



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

CWP-17869-2016

Date of decision: 21.08.2025

Uday Pratap Singh

....Petitioner

Versus

State of Haryana and others

....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Gurinder Pal Singh, Advocate,
for the petitioner, along with petitioner in person.

Mr. Bhupender Singh, Addl. A.G., Haryana
along with respondent No.4 in person.

KULDEEP TIWARI, J. (Oral)

1. Through the instant writ petition, as cast under Article 226 of the Constitution of India, a prayer is made for issuance of a Mandamus upon respondents No.1 to 3, to implement the award dated 30.12.2010 (Annexure P-1), passed by the learned Labour Court in a case, titled as 'Smt. Sushma Rani Vs. District Education Officer, Karnal'. Further, a writ of Certiorari is also sought for, to set aside the complaint dated 29.05.2013 (Annexure P-5), and consequent orders dated 27.07.2016 (Annexure P-12), and 30.07.2016 (Annexure P-13), passed by the learned Chief Judicial Magistrate, Karnal, vide which, the petitioner has been accused of committing an offence under Section 10(1)(c) of the Industrial Disputes Act, 1947.

2. Learned State counsel, at the outset, informs this Court that, in fact, the prayers made in the instant writ petition have been rendered infructuous, as the award has already been implemented, and the petitioner has also been acquitted of the charges framed against him.

3. However, learned counsel for the petitioner draws attention of the Court to the interim order dated 22.02.2017, passed by a Coordinate Bench of this Court.

2025:PHHC:110131



4. A perusal of the abovesaid order reflects that this Court has found that the petitioner was unnecessarily harassed, as he was not responsible/competent to implement the award. However, still he was made liable to face prosecution on account of mischievous act of the Labour Inspector concerned. Accordingly, the Deputy Commissioner, Karnal, was directed to enquire into the matter, and unravel the truth. It would be apposite to refer to the relevant part of the interim order (supra), which is extracted hereinafter:-

“The Deputy Commissioner is requested to either himself or through the SDM (Civil) or his nominee inquire into the role of Dalbir Singh, Labour Inspector, Karnal-III regarding the prosecution of Sh. UdayPratap Singh, the former District Education Officer (presently posted at Panipat). The Deputy Commissioner may summon the original record from the Labour Office in Karnal and request the District Attorney, Karnal to get the file of Criminal Case No.113 of 2013 instituted on 29.05.2013 and decided on 12.01.2017 by the Chief Judicial Magistrate, Karnal in case titled as “State representing by the Labour Inspector, Karnal-III Vs. Uday Pratap Singh, District Education Officer, Karnal” sent in attested/true copy or better still in original. The Deputy Commissioner may also note that special attention should be paid to the order dated 26.03.2013 endorsed on 02.04.2013 issued by the Secretary to Government of Haryana, Labour Department, Mr. Arun Kumar Gupta (IAS) authorizing Labour Inspector, Karnal-III to lodge a complaint under Section 29 of the Industrial Disputes Act, 1947, in the Court of Magistrate, First Class, Karnal against Sh. Uday Pratap Singh mentioned as “District Education Officer, Karnal” in the order for failure to implement the award passed by the Industrial Tribunal-cum-Labour Court, Panipat dated 30.12.2010 between Smt. Sushma Rani and The District Education Officer, District Karnal in the wake of the dismissal of the petition filed by the State challenging the award which has attained finality.

Having regard to the judgment passed by the Karnal Court where it has been determined as a fact that Sh.

2025:PHHC:110131



Uday Pratap Singh was District Elementary Officer, the Deputy Commissioner would apprise the Court as to how a District Elementary Education Officer, Karnal became the District Education Officer, Karnal to be made to face prosecution and criminal trial. Regard would also be had to the fact that the judicial Court has returned a finding that Sh. Uday Partap Singh was not the officer responsible to implement the award.

The Deputy Commissioner, Karnal would send the report prepared by his nominee to this Court on the next date of hearing explaining in detail as to the day to day role of Dalbir Singh in launching prosecution against an innocent officer who suffers from an impaired vision and disability. Did Dalbir Singh play an active role in the episode?. And to what degree of harm causing irreparable injury to an innocent man who was not the implementing authority of the award of the labour court.

