2025:UHC:10050

HIGH COURT OF UTTARAKHAND AT NAINITAL

Writ Petition (M/S) No.2323 of 2014
13th November, 2025

Uttarakhand Transport Corporation
and another .....Petitioners

Versus

Ashok Kumar Mishra .....Respondent

Presence:-
Mr. D.C.S. Rawat, Advocate for the petitioners.
Mr. Mohd Matloob, Advocate for the respondent.

Hon'ble Pankaj Purohit, J.

This writ petition has been filed under Article 227 of the Constitution of India, whereby the petitioners have sought a direction to quash the impugned award dated 17.02.2014, passed by the learned Labour Court, Dehradun, in Adjudication Case No. 41 of 2006.

2. The brief facts of the case are that the respondent was working with the petitioner–Corporation as a Conductor. Vide order dated 27.07.2000, the respondent was placed under suspension by the Assistant Regional Manager "B"/Depot, Dehradun, on account of financial loss allegedly caused by him to the Corporation and on other charges. Thereafter, a charge sheet was served upon the respondent for misconduct, and an inquiry was conducted by the Corporation, which found the charges fully proved against the respondent.

3. After considering the inquiry report and the material on record, the Regional Manager of the Corporation, vide order dated 28.02.2005, passed the punishment order terminating the services of the respondent. Subsequently, through his Union, the

respondent raised an industrial dispute before the State Government, which was referred vide order No. 1132-37/Dehradun-CP 84/2005 dated 15.02.2006, and was registered as Adjudication Case No. 41 of 2006.

4. Learned counsel for the petitioners submits that the Labour Court's award dated 17.02.2014, which quashed the Corporation's punishment order, is illegal and liable to be set aside. It is contended that the Labour Court failed to consider the inquiry report, written statements, and other evidence submitted by the Corporation, and interfered with the punishment despite the established charges of serious misconduct, dishonesty, and embezzlement. Furthermore, it is argued that the Labour Court did not provide cogent and legally sustainable reasons for reversing the Inquiry Officer's findings or for holding that the punishment was illegal, and it also erred in not considering that the adjudication case was barred by limitation.

5. *Per contra*, learned counsel for the respondent submits that the writ petition is wholly misconceived and devoid of merit. The Labour Court, Dehradun, after due consideration of the entire material placed before it, passed a well-reasoned award dated 17.02.2014 in Adjudication Case No. 41 of 2006, granting appropriate relief to the respondent. The impugned award does not suffer from any jurisdictional error or perversity warranting interference under Article 227 of the Constitution of India. It is well settled that the supervisory jurisdiction of this Court is limited to correcting errors apparent on the face of the record, and not to re-appreciate evidence or substitute its own findings for that of the Labour Court. He further submits that except filing written statement, the petitioner-

Corporation did not adduce/produced any evidence before the learned Labour Court. The learned Labour Court categorically recorded this lacuna and passed the impugned award and set aside the termination of the respondent-Workman and directed the petitioner-Corporation to reinstate the respondent-Workman in service, to pay back wages/salary to the respondent-Workman from the date of termination till reinstatement. The learned counsel for the respondent-Workman further brought in notice of this Court that the respondent-Workman has already crossed the age of superannuation on 31.07.2013

6. I have heard learned counsel for the petitioners as well as learned counsel for the respondent and have perused the record carefully.

7. It is not in dispute that the respondent–workman was employed with the petitioner–Corporation as a Conductor and that his services were terminated by order dated 28.02.2005 after a departmental inquiry. The Labour Court, Dehradun, in Adjudication Case No. 41 of 2006, after considering the pleadings and evidence adduced by the respondent-Workman (no evidence was given by the petitioner-Corporation), came to the conclusion that the domestic inquiry conducted by the Corporation was not in accordance with the principles of natural justice, and that the punishment of dismissal was illegal and unsustainable. On such findings, the Labour Court passed its award dated 17.02.2014, granting appropriate relief to the workman.

8. The principal contention raised by learned counsel for the petitioners is that the Labour Court erred in ignoring the inquiry report and other material

produced by the Corporation, and wrongly interfered with the punishment order despite the seriousness of the charges. It has also been contended that the reference itself was barred by limitation. But it is admitted to the petitioner-Corporation that evidence was not produced before the learned Labour Court.

9. Having considered the rival submissions, this Court finds no substance in the arguments advanced by the petitioners. The Labour Court, being the final fact-finding authority under the Industrial Disputes Act, 1947, examined the legality of the domestic inquiry and the proportionality of the punishment. Upon appreciation of the material placed before it, it recorded categorical findings that the inquiry was vitiated and that the punishment of termination was bad. These findings are based on evidence and are neither perverse nor contrary to record.

10. It is well settled that, in exercise of supervisory jurisdiction under Article 227 of the Constitution, this Court does not sit in appeal over the findings of fact recorded by the Labour Court. Unless there is a patent error of jurisdiction, manifest perversity, or violation of natural justice, the award cannot be interfered with. In the present case, no such infirmity has been demonstrated by the petitioners. Petitioner-Corporation did not produce any evidence before the learned Labour Court.

11. As regards the plea of limitation, it is also well settled that there is no prescribed period of limitation for making a reference under Section 4-K of the U.P. Industrial Disputes Act, 1947. Once the appropriate Government has made a reference, the Labour Court is

bound to adjudicate the same. Therefore, the objection raised by the petitioners on this ground is untenable.

12. In view of the above discussion, this Court finds that the award dated 17.02.2014 passed by the learned Labour Court, Dehradun, in Adjudication Case No. 41 of 2006, is well reasoned and does not suffer from any illegality, perversity, or jurisdictional error warranting interference under Article 227 of the Constitution of India.

13. Accordingly, the writ petition fails and is hereby dismissed. Consequences would follow in favour of the respondent-Workman.

(Pankaj Purohit, J.)
13.11.2025