

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

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CWP-21891-2016

Date of Decision : December 04, 2025

**CHANDIGARH INDUSTRIAL AND TOURISM DEVELOPMENT
CORPORATION LTD. (CITCO)**

-PETITIONER

V/S

**PRESIDING OFFICER, INDUSTRIAL -CUM- LABOUR COURT,
U.T. CHANDIGARH AND ORS.**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Mr. Vikas Sharma, Advocate
for the petitioner.

Mr. Sukhwinder Singh Sudan, Advocate
for the respondent No.2.

KULDEEP TIWARI, J. (ORAL)

1. Through instituting the present writ petition, the petitioner/management assails the award dated 19.02.2016, whereby the Industrial Tribunal has answered the reference in favour of the respondent No.2/workman.

2. Concisely and compendiously, the workman was employed as a Junior Salesman with the management and was posted at I.S.B.T., Sector-17, Chandigarh. He, along with three others, was arrested by the police from Room No.503 of Hotel Shivalikview on allegations of gambling, pursuant to which FIR No.245 dated 13.08.2009 was registered at Police Station Sector-17, Chandigarh. A chargesheet was issued to the workman, and an enquiry officer was appointed to conduct a departmental enquiry. Vide report dated 18.02.2010, the enquiry officer recorded that the only premise was that the

workman had been arrested as per FIR indulging in gambling and the charges stood proved to this extent. Subsequently, the workman was issued a show cause notice, to which he filed his reply. The workman was reinstated vide office order dated 19.05.2010, subject to the final outcome of the trial in FIR No.245, but liberty was reserved to initiate departmental disciplinary action and to determine how the suspension period was to be treated. The trial court ultimately discharged the workman vide judgment dated 26.07.2010. Notwithstanding the discharge, the punishing authority, vide order dated 18/29.11.2010, imposed the penalty of stoppage of three increments without cumulative effect and treated the suspension period as leave of the kind due. The workman challenged this order of punishment, however, the appellate authority dismissed his appeal vide order dated 23.02.2011. Aggrieved thereby, the workman raised an industrial dispute, which was decided in his favour by the Industrial Tribunal vide the impugned award. The Industrial Tribunal set aside the punishment orders dated 18/29.11.2010 and 23.02.2011, and directed the management to release all consequential benefits to the workman.

3. Learned counsel for the management submits that although the enquiry officer did not record a clear finding of guilt against the workman, the registration of an FIR and the publication of the incident in the local press tarnished the reputation of the management's hotel, thereby justifying the punishment of stoppage of three increments without cumulative effect as legally valid. The Industrial Tribunal erred in interfering with and setting aside the punishment order(s) while adjudicating the dispute in favor of the workman.

4. Learned counsel for the management further submits that the enquiry officer could not conclusively establish the charges against the workman because the other three witnesses were his co-accused. Therefore, considering the circumstantial evidence, the punishing authority was justified in imposing the punishment.

5. Conversely, learned counsel for the workman disputes the submissions of the management and asserts that the witnesses cited by the management were not co-accused, rather, the individuals arrested along with the workman were cited as defence witnesses and they had submitted affidavits categorically exonerating the workman, stating that no gambling was taking place.

6. Upon hearing learned counsel for the parties, this Court finds no merit in the present writ petition. It is undisputed that a chargesheet was issued and a departmental enquiry was duly conducted. The relevant findings of the enquiry officer are deemed imperative to be extracted at this juncture:-

“6. I have examined the chargesheet and presentation by the parties. The oral evidence led on behalf of the Corporation does not support the charges against the C.O. None of the three witnesses has connected CO with the gambling or arrest.....

The FIR recorded by the police after the raid and the explanation and the reply to the chargesheet by Sh. Sanjay Kumar, CO bring out that he was arrested.....

Defence version of CO is accompanied by affidavit from three persons who were arrested alongwith Sh. Sanjay Kumar, C.O. They have supported his plea that he had gone to the hotel only to collect money from Sh. Pawan Kumar.....

*The matter has still not reached the stage of any definiteness.
Re: reporting about the illegal activity, the contention of CO is that*

he had gone only to collect money.....

On the basis of available evidence, connected information and own statement only premise is that Sh. Sanjay Kumar, CO was arrested as per FIR indulging in gambling.....”

7. The hereinabove extracted conclusion, as penned down in the enquiry report, makes vivid postulation that the enquiry officer did not hold the charges to be proved. The only finding recorded is that the workman had been arrested in the FIR concerning an alleged gambling offence. It is also not in dispute that the workman was subsequently discharged by the trial court.

8. This Court specifically queried learned counsel for the management as to whether any show cause notice was issued to the workman indicating the punishing authority's disagreement with the findings of the enquiry officer and informing him that there is still incriminatory evidence against him to impose punishment. Learned counsel could not satisfy the Court that any such notice was ever issued.

9. In light of the foregoing categorical facts, this Court is of the considered opinion that no interference with the impugned award is warranted. Consequently, the present writ petition stands **dismissed**.

December 04, 2025
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(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No