



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

CWP-18739-2015 (O&M)
Date of Decision :11.11.2025

Devender Khatri

...Petitioner

Versus

M/s Maruti Suzuki India Ltd. and another

...Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Aalok Jagga, Advocate
Mr. Harkirat S. Jagdev, Advocate
Mr. Sahil Lohan, Advocate and
Mr. Aryaman Jagga, Advocate,
for the petitioner.

Mr. D.S. Patwalia, Sr. Advocate with
Mr. Ayush Gupta, Advocate
for the respondents.

Mr. Kapil Bansal, DAG, Haryana.

KULDEEP TIWARI,J.(ORAL)

1. The award dated 19.05.2015 (Annexure P-14), passed by the learned Industrial Tribunal-cum-Labour Court, Gurgaon (respondent No.2), vide which, the reference was answered against the petitioner, thereby holding his termination from service legally justified, has been put to challenge by way of instant writ petition, filed under Article 226/227 of the Constitution of India.
2. Learned counsel for the petitioner submits that, apparently, the Enquiry Officer failed to deal with the evidence in right perspective to arrive at a conclusion that the charges stood proved against the petitioner-workman.



He further submits that, concededly, the charge sheet was drawn on 22.11.2000, but the same was served upon the petitioner after a deliberate delay of more than one month, i.e. on 10.01.2001, for the reason that from 09.09.2000 to 08.01.2001, the Workers Union of the respondent-Management was agitating for the revised incentives, which was finally resolved through a settlement deed dated 08.01.2001. Therefore, since the petitioner was an active member of the Union, and had also participated in the abovesaid agitation, he was framed with false and fabricated charges. In this way, there was no concrete evidence with the Enquiry Officer to substantiate such charges.

3. Taking his submissions further, he submits that, it is pertinent to note that one of the co-employees namely, Sarwan Kumar, was also served with a charge sheet depicting somewhat similar allegations. Eventually, when he had raised an industrial dispute, the learned Industrial Tribunal concerned interfered with the matter, and held the enquiry proceedings initiated against him illegal, as the charges were not found proved. Hence, the reference was answered in favour of the said co-workman. In these circumstances, he submits that the petitioner herein also deserves to be treated at par with his co-workman. While concluding, he contends that in case, the findings of the Enquiry Officer are not supported by any substantial evidence, this Court, in exercise of powers under Article 226/227 of the Constitution of India, ought to have interfered with the same.

4. Per contra, learned Senior counsel for the respondent-Management submits that the procedure, in terms of the Certified Standing Orders, was duly adhered to, before passing the termination order. Further,



there is no infraction of the principles of natural justice, as the petitioner-workman, at every stage of the departmental proceedings, was afforded due opportunity to defend himself. He, by drawing strength from the decisions rendered by the Hon'ble Supreme Court in **Central Council for Research in Ayurvedic Sciences and another Vs. Bikartan Das and others, 2023 SCC (SC) 996; Hari Vishnu Kamath Vs. Syed Ahmad Ishaque and others, (1954) 2 SCC 881; and Syeed Yakoob Vs. K.S. Radhakrishnan and others, 1964 AIR (SC) 477**, asserts that this Court cannot act as an Appellate Authority. And, the Enquiry Officer had to adjudicate the issue on probability of evidence. So far as the plea of parity, as sought to be raised by the petitioner, is concerned, he urges that, it is a well settled proposition of law that every case has its own peculiar facts and circumstances, besides the evidence brought on record, therefore, the same is required to be decided independently. In the instant case, every aspect was duly taken into consideration by the learned Tribunal, before passing the well-reasoned impugned award. Thus, the instant writ petition is liable to be dismissed.

5. This Court has heard the submissions advanced on behalf of the contesting parties, and perused the record.

6. Before embarking upon the abovesaid arguments, and to evaluate the legality of impugned award, it is imperative to have a glimpse of the relevant facts, as set out in the claim statement, which have led the parties to the current stage.

7. The petitioner-workman had joined the respondent-Management on the post of Fitter, on 11.08.1997, and maintained a good service record.

However, as referred to above, the charge sheet dated 22.11.2000, was served



upon him on 10.01.2001, to which, he submitted a reply dated 20.01.2001, denying all the allegations levelled against him. Whereafter, the respondent-Management appointed Mr. A.K. Shukla as an Enquiry Officer, vide order dated 31.07.2001, who, after conducting the enquiry, submitted his report on 15.12.2001, thereby holding him guilty of four out of five charges levelled against the petitioner. Proceeding with the matter, the respondent-Management had called upon the petitioner to submit an explanation, whereafter, vide order dated 12.01.2002, his services were, ultimately, terminated. Aggrieved thereby, he preferred a statutory appeal, which too, was dismissed by the Appellate Authority vide order dated 23.05.2002, being time barred. Having been left with no option, the petitioner filed a claim statement, which was referred to the learned Industrial Tribunal, under Section 10(1) (C) of the Industrial Disputes Act, 1947 (for short, 'the ID Act').

8. The respondent-Management contested the reference by filing a written statement to the effect that the claim statement filed on behalf of the petitioner-workman was meritless. In nutshell, it was categorically pleaded that he was afforded due opportunity of hearing by the Enquiry Officer, apart from furnishing the charge-sheet in vernacular. Further, all the witnesses of the Management were examined before the petitioner-workman. Therefore, the requisite procedure was followed before terminating his services.

