HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition Misc. Single No. 931 of 2015

30 October, 2025

Sri Bhuwan Chandra Shrama --Petitioner

Versus

Presiding Officer Labour Court Kashipur District U.S. Nagar and Ors. --Respondents

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Presence:-

Ms. Anupriya Kukreti, learned counsel holding brief of Mr. M.C. Pant, learned counsel for the petitioner.

Ms. Arushi Batra, learned counsel holding brief of Mr. Piyush Garg, learned counsel for respondent Nos.2 and 3.

Hon'ble Pankaj Purohit, J. (Oral)

By means of the present writ petition, the petitioner has prayed for following reliefs:-

1. *Issue a writ, order or direction in the nature of certiorari quashing the award of the labour court dated 28.11.2014, which was published on 27.02.2015 to the extent whereby the labour court denied the reinstatement to the petitioner and in place of reinstatement granted Rupees One Lakh Fifty Thousand Only (Rs.1,50,000/-) and in league with the order dated 09.10.2014 along with its effect and operation also and further to allow the claim of the petitioner for reinstatement with all consequential benefits after calling the entire records from the respondents.*
2. *Issue a writ, order or direction appropriate in nature including mandamus to treat the petitioner in service had it been the impugned termination order along with all consequential benefits and salary to the petitioner.*
3. *Issue a writ, order or direction appropriate in nature including writ of declaration to award damages/compensation in tune of One Crore Rupees from the respondent company for its admitted act of unfair labour practice and creating social pollution resulted to unemployment in the society and harassment of the petitioner due to which he has succumbed to financial losses and mental agony and lowering down of his social image.*

2. Brief facts of the case are that the petitioner was initially appointed as a skilled labour/operator in line department on 01.06.1996 by the respondent-Company and his services were regularized on the said post on

01.09.1996.The services of the petitioner was suspended on 03.03.1999 till the completion of the enquiry. Vide letter dated 09.03.1999, a charge-sheet was filed against the petitioner leveling all false and fabricated allegations/ charges. Petitioner vide letter dated 14.06.1999 replied to the charge-sheet dated 09.03.1999 as the same was provided to him very lately by the respondents. The respondent-employer took the proceedings before the learned Labour Court, who passed award against the employer on 17.11.2009 ex-parte, which was published on 09.04.2010 and directed for reinstatement. The said order was challenged by the employer in High Court and the Hon'ble High Court set aside the said order and directed the matter to be decided on merit. Thereafter, the learned Labour Court vide order dated 09.10.2014 decided the preliminary issue regarding the fairness of enquiry proceedings against the workman and held that no principle of natural justice is violated and also held that the enquiry officer has conducted the enquiry in fair manner and also held that the finding of enquiry officer calls for no interference and decided the issue against the workmen. Learned Labour Court vide impugned judgment and order dated 26.11.2014 however quashed the termination order dated 22.03.2000 but has not reinstated his services and awarded a compensation of Rs.1,50,000/- only, to him. Thus feeling aggrieved, petitioner is before this Court.

3. Learned counsel appearing for the petitioner submits that the petitioner came before the learned Labour Court well within time for his reinstatement and he made all efforts, without any delay, to get his services back, hence he must be protected by reinstating his services in the respondent-Company. She further submits

that the impugned order dated 28.11.2014 passed by learned Labour Court is based on mere apprehension and the observation of learned Labour Court that "it would not be proper neither for petitioner nor for employer to reinstate the petitioner in his services", is not justified and liable to be set aside on the ground that learned Labour Court has itself held the respondents guilty of malice against the petitioner. Thus, the only part of apprehension of the learned Labour Court is liable to be set aside and the service of the petitioner is liable to be reinstated.

4. She also contends that the petitioner worked for several years as a skilled labour in the respondent Company and his life was exploited by the respondents by a malafide act of pre meditated biased against him, which fact is also appreciated by the learned Labour Court, hence his life is liable to be safeguarded by reinstating his services on his original post with all consequential benefits, as he has no other means and source of his livelihood.

