



CWP-12754-2025

-1-

118 IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

CWP-12754-2025

Date of Decision: 20.05.2025

RAGHU NATH SHARMA (SINCE DECEASED) THROUGH LRS
... PETITIONER

VS.

PRESIDING OFFICER CENTRAL GOVT. INDUSTRIAL TRIBUNAL-
CUM-LABOUR COURT AND OTHERS

.. RESPONDENTS

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Sudhir Hooda, Advocate,
for the petitioner.

HARSIMRAN SINGH SETHI, J.(ORAL)

1. In the present petition, the challenge is to the award dated 05.12.2024 (Annexure P-5) passed by Labour Court by which, the claim of the petitioner, who has since died and the present petition has been filed through legal heirs, that after the acquittal of the petitioner from the criminal proceedings qua the allegations alleged against him, the petitioner's dismissal from the service should be deemed to be set aside automatically so as to grant him the pensionary benefits, which prayer of the petitioner has not been accepted. The further prayer of the petitioner is that the certain losses alleged to be caused by petitioner, have been recovered from the terminal benefits admissible to the petitioner which is arbitrary and illegal, which fact has also not been appreciated by the Labour Court while passing the impugned award dated 05.12.2024 (Annexure P-5).

2. I have heard learned counsel for the petitioner and gone through the record with his able assistance.

3. Learned counsel for the petitioner has argued that once the petitioner was acquitted from the charges alleged against him by the criminal Court, he is



entitled for deeming fiction that even the order terminating his services should be declared bad. It is settled principle of law that the departmental proceedings and the criminal proceedings stand on a different footing. The deque of proof required to prove an allegation during the departmental proceedings is entirely of a different nature and status as compared to prove an allegation alleged in a criminal proceedings. Further, as per the settled principle of law, the mere acquittal in the criminal proceedings will not be a ground to treat the department proceedings as illegal so as to set aside the order of termination. The reliance can be placed upon

Union Of India And Ors vs Sitaram Mishra And Anr, Civil Appeal No. 6183-2010, AIR 2019 SC 3534 and relevant paragraphs of the same are as under:-

12. The second ground, which has weighed with the High Court, is equally specious. A disciplinary enquiry is governed by a different standard of proof than that which applies to a criminal case. In a criminal trial, the burden lies on the prosecution to establish the charge beyond reasonable doubt. The purpose of a disciplinary enquiry is to enable the employer to determine as to whether an employee has committed a breach of the service rules. In the present case, the learned Single Judge has adverted to Circular Order No.16/85, which inter alia imposed the following obligation upon the members of the CRPF:

“(c) strict fire discipline should be enforced by supervisory staff at all levels. In other words, loaded, and cocked weapons should not be kept by the troops while in barracks/non operational places.

Severe disciplinary action must be taken against the defaulters.”

The fact that the first respondent was acquitted in the course of the criminal trial cannot operate ipso facto as a ground for vitiating the finding of misconduct which has been arrived at during the course of the disciplinary proceedings. The High Court, in our view, has drawn an erroneous inference from the decision of this Court in [Capt M Paul Anthony v Bharat Gold Mines Ltd, \(1999\) 3 SCC 679](#). The High Court adverted to the following principle of law [laid down in the above judgment](#):

“...While in the departmental proceedings the standard of proof is one of preponderance of the probabilities, in a criminal case, the



charge has to be proved by the prosecution beyond reasonable doubts. The little exception may be where the departmental proceedings and the criminal case are based on the same set of facts and the evidence in both the proceedings is common without there being a variance.”

13. It is undoubtedly correct that the charge in the criminal trial arose from the death of a co-employee in the course of the incident resulting from the firing of a bullet which took place from the weapon which was assigned to the first respondent as a member of the Force. But the charge of misconduct is on the ground of the negligence of the first respondent in handling his weapon and his failure to comply with the departmental instructions in regard to the manner in which the weapon should be handled. Consequently, the acquittal in the criminal case was not a ground for setting aside the penalty which was imposed in the course of the disciplinary enquiry. Hence, having regard to the parameters that govern the exercise of judicial review in disciplinary matters, we are of the view that the judgment of the Division Bench of the High Court is unsustainable.

4. Learned counsel for the petitioner has not been able to rebut the said preposition of law.

5. With regard to the argument that the amount of embezzled funds alleged against petitioner has been recovered from the terminal benefits admissible to him, the said issue has also been appreciated correctly by the Labour Court. Once, the findings were recorded by Labour Court with regard to the causing of loss at the hands of the petitioner, the bank was within its jurisdiction to recover the said losses from the terminal benefits admissible to petitioner and reasons have been given for the same alongwith settled principle of law, which fact has gone un-rebutted by the petitioner.

6. The award of the Labour Court can only be interfered with in case, the same is perverse to the evidence or the facts, which have come on record.

7. In the present case, the petitioner has not been able to prove either of same.

CWP-12754-2025

-4-

- 8. No ground is made out to interfere in the present petition.
- 9. Dismissed.

20.05.2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether Reportable : No