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

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LPA-2871-2025 (O&M)
Date of decision : 27.11.2025

Shingara Ram

... Appellant

Versus

The Presiding Officer, Labour Court, Ludhiana and others

... Respondents

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

Present:- Ms. Anamika Sheoran, Advocate for the appellant.

Anupinder Singh Grewal, J. (Oral)**CM-7226-LPA-2025**

1. Prayer in this application is for condonation of delay of 225 days in re-filing the appeal.
2. Heard.
3. For the reasons stated in the application, the same is allowed and delay of 225 days in re-filing the appeal is condoned.

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1. The appellant has challenged the judgment of the Single Bench dated 18.11.2024 whereby the writ petition preferred by the appellant impugning the award of the Labour Court upholding his termination, has been dismissed.

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2. Learned counsel for the appellant submits that the case of alleged misconduct against the appellant has not been established and therefore, his termination ought to be set aside. She also submits that even otherwise, it is alleged that the appellant had misappropriated only Rs.38/- and therefore, the punishment of dismissal from service is wholly disproportionate to the alleged misconduct.

3. Heard.

4. The appellant is stated to have been working as a Conductor with the respondent since 16.06.1982. On 15.01.1987, a surprise inspection was conducted and it was found by the Inspectors that instead of issuing tickets to the passengers, he had misappropriated the money received from them. A departmental inquiry had been held and charges against him were proved. The competent authority had imposed the punishment of dismissal from service which was challenged by him before the Labour Court. The Labour Court vide award dated 17.10.1995 had held that the termination was justified as a proper inquiry had been held and he was afforded proper opportunity to put forth his defence. The alleged misconduct of misappropriation of money without issuing tickets to the passengers was found to be grave enough to warrant dismissal of the appellant from service.

5. Aggrieved thereagainst, the appellant preferred a writ petition which was also dismissed by the Single Bench of this Court by the impugned judgment. It is alleged that the appellant had collected the fare from 13 passengers and did not issue tickets to them, which amounts to criminal breach of trust. Once such a misconduct is proved, reinstating the workman would not be justified. We are, therefore, in agreement with the judgment of the Single



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Bench that as the charges of misappropriation of money against the appellant are serious in nature and were fully established, the punishment of dismissal of service cannot be held to be disproportionate to the alleged misconduct. Reference can be made to the judgment of the Supreme Court in the case of **U.P. State Road Transport Corporation, Dehradun versus Suresh Pal, (2006) 8 SCC 108**. The relevant extract thereof is reproduced hereunder:-

*“7. Short question for our consideration in the present case is whether the punishment which has been modified by the learned Single Judge is justified or not. The learned Single Judge found that the punishment awarded in the present case is disproportionate to the guilt of the delinquent. So far as, the guilt of the petitioner is concerned, in the domestic enquiry it has been found that the petitioner is guilty of not issuing tickets to the twenty passengers and the same finding of the domestic enquiry has been upheld by the Labour Court & High Court. The petitioner was a conductor and holding the position of trust. **If incumbent like the petitioner starts misappropriating the money by not issuing a ticket and pocketing the money thereby causing loss to the Corporation then this is a serious misconduct. It is unfortunate that the petitioner was appointed in 1988 and in the first year of service he started indulging in mal practice then what can be expected from him in the future. If this is the state of affair in the first year of service and if such persons are allowed to let off to the light punishment then this will be a wrong signal to the other persons similarly situated. Therefore, in such cases the incumbent should be weeded out as far as possible and same has been upheld by the Labour Court. We are firmly of the view that such instances should not be dealt with lightly so as to pollute the atmosphere in the Corporation and other co-workers.***

8. Normally, courts do not substitute the punishment unless they are shocking disproportionate & if the punishment is interfered or substituted lightly in the punishment in exercise of their extra-ordinary jurisdiction then it will amount to abuse of the process of court. If such kind of misconduct is dealt with lightly and courts start substituting the lighter punishment in exercising the jurisdiction under Article 226 of the Constitution then it will give a wrong signal in the Society. All the State Road Transport Corporations in the country have gone in red because of the misconduct of such kind of incumbents, therefore, it is the time that misconduct should be dealt with iron hands and not leniently.

