



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

LPA No.2558 of 2025 (O&M)
Date of Decision: 29.08.2025

M/S BHARAT SEATS LTD.

.....Appellant

Versus

ASHOK KUMAR MISHRA AND ANR

.....Respondents

CORAM : HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL
HON'BLE MR. JUSTICE DEEPAK MANCHANDA

Present: Mr. Ashwani Talwar, Advocate for the appellant.

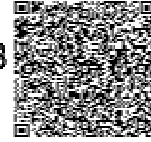
Mr. Karnail Singh, Advocate, for the caveator/respondent No.1.

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ANUPINDER SINGH GREWAL, J. (Oral)

The appellant has challenged the judgment of learned Single Bench dated 17.07.2025, whereby the writ petition preferred by it against the award dated 23.08.2017 (Annexure P-1) passed by the Presiding Officer, Industrial Tribunal, Gurugram, has been dismissed by holding that no ground is made out to interfere with the award of the Labour Court.

2. Learned counsel for the appellant submits that although learned Single Bench had upheld the findings of the Labour Court that the domestic inquiry was vitiated on account of apparent bias of the Inquiry Officer, learned Single Bench ought to have remanded the matter to the Labour Court for adjudication on the material which was produced before it. He further submits that the entire record of the inquiry, including the statements of the witnesses, were produced before the Labour Court and therefore, the Labour Court be directed to peruse the same and record the findings afresh,

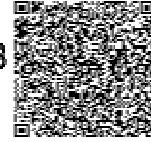


instead of directing the initiation of a *de novo* inquiry on the subject matter. He has relied upon the judgment of the Supreme Court in the case of ***M.L. Singla Vs. Punjab National Bank and another, (2018) 18 SCC 21.***

3. Heard.

4. Respondent No.1-workman was working with the appellant, when the appellant initiated an in-house inquiry for the alleged misconduct by respondent No.1 in instigating his co-workers to strike against the appellant-Management. The Inquiry Officer, who had conducted the inquiry, was an Advocate working in the office of the Advocate who was the authorized representative of the appellant-Management. The Labour Court after having arrived at the conclusion that as there was a close relationship between the Inquiry Officer and the Advocate who was the authorized representative of the appellant-Management, the inquiry was vitiated by bias.

5. Admittedly, the Inquiry Officer was indeed working in the office of the Advocate who was the authorized representative of the appellant-Management. We strongly deprecate and condemn the conduct of the appellant in appointing a person who was working in the office of the Advocate who was the authorized representative of the appellant-Management as the Inquiry Officer. The appellant, which is stated to be a Manufacturing Unit ought to have appointed an impartial person to conduct the inquiry. It appears that the intention of the appellant in appointing the afore-noted Inquiry Officer was to conduct a sham inquiry and defeat the very objective of the Industrial Disputes Act, 1947.



6. The learned Single Bench has upheld the findings of the Labour Court, but it has given liberty to the appellant to conduct a fresh inquiry into the alleged misconduct of respondent No.1. We are in agreement with the judgment of the learned Single Bench that in the facts and circumstances of the case, the findings of the Labour Court are fully justifiable, and based on proper appreciation of the material on record.

7. The judgment of the Supreme Court in the case of ***M.L. Singla*** (supra) cited by learned counsel for the appellant does not advance the case of the appellant for the reason that in that case it was held that the award of the Labour Court suffered from several jurisdictional errors, but it had also been held that as more than a decade had lapsed, the Supreme Court was not inclined to remand the matter to the Labour Court. However, in the instant case, the very inception of the inquiry was vitiated on account of the perceived bias of the Inquiry Officer. There was a reasonable likelihood of bias on the part of the Inquiry Officer, at the very inception. Therefore, we do not deem it appropriate to remand the matter to the Labour Court, at this stage, especially when the reference was made two decades ago. The Supreme Court in the case of ***A.K. Kraipak and others Versus Union of India and others, (1970) 1 SCC 457*** had held that the real question is not whether the person is biased rather it is to be seen whether there is a reasonable ground for believing that the person is likely to have been biased. Relevant extract of the said judgment is reproduced hereunder:

“xxx xxx It is against all canons of justice to make a man judge in his own cause. It is true that he did not participate in the deliberations of the committee when his name was considered. But then the very fact that he was a member of the



selection board must have had its own impact on the decision of the selection board. Further admittedly he participated in the deliberations of the selection board when the claims of his rivals particularly that of Basu was considered. He was also party to the preparation of the list of selected candidates in order of preference. At every stage of this participation in the deliberations of the selection board there was a conflict between his interest and duty. Under those circumstances it is difficult to believe that he could have been impartial. The real question is not whether he was biased. It is difficult to prove the state of mind of a person. Therefore what we have to see is whether there is reasonable ground for believing that he was likely to have been biased. We agree with the learned Attorney General that a mere suspicion of bias is not sufficient. There must be a reasonable likelihood of bias. In deciding the question of bias we have to take into consideration human probabilities and ordinary course of human conduct. It was in the interest of Naqishbund to keen out his rivals in order to secure his position from further challenge. Naturally he was also interested in safeguarding his position while preparing the list of selected candidates.”

8. In view of the above, we do not find any manifest illegality in the judgment of the learned Single Bench dismissing the writ petition preferred by the appellant by holding that no ground is made out to interfere in the award of the Labour Court. Consequently, the Letters Patent Appeal being devoid of any merit stands dismissed. However, the appellant shall be at liberty to conduct the inquiry afresh, if so advised.

9. All pending miscellaneous application(s) also stand disposed of

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

29.08.2025
sandeep

Whether Speaking/Reasoned :	Yes/No
Whether Reportable :	Yes/No