2010 (Annexure P-1), passed by the learned Central Govt. Industrial Tribunal-cum-Labour Court-I, Chandigarh (hereinafter referred to as the 'learned Tribunal'), whereby, the reference has been answered against the petitioner/workman, as well as the order dated 27.07.2000 (Annexure P-2), and order dated 29.02.2000 (Annexure P-3), passed by the respondents No.2 and 3, respectively. The following is the reference, which was sent to the learned Tribunal, for adjudication :-

“Whether Shri Nachhattar Singh, EDBPM is a workman or not, if so, action of the Management of Supd. of Post Offices (M) Division, 1 Ludhiana in awarding the punishment of removal from service to Shri Nachhattar Singh son of Shri Ishwar Singh is just and legal ? If not, to what relief the workman is entitled to and from which date?”



2. Learned Tribunal finds that the disciplinary authority after affording due opportunity of hearing, and even after complying all the principles of nature justice, has passed the order of dismissal from the service, and answered the reference against the petitioner/workman.

3. Learned counsel for the petitioner submits that the complainant has never supported the case of embezzlement against the petitioner, and despite that, the Enquiry Officer concerned, held the petitioner guilty and this aspect was not appreciated by the learned Tribunal, in its right perspective, as it goes to the root of the matter, and demolishes the entire case of the Management. He further submits that procedure adopted by the Management, is totally opaque and no effective opportunity of hearing was afforded to the petitioner/workman. No other argument was advanced.

4. On the other hand, learned counsel for the respondents-Union of India, while supporting the award passed by the learned Tribunal, submits that due procedure was complied with, before passing the order of dismissal. He further submits that the petitioner was duly served the chargesheet. However, the petitioner/workman opted not to file any reply to the said chargesheet. The Enquiry Officer concerned, has conducted the enquiry, and gave numerous opportunities to the petitioner/workman. However, the latter failed to join the enquiry proceedings. Finally, he submits that the petitioner/workman was found guilty of embezzlement, and therefore, the punishment of dismissal is proportionate to the misconduct, and no interference is required by this Court.

5. Before embark upon the submissions, so made by the learned counsel for the parties concerned, let us have a glimpse on the facts, *qua* which there is no wrangle between the parties concerned.



6. The petitioner/workman was engaged with the respondent/Postal Department, as an Extra Departmental Branch Post Master (EDBPM), on 13.07.1990, and his wages were fixed at Rs.660/- per month. He was alleged to have temporarily misappropriated Rs.8,600/- from different SB/RD Accounts, and permanently misappropriated Rs.1,400/- from the following SB/RD Accounts standing at Dhaipai BO, in account with Jodhan SO :-

<i>Sr. No.</i>	<i>Category</i>	<i>Account No.</i>	<i>Amount of Misappropriation</i>	<i>Date on which amount was misappropriated</i>
1.	RD	400355	Rs.200/-	30.09.1997
2.	RD	400443	Rs.200/-	12.04.1997
3.	SB	5101921	Rs.1,000/-	03/04.12.1995.
Total =			Rs.1,400/-	

7. Thereafter, vide order dated 02.02.1999, the petitioner/workman was ordered to be put off from the duty, and departmental action was initiated against him. As per Rule 8 of Extra Departmental Agents (Conduct and Service) Rules, 1964 (for short ‘EDAs’), the chargesheet was served on the petitioner, on 30.07.1999, which was received by the petitioner/workman, on 05.08.1999. There is no dispute with regard to the fact that the petitioner has never replied to the said chargesheet. Finally, the department concerned, has appointed the Enquiry Officer, on 17.08.1999. The Enquiry Officer, has conducted the enquiry on various dates, and finally submitted the enquiry report, on 17.01.2000 (Annexure R-2), with findings that all the charges have been proved, which was levelled against the petitioner/workman. A copy of the enquiry report was sent to the petitioner, on 27.01.2000, and the response of the present petitioner/workman was sought. With this notice, the petitioner/workman replied on 15.02.2000. After considering the reply, the



Controlling Authority concerned, vide order dated 29.02.2000 (Annexure R-3), has removed the petitioner/workman, from the services.

8. Thereafter, the petitioner/workman has preferred an appeal to DPS, (HQ), Punjab Circle, Chandigarh, against the order of dismissal. However, the petitioner has remained unsuccessful, as the appeal was rejected by DPS, (HQ), Punjab Circle, Chandigarh, on 27.07.2000 (Annexure R-4). Thereafter, the petitioner/workman has raised the industrial dispute, by filing a claim petition, and that industrial dispute was referred to the learned Tribunal, Chandigarh. The petitioner/workman has remained unsuccessful, as the reference was answered against him, by the learned Tribunal, through the impugned award, which is under challenge, before this Court.

9. With the able assistance of learned counsel for the parties concerned, this Court has examined the impugned award as well as the other records.

10. After analyses of the impugned award, instant petition as well as the record, this Court finds that due procedure was followed and even due opportunity of hearing was afforded to the petitioner/workman, not only by serving the chargesheet, but also after the enquiry report. Even, after receiving the copy of enquiry report, the petitioner/workman, was offered to file his response. The Enquiry Officer and the Controlling Authority concerned, finds the petitioner/workman guilty of embezzlement.

11. Learned counsel for the petitioner/workman, is unable to point out any procedural illegality in framing the chargesheet, as well as, in conducting the enquiry by the Enquiry Officer concerned. It is equally important to note here that the petitioner/workman, has not even filed the reply to the said chargesheet, and therefore, at this stage, the



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petitioner/workman, cannot take the plea, that he has not been given fair opportunity by the competent authority concerned.

12. Furthermore, merely, because one of the complainant did not support the case of the department/Management concerned, would not vitiate the charges, so framed against the petitioner/workman, since the other documentary evidence was found to be sufficient to establish that it was the petitioner/workman, who has committed the act of embezzlement.

13. This Court cannot sit as an Appellate Authority, over the enquiry report, as the said enquiry report has never been put to challenge by the petitioner/workman, though, he had ample opportunity. The petitioner opted to remain silent on this issue. Furthermore, this Court finds no perversity or illegality in the impugned award dated 29.10.2010 (Annexure P-1), passed by the learned Central Govt. Industrial Tribunal-cum-Labour Court-I, Chandigarh, which requires any interference of this Court.

14. Resultantly, the instant writ petition is **dismissed**.

15. Pending applications, if any, stands disposed of accordingly.

(KULDEEP TIWARI)
JUDGE

August 21, 2025
Manpreet

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No