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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CWP-3080-2026
Date of Decision: 16.02.2026

M/S VR MOHAN DAV PUBLIC SCHOOL DERABASI DISTRICT SAS NAGAR MOHALI

-PETITIONER

V/S

PRESIDING OFFICER , INDUSTRIAL TRIBUNAL SAS NAGAR MOHALI AND ANOTHER

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present Mr. Rajdeep Singh Cheema, Advocate,
for the petitioner.

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KULDEEP TIWARI, J. (Oral)

1. The petitioner-management has approached this Court, through the instant petition, as cast under Article 226/227 of the Constitution of India, to throw challenge to the Award dated 23.10.2024 (Annexure P-14), passed by the learned Industrial Tribunal (respondent no.1), wherethrough, a reference was answered in favour of respondent no.2-workman, while granting the relief of reinstatement with continuity of services alongwith 50% back wages from the date of termination of her services, to be paid within a period of two months from the date of publication of the said Award.

2. Learned counsel for the petitioner-management, draws

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attention of this Court towards the written statement filed by the petitioner-management before the learned Industrial Tribunal concerned, to submit that they have taken a specific pleading with regard to the abandonment of the service by respondent no.2-workman herself, which has not been considered, and no finding whatsoever, has been given on this aspect.

3. He also placed reliance upon Annexures P-1, P-2 and P-3, to submit that due notices were served to respondent no.2-workman, on 18.05.2016 and 06.07.2016, through registered letter, but she did not join her services. He fairly submits that the above annexures were not part of record of learned Tribunal concerned, and these have been placed before this Court first time.

4. No other arguments raised before this Court.

5. Succinctly stated, the respondent no.2-workman had filed a claim statement pleading therein, that the workman was continuously working as Aya with the petitioner-management at monthly salary of Rs.10,000/- from 01.01.2001 to 12.05.2016, and she had performed her duties for more than 15 years. On 13.05.2016, the services of the workman were allegedly terminated in an illegal manner, without serving any prior notice, chargesheet, inquiry or payment of compensation. It is also alleged that after her termination, a fresh appointment has been made in her place.

6. This Court has examined the submissions, as made by

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learned counsel for the petitioner, as well as the impugned Award.

7. The Management Witness-Neelam Singh, who stepped into the witness box, tendered his affidavit as Ex.MX, wherein, he specifically stated that there are charges of misconduct against respondent no.2-workman. The relevant part of the said affidavit is extracted hereinafter:-

> "1. That I state on oath that this applicant/worker hands over the bags to the children even if it does not belong to him/her and she used to keep books, note book, dairy in wrong bags.
>
> 2. That she was not able to recognize the children even 2. after being for more than one month with them.
>
> 3. That she used to create confusion at the dispersal time by boarding the children in wrong bus and she never used to help the children in lunch break.
>
> 4. That she always shout on the children just to make them sit quietly.
>
> 5. That she used to take handful of toffees from the birthday children and she always eats the tiffin of the children.
>
> 6. That she never used to clean the classroom properly.
>
> 7. That she used to misbehave with Principal, Staff and Parents and she always used to fight with parents.
>
> 8. That she is absent from his duty from a long time without any information and she is carrying her own business name of Herbal Life."

8. Further, the petitioner-management made all its endeavours to establish that it is a case of abandonment of service by respondent no.2-workman herself, as she is carrying on her own business in the name of Herbal Life.

9. On examining the entire record, this Court finds that, the petitioner-management, has neither placed on record any show cause

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notice regard to absence of respondent no.2-workman from the duty, nor any evidence was led to the effect that she has engaged herself in any other job or business, before the learned Tribunal concerned. Therefore, in absence of any such evidence the learned Tribunal concerned has rightly recorded a finding that the petitioner-management failed to establish that respondent no.2-workman voluntarily absented herself from the duty. Further, it is not under dispute that respondent no.2-workman, had worked with the petitioner-management for about 15 years, and even the information letter, which was, though not a part of record, before the learned Tribunal concerned, shows that this pertains to two dates i.e. 18.05.2016 and 19.05.2016, which speak that the workman remained absent in the last week of 05.05.2016 and 06.05.2016, without informing, and further, she also absented herself from 12.05.2016. This piece of evidence was never produced before the learned Tribunal concerned, and no plausible reasons have been assigned to this Court, as to why, in case such evidence were in existence, were not produced before the Tribunal at the relevant time.

10. In absence of any plausible reason, this Court is of the considered view that the aforesaid evidence, cannot be taken into consideration to test the legality of the impugned Award.

11. There is no other evidence is on record, which could establish abandonment of service by respondent no.2-workman, herself.

12. The learned Tribunal, has rightly concluded that it is a case

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of termination of services of respondent no.2-workman by the petitioner-management, without adhering to the principles of natural justice, as well as without issuing any show cause notice upon her, or holding any enquiry, and, the workman who has worked for about 15 years, may not have absented herself without any intimation.

13. In view of the above, this Court does not find any reason to interfere into the impugned order. Accordingly, the instant petition, is hereby, **dismissed**.

14. All pending application(s), if any, also stand **disposed** of accordingly.

(KULDEEP TIWARI)
JUDGE

February 16, 2026
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Whether speaking/reasoned. : Yes/No
Whether Reportable. : Yes/No

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