



CWP-21768-2014 & connected cases 1

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

(227)

CWP-21768-2014

Date of Decision : April 01, 2025

Meharban

.. Petitioner

Versus

**The Presiding Officer, Industrial Tribunal-cum- Labour Court,
Panipat and another**

.. Respondents

(2)

CWP-21769-2014

Jaideep

.. Petitioner

Versus

**The Presiding Officer, Industrial Tribunal-cum- Labour Court,
Panipat and another**

.. Respondents

(3)

CWP-22087-2014

Narain Singh

.. Petitioner

Versus

**The Presiding Officer, Industrial Tribunal-cum- Labour Court,
Panipat and another**

.. Respondents

(4)

CWP-21767-2014

Surender Singh Ravat

.. Petitioner

Versus

**The Presiding Officer, Industrial Tribunal-cum- Labour Court,
Panipat and another**

.. Respondents



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(5)

CWP-21832-2014

Birbal

.. Petitioner

Versus

**The Presiding Officer, Industrial Tribunal-cum- Labour Court,
Panipat and another**

.. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Ankur Goyat, Advocate, for
Mr. Ramesh Goyat, Advocate, for the petitioner(s)
in all petitions.

Mr. P.K. Mutneja, Senior Advocate, with
Mr. V.S. Mahal, Advocate and
Ms. Suverna Mutneja, Advocate, for respondent No.2.

HARSIMRAN SINGH SETHI J. (ORAL)

1. By this common order, 05 writ petitions, the details of which have been given in the heading, are being disposed of as all these petitions involve the same question of law on similar facts.
2. In the present writ petitions, the challenge is to the Award dated 17.01.2014 (Annexure P-11) passed by the Labour Court.
3. Learned counsel for the petitioner(s) argues that the allegations which were alleged against the petitioner(s) were identical that they had a scuffle with the security staff and had also abused the teachers who were present at the gate.
4. Learned counsel for the petitioner(s) submits that the said story was a concocted one and was only brought on record in order to terminate the services of the petitioner(s) hence, the Labour Court should have looked into the said aspect while deciding upon the claim of the petitioner(s) and

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while ignoring the said crucial fact, the claim of the petitioner(s) has been rejected and therefore, the impugned Award should be set aside.

5. Learned senior counsel appearing on behalf of respondent-Management submits that all the petitioner(s) tried to force their entry in the school and when they were stopped from doing so, they had a scuffle with the security staff, who was appointed on contractual basis and had also abused the teachers who were present at gate keeping in view the fact that the petitioner(s) were working in a school.

6. Learned senior counsel for the respondent-Management further submits that the petitioner(s) were therefore suspended on account of the rucuss they created and consequently a departmental proceeding was initiated against them and after proving the charges, the service of the petitioner(s) was ultimately terminated and a finding qua the termination of service of petitioner has already been recorded by the Labour Court that the said departmental enquiry initiated against the petitioner(s) was done in accordance with law hence, the claim of the petitioner(s) that the petitioners' assertion has not been accepted by the Labour Court arbitrarily, is incorrect and liable to be rejected.

7. I have heard learned counsel for the parties and have gone through the record with their able assistance.

8. It may be noticed that this Court is not sitting as an Appellate Authority against an order passed by the Labour Court. Further, this Court is also not there to evaluate the evidence which has come on record before the Enquiry Officer so as to decide upon the issue that whether, the Management should have terminated the services of the petitioner(s) or not.

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Only jurisdiction of this Court is to see that whether, the respondent-Management duly followed the process envisaged under law for taking an action against an employee against whom certain allegations have been alleged or not.

9. In the present case, the petitioner(s) themselves have got their statement recorded before the Enquiry Officer and even during the proceedings before the Labour Court that they were given due opportunity to defend themselves. That being so, merely petitioner(s) contend that the order has been passed terminating the services of the petitioner(s), is no ground for this Court to interfere unless and until it is proved on record that the enquiry proceedings against the petitioner(s) were held in violation of the due procedure established by law or that the order impugned passed by the Tribunal is perverse to the facts and evidence which have come on record.

10. In the present case, no such fact has been brought to the notice of this Court that the enquiry proceedings against the petitioner(s) were conducted against the procedure established by law rather a finding has been recorded by the Labour Court that the respondent-Management followed all the Rules required to hold enquiry which enquiry was fair and proper and was held by giving due opportunity to the petitioner(s) to defend themselves. The said finding has not been rebutted by the petitioner(s) to be perverse on the basis of the evidence.

11. Further, the endeavour of the petitioner(s) is that this Court should re-evaluate the evidence which has come on record so as to record a different finding than the one recorded by the Enquiry Officer as well as by

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the Labour Court. It should be noted that this Court has no jurisdiction to do so so as to evaluate the evidence once again so as to record another finding then the one recorded by the Enquiry Officer or by the Labour Court.

12. At this stage, learned counsel for the petitioner(s) has argued that keeping in view the settled principle of law settled by the Hon'ble Supreme Court of India in ***Civil Appeal No.45 of 1957 titled as Indian Iron and Steel Co., Ltd vs. Their Workmen, decided on 15.10.1957***, the Court has power to look into whether, the respondent-Management has taken the action against the employees in good faith or not, or if there is a victimization of the employees or if unfair labour practice has been adopted and whether, the action being taken by the Management is in violation of the principles of natural justice or not.

13. Learned counsel for the petitioner(s) submits that in the present case, the action against the petitioner(s) by the respondent-Management has been taken in a vindictive manner and by violating the principles of natural justice.

14. Learned counsel for the petitioner(s) further submits that the judgment in ***Indian Iron and Steel's case (supra)***, is fully applicable in the present case and therefore, the finding recorded by the Enquiry Officer that the petitioners are at fault as well as by the Tribunal holding that the departmental enquiry against the petitioner(s) was as per the law, is liable to be set aside.

15. It may be noticed that the petitioner(s) appeared as their own witness and no other witness was brought on record by the petitioner(s) to corroborate their statement. Rather, the Management has brought on record

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the two employees who were present at the spot and who were abused by the petitioner(s).

16. Once, enough evidence was present before the Enquiry Officer to conclude the departmental proceedings so as to hold that the petitioner(s) were guilty of the allegation alleged against them, this Court is not within jurisdiction to re-evaluate the said averment to come to a different conclusion that the action taken against the petitioner(s) was not in a good faith or there was a victimization of the petitioner(s) while conducting the enquiry against them or there was an unfair labour practice. Once the labour Court has already dwelled into the said aspect and has recorded a finding that the enquiry proceedings, were held in a manner required and established by law, the same cannot be over turned merely on the asking of the petitioner(s) unless the said finding are proved to be perverse to the facts on record or the evidence on record. Keeping in view the facts and circumstances of the present case, judgment in ***Indian Iron and Steel's case (supra)*** is not applicable.

17. In the present case, the petitioner(s) have not been able to prove that the findings recorded by the Labour Court while passing the order impugned are perverse in any manner hence, the judgment being relied upon by the counsel for the petitioner(s) cannot be brought into operation so as to hold that the termination of the services of the petitioner(s) was bad in any manner.

18. In the absence of any perversity being shown to this Court, no ground is made out for any interference by this Court in the facts and circumstances of the present case.



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19. Accordingly, the writ petitions are dismissed.
20. A photocopy of this order be placed on the file of other connected cases.

April 01, 2025
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(HARSIMRAN SINGH SETHI)
JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No