5. Per contra, learned counsel appearing for respondent Nos.2 and 3 relying upon the counter affidavit submits that the petitioner was instrumental to commit misconduct and on his instigation, the strike in-question took place. Therefore, the services of the petitioner were liable to be terminated. She further submits that learned Labour Court had rightly held that after such a long period, it is not justified and proper to direct reinstatement of workman and has therefore rightly awarded compensation to the tune of Rs.1,50,000/-. She also contends that it has become a settled position that after a long delay instead of reinstatement, award of compensation is a proper remedy, which would meet the

interest of justice, as the Court cannot observe the specific purposes of contract of services and in the case in hand, the workman's conduct made him completely disentitled for reinstatement in service.

6. I have heard the learned counsel for the parties and considered the facts and circumstances of the present case carefully, including the termination of the petitioner's services in March 2000, the subsequent Industrial Dispute proceedings, and the Labour Court's judgment dated 28-11-2014, which quashed the termination but awarded only monetary compensation of Rs. 1,50,000/-. It is not disputed that the petitioner had worked as a skilled labour/operator for several years and had actively participated in the employees' union. While the petitioner alleges malice and bias on the part of the respondents, the Court must also consider the **practicality and feasibility** of relief at this stage. It is not disputed that the petitioner had worked as a skilled labour/operator for several years and had actively participated in the employees' union, while the petitioner alleges malice and bias on the part of the respondents, the Court must also consider the practicality and feasibility of relief at this stage. The Hon'ble Supreme Court in *Atlas Cycle (Haryana) Ltd. Vs. Kitab Singh 2013 (12) SCC 573, has* observed as follows:

> "*10. Before the Division Bench of the High Court, the management raised a question relating to the scope of interference by a writ court in a finding of fact rendered by a Tribunal/Labour Court. It was urged by the management that the Labour Court having arrived at a firm finding that the workman was never tortured or that the story of forcible resignation claimed by him was unreliable, the learned Single Judge ought not to have interfered with the same in exercise of his extraordinary writ jurisdiction under Article 226 of the Constitution of India. The learned counsel for the management further contended that in no circumstance, a direction for reinstatement of the workman in service is warranted, particularly when having regard to his misconduct, the management had completely lost confidence in the workman.*

On the other hand, the learned counsel for the workman contended that when the findings rendered by the Labour Court are contrary to the material evidence on record, it shall amount to perversity and the writ court is fully justified in interfering with the same. On going through the entire materials, the Division Bench accepted the stand of the workman." and confirmed the order passed by the learned Single Judge.

15. *We are satisfied that the learned Single Judge thoroughly analysed all the aspects and arrived at a correct conclusion. It is settled law that when the Labour Court arrived at a finding overlooking the materials on record, it would amount to perversity and the writ court would be fully justified in interfering with the said conclusion. We are conscious of the fact that the High Court exercising writ of certiorari jurisdiction would not permit to assume the role of the appellate court, however, the Court is well within its power to interfere if it is shown that in recording the said finding, the Tribunal/Labour Court had erroneously refused to admit the admissible and material evidence, or had erroneously admitted any inadmissible evidence which has influenced the impugned finding, the writ court would be justified in exercising its remedy. In other words, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari."*

7. The above dictum makes it abundantly clear that interference by a writ court with findings of fact rendered by a Labour Court is permissible only where such findings suffer from perversity, are unsupported by evidence, or disclose an error of law. In the present case, the conclusions of the learned Labour Court are supported by the material on record and demonstrate due consideration of the evidence led by both parties. Thus, no perversity or jurisdictional error is made out so as to justify interference under Articles 226/227 of the Constitution.

8. Having regard to the passage of more than two decades, since the termination in-question and the changed circumstances, reinstatement would not serve any practical or equitable purpose, the compensation awarded by the learned Labour Court adequately meets the ends of justice.

9. Accordingly, the writ petition seeking reinstatement is dismissed. The impugned judgment and award dated 28.11.2014 passed by learned Presiding Officer, Labour Court, Kashipur, District Udham Singh Nagar, is hereby affirmed. In the interest of justice, the petitioner shall be entitled to receive a *lump-sum monetary compensation*, already awarded by the learned Labour Court. The respondents shall calculate and disburse the said amount within a period of three months from the date of production of certified copy of this order, if not already paid.

(**Pankaj Purohit, J**.)
30.10.2025

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