If there is any remissness/motive/mala fides/abuse of authority/misuse of power to launch prosecution under Section 29 of the Act in the conduct of Dalbir Singh then what steps are proposed to be taken against him by the Government, may also be indicated. Did Dalbir Singh know that the wrong person was being prosecuted, and if he did, then what steps did he take to inform his superiors of the mistake.

Rather importantly, it be clearly indicated in the additional affidavit as to who is/was the implementing authority of the award of the labour court at the relevant time and still is and name/s of the person/s/officer/s/official/s who are/were responsible and are answerable to Court for the misdeed committed against an innocent man, so that further action and orders can be passed as are deemed fit and proper.

That apart, Mr. Girdhar appearing for the State will inform the Officers concerned that if the award is not implemented in toto and proof of implementation by reinstatement and payment of back wages as awarded is not shown by the next date of hearing the Secretary to Haryana Government in the respondent department will remain present in Court to help this Court to take further proceedings.



The State also to show cause in the affidavit to be filed why should directions not be issued to the State as to why respondent no.5-Sh. Uday Partap Singh be not adequately compensated in terms of exemplary damages for malicious prosecution and undue harassment caused to him for too long.

5. In compliance thereof, the enquiry report submitted by the Sub-Divisional Officer, (C), Karnal, was placed on record as Annexure R-1.

6. A thorough analysis of the report (supra), uncovers that, in fact, respondent No.4-Dalbir Singh, Labour Inspector-III, Karnal, had not performed his duty diligently, and thus, he was found guilty of wrongly naming the petitioner for not making compliance of the award. The relevant portion of the enquiry report is extracted hereinafter:-

“In the light of above facts and circumstances, I am of the considered view that so far as the question of the launching of the prosecution against Sh. Uday Pratap Singh is concerned, the same was not done by Sh. Dalbir Singh, Labour Inspector-III, Karnal rather the then Labour Inspector-III, Karnal, Sh. Inder Pal initiated the prosecution on dated 29.05.2013 on the basis of the order dated 26.03.2013, of Secretary to Govt. Haryana, Labour Department. However, it is submitted that Sh. Dalbir Singh, Labour Inspector-III, Karnal has deposed against Sh. Uday Pratap Singh before the Court of C.J.M., Karnal and therefore, he is delinquent qua that extent, because he could have informed his superior officers about the fact that he himself submitted the report dated 30.12.2011 to the Labour Officer, Karnal against Smt. Sarita Bhandari. Further, it has also prima-facie been revealed that the implementation of the award was to be done by the District Education Officer, Karnal rather than the District Elementary Education Officer, Karnal.”

7. Today, both, the petitioner as well as Dalbir Singh-respondent No.4, are present in Court.



8. During the course of hearing, they have reached a consensus that respondent No.4 shall submit an unconditional apology to the petitioner, and shall also pay an amount of Rs.50,000/- to him, to give a quietus to the long pending dispute.
9. In view of the abovesaid consensus, this Court directs respondent No.4 to submit an unconditional apology by way of an affidavit, with the Registry of this Court within a week from today. So far as the amount of Rs.50,000/- is concerned, the same shall be remitted to the bank account of the petitioner, within a period of 15 days from today, and the particulars thereof, as supplied by learned counsel for the petitioner, are as under:-
- Name: Uday Pratap Singh
A/C No. 10868366758
State Bank of India
IFSC: SBIN0051512
Branch: Kalandari Gate Karnal
10. It is clarified that since the matter has been settled between the parties with their consent, therefore, no proceedings, either criminal or civil or departmental, shall be initiated against respondent No.4, as regards this litigation.
11. However, in case of default on the part of respondent No.4, in making compliance to the terms of compromise, the petitioner is at liberty to move an apt motion in this petition, for its revival.
12. With the abovesaid observations, the instant writ petition stands **disposed of**.

(KULDEEP TIWARI)
JUDGE

21.08.2025
Ak Sharma

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