



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

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CWP-21944-2025 (O&M)

Date of Decision :01.08.2025

Lila Singh

...Petitioner

Versus

The Presiding Officer, Industrial Tribunal-cum
Labour Court, Jalandhar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amandeep Singh, Advocate for the petitioner.

* * *

Harsimran Singh Sethi, J. (Oral)

1. In the present petition, challenge is to the award dated 16.08.2024 (Annexure P/8) passed by the Presiding Officer, Industrial Tribunal, Jalandhar by which, the claim of the petitioner regarding reinstatement with continuity in service and full back wages have been denied and his services have wrongly been terminated by the authority concerned which has not been accepted by the Labour Court while passing the said award, which is causing prejudice.

2. Learned counsel for the petitioner argues that the fact that no notice was given to the petitioner before terminating his services on 28.12.2004 which fact has not been appreciated in a correct perspective by the Labour Court so as to record a finding that services of the petitioner was terminated in the manner required hence, the impugned award dated 16.08.2024 (Annexure P/8) is liable to be set aside.

3. I have heard learned counsel for the petitioner and have gone



through the record with his able assistance.

4. It may be noticed that the services of the petitioner were terminated on 28.12.2004 after holding an enquiry into an allegation of embezzlement wherein, the charges were proved. A reference was raised keeping in view the demand notice dated 19.07.2005 but the said reference was not taken to the logical end by the petitioner himself as he absented himself. The said reference was dismissed for non-prosecution vide award dated 02.02.2009 and thereafter, an application was made to recall the said order dismissing the reference for non-prosecution but the said application was also dismissed as not pressed vide order dated 21.11.2014. Once, the said reference has already attained finality, a fresh reference by way of an application could not have been raised.

5. Even otherwise, in the present case, the services of the petitioner were terminated after proving the allegations of embezzlement against the petitioner in a departmental enquiry. The Labour Court has recorded a finding that due opportunity was given to the petitioner to participate in the said enquiry and after giving due opportunity, the allegations of embezzlement have been proved against the petitioner and therefore, termination of the services of the petitioner-workman cannot be treated as arbitrary and illegal and in violation of the provisions of Industrial Disputes Act, 1947.

6. Learned counsel for the petitioner has not been able to dispute the said fact that the claim of the petitioner that his services were terminated without giving any show cause notice is incorrect keeping in view the material evidence and facts brought on record.



7. Further, no perversity in the impugned award dated 16.08.2024 has been pointed out by the learned counsel for the petitioner hence, no ground for interference by this Court is made out and the writ petition is accordingly dismissed.

8. Civil miscellaneous application pending, if any, is also disposed of.

August 01, 2025 (HARSIMRAN SINGH SETHI)
aarti JUDGE

Whether speaking/reasoned : Yes
Whether reportable : No