*9. Learned counsel for the appellant invited our attention to a decision of this Court in the case of **Regional Manager, U.P. SRTC. Etawah & Ors. vs. Hoti Lal & Anr. reported in [2003 (3) SCC 605 [LQ/SC/2003/202]]** wherein, this Court has very categorically held that a mere statement that it is disproportionate would not suffice to substitute a lighter punishment. This Court held as under:*

"The court or tribunal while dealing with the quantum of punishment has to record reasons as to why it is felt that the punishment was not



commensurate with the proved charges. The scope for interference is very limited and restricted to exceptional cases. In the impugned order of the High Court no reasons whatsoever have been indicated as to why the punishment was considered disproportionate. Failure to give reasons amounts to denial of justice. A mere statement that it is disproportionate would not suffice. It is not only the amount involved but the mental set-up, the type of duty performed and similar relevant circumstances which go into the decision-making process while considering whether the punishment is proportionate or disproportionate. If the charged employee holds a position of trust where honesty and integrity are inbuilt requirements of functioning, it would not be proper to deal with the matter leniently. Misconduct in such cases has to be dealt with iron hands. Where the persons deals with public money or is engaged in financial transactions or acts in a fiduciary capacity, the highest degree of integrity and trustworthiness is a must and unexceptionable. Judged in that background, conclusions of the Division Bench of the high Court are not proper."
(emphasis supplied)

6. Furthermore, the inquiry had also been conducted in accordance with law and the appellant has not been able to point out any illegality therein. Reliance can be placed on the judgment of the Supreme Court in the case of **Union of India and others versus P. Gunasekaran, (2015) 2 SCC 610** wherein the Supreme Court has culled out the scope of interference by the High Court in disciplinary proceedings conducted by the enquiry officer. The relevant extract thereof is reproduced hereunder:-

"13. Despite the well-settled position, it is painfully disturbing to note that the High Court has acted as an appellate authority in the disciplinary proceedings, re-appreciating even the evidence before the enquiry officer. The finding on Charge no. I was accepted by the disciplinary authority and was also endorsed by the Central Administrative Tribunal. In disciplinary proceedings, the High Court is not and cannot act as a second court of first appeal. The High Court, in exercise of its powers under Article 226/227 of the Constitution of India, shall not venture into reappreciation of the evidence.

The High Court can only see whether:

- a. the enquiry is held by a competent authority;*
- b. the enquiry is held according to the procedure prescribed in that behalf;*
- c. there is violation of the principles of natural justice in conducting the proceedings;*
- d. the authorities have disabled themselves from reaching a fair conclusion by some considerations extraneous to the evidence and merits of the case;*



- e. the authorities have allowed themselves to be influenced by irrelevant or extraneous considerations;*
- f. the conclusion, on the very face of it, is so wholly arbitrary and capricious that no reasonable person could ever have arrived at such conclusion;*
- g. the disciplinary authority had erroneously failed to admit the admissible and material evidence;*
- h. the disciplinary authority had erroneously admitted inadmissible evidence which influenced the finding;*
- i. the finding of fact is based on no evidence. Under Article 226/227 of the Constitution of India, the High Court shall not:*
 - (i). re-appreciate the evidence;*
 - (ii). interfere with the conclusions in the enquiry, in case the same has been conducted in accordance with law;*
 - (iii). go into the adequacy of the evidence;*
 - (iv). go into the reliability of the evidence;*
 - (v). interfere, if there be some legal evidence on which findings can be based.*
 - (vi). correct the error of fact however grave it may appear to be; (vii). go into the proportionality of punishment unless it shocks its conscience.”*

- 7. Consequently, the Letters Patent Appeal being devoid of any merit, stands dismissed.
- 8. Pending application, if any, shall stand disposed of accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

(DEEPAK MANCHANDA)
JUDGE

November 27, 2025
sonia gugnani

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