9. Upon consideration of the matter and the evidence brought on record, the learned Industrial Tribunal, vide award dated 07.06.2010 (Annexure P-10) answered the reference against the petitioner-workman.

Whereafter, the petitioner, along with the similarly circumstanced employees,



had challenged the award (supra), before this Court by way of a bunch of writ petitions. Consequently, vide a common order dated 01.12.2014 (Annexure P-11), the said petitions were disposed of, thereby, remanding the matter to the learned Tribunal, for deciding the same afresh, after considering all the issues that had been raised before it.

10. In pursuance of the order (supra), the petitioner-workman examined himself, along with the other witness, and also adduced documentary evidence. Finally, the learned Industrial Tribunal, vide impugned award, answered the reference against the petitioner-workman. Hence, the petitioner is before this Court in the second round of litigation.

11. It is a matter of record the petitioner has not disputed the adherence of the principles of natural justice by the respondent-Management. So much so, no allegation that the Enquiry Officer had conducted the enquiry with malice has been levelled by him. Therefore, this Court has to be abundantly cautioned in evaluating the validity of the enquiry report. There is no quarrel with the settled proposition of law that this Court cannot sit as an Appellate Authority, or act as a Disciplinary Authority, in order to re-appreciate the evidence and opine a different view from the one taken by the Enquiry Officer.

12. At this juncture, this Court is reminded to point out that except raising the issue that the evidence led during the enquiry proceedings were not discussed in detail by the Enquiry Officer, learned counsel for the petitioner is unable to refer to any illegality that has crept in the enquiry report. In this view of the matter, this Court is of the considered view that since the issue, as sought to be raised, would not go to the root of the matter,



no interference is required. Further, a bare perusal of the enquiry report reveals that the Enquiry Officer predicated his report upon the statements of MW-1 and MW-2, who were, admittedly, cross-examined by the petitioner-workman himself. In such circumstances, there is no scope for any doubt that the findings returned by the learned Industrial Tribunal as regards that first issue do not require any interference, and the same is upheld.

13. Now, this Court is required to advert to the next issue, as to whether, the punishment is in proportion to the charges framed against the petitioner or not. Before delving into this issue, it would be expedient to refer to the charges framed against the petitioner, and the same are extracted hereinafter :-

“CHARGE-SHEET

It is alleged against you as under:-

That on 27.09.2000 you were deputed on Line No.1 at sliding door right side jig opening station. You had deliberately damaged the head light coupier in 4 vehilces & in many vehicles, you had hammered the gun and the body thereby damaging the both on the pretext of opening the jig. When your supervisor tried to explain you to be more careful by doing your work, you started abusing him & the shift in-charge using unwanted & derogatory language towards them saying “xxxxxxxxxxxxxxxxxxxxxx”. The above mentioned acts of yours had resulted in lot of hold-up in line off repair that day.

On 30.09.2000, you were found missing from your workstation from 1.30 PM to 1.50 PM causing line stoppage for 10 minutes. Besides this, it was observed that you had not been completing your work throughout the



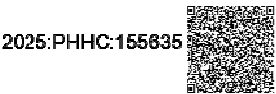
day, as a result of which line was stopped intermittently to complete the work left out by you.

On 03.10.2000 again you were found missing from your workstation from 11.30 AM to 12 Noon, this had also resulted in line stoppage for about 7 minutes as most of the vehicles were found un-complete from your station. You were also involved in slogan shouting & hooting while working on your station on various occasions, spreading upto 11.10.2000 (excluding the days on which you were absent), you were also seen instigating the workmen for not completing their work & whenever you were advised by your supervisor to refrain from such acts, you always choose to argue with him & used abusive language as saying "xxxxxxxxxxxxxxxxxxxxxx".

You have thus, committed serious and grave misconduct in terms of the following Certified Standing Orders 19.1, 19.3, 19.7, 19.8, 19.9.,19.13, 20.1, 20.3, 20.60 entailing disciplinary action.

You are, therefore advised to submit your explanation to the above charges within 72 hours of the receipt of this charge-sheet as to why disciplinary proceedings be not initiated against you. Should you fail to furnish your explanation within the stipulated time, it will be presumed that you have no explanation to offer and the management shall be at liberty to proceed against you as it may deem fit."

14. A perusal of the contents of the charge-sheet clearly indicates that the petitioner not only willfully damaged the property of the Management, but also used unparliamentary language against his senior (Supervisor), which, at any rate, needs to be deprecated. This leads to a definite conclusion that conduct of the petitioner speaks volumes that he



intentionally attempted to bring the operations of the respondent-Management to a standstill, which would result in huge monetary loss. In this view of the matter, this Court has no hesitation to conclude that the punishment of termination is, indeed, in proportionate to the charges framed and proved against the petitioner.

15. In conspectus of the position sketched out above, this Court is of the affirmed view that the learned Industrial Tribunal has committed no error, while answering the reference against the petitioner-workman, and thus, the same is upheld.

16. Resultantly, the instant petition, being bereft of merit, is **dismissed**.

(KULDEEP TIWARI)
JUDGE

November 11, 2025
Manpreet/AK Sharma

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