

**CWP-3446-2001**

-1-

217

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****CWP-3446-2001**Date of Decision : **20.04.2026****SATBIR SINGH**

.....Petitioner

VERSUS**PRESIDING OFFICER INDUSTRIAL TRIBUNAL AND LABOUR
COURT, HISAR AND ANOTHER**

.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. R.K.Malik, Sr. Advocate assisted by
Mr. Sandeep Dhull, Advocate,
for the petitioner.

Mr. Kuldeep Sheoran, Advocate,
for respondents no.2-workman

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, filed under Article 226/227 of the Constitution of India, the workman has thrown challenge to the Award dated 11.02.2000, where through the reference was answered against him.
2. Succinctly put, the petitioner-workman was appointed as a Secretary, with respondent no.2-co-operative bank, in September 1979. He worked there upto 22.06.1984, the day, when he was finally dismissed from the service as he was found involved in committing embezzlement. Fetching grievance from the dismissal order dated 22.06.1984 (Annexure P-1), the petitioner filed an intra-departmental appeal, which was also dismissed on 29.07.1985. As per service rules, which regulate the service conditions of the petitioner-workman, he also preferred a revision before

**CWP-3446-2001****-2-**

the Deputy Secretary, Coop. Department, Haryana, which was also dismissed on 12.08.1993. Thereupon, the petitioner raised an industrial dispute by filing a claim statement. The authority concerned, referred the said claim under the provisions of Section 10(1)(c) of the Industrial Disputes Act, 1947, to adjudicate the legality of the dismissal order (*supra*), as passed by respondent no.2-cooperative bank.

3. The Labour Court vide an interim order dated 21.08.1998 (Annexure P-5), held the inquiry unfair and improper, and thereupon, allowed respondent no.2-cooperative bank, to lead the evidence in order to establish the charges against the petitioner-workman. Finally, vide impugned Award dated 11.02.2000, the reference was answered against the petitioner-workman.

4. Learned senior counsel for the petitioner-management, raised two fold submission before this Court: (i) the learned Tribunal has not given finding, as to whether, the petitioner-workman, was entitled for the salary from the date of dismissal, i.e. 22.06.1984, till 21.08.1998; (ii) there is a specific admission by one Banwari Lal, Ex. Branch Manager, who stepped into the witness box as MW7, to the effect that it is not a case of an embezzlement, but is only a negligence in performance of duties. Only on this ground the legality of the Award, has been put to challenge.

5. On the other hand, learned counsel for respondent no.2-management, strongly opposed the submissions, of learned senior counsel for the petitioner and submits that there is no illegality or perversity in the



impugned Award.

6. This Court has heard the rival submissions, and has perused entire case file.

7. Upon examination of the statement of aforesaid Banwari Lal (MW7), it reflects that in the cross-examination, he categorically denied the suggestions put by the representative of the petitioner-workman, to the effect that there is no embezzlement. The relevant is extracted hereinafter:-

“.....It is also wrong that no embezzlement have been committed. At page 124, an amount of Rs.2052/- has been shown to have been deposited on 21.05.1981. It is not embezzlement but only negligence of duties. It is wrong that an amount of Rs.1200/- has not been ambezzled. It is wrong that the plaintiff has not committed embezzlements”

8. A collective reading of the above, makes it vividly clear that it is only the suggestion, which was put to the said witness, and he specifically, denied that there is no embezzlement committed by the petitioner-workman. Therefore, the petitioner-workman, cannot take any benefit out of the aforesaid statement of MW7, rather, it goes against him. No other argument was raised in this regard.

9. Now the issue arises for consideration before this Court, as to whether, the petitioner-workman, is entitled for the salary from 22.06.1984 to 21.08.1998 or not?

10. This issue has neither been raised by the petitioner-workman,

**CWP-3446-2001****-4-**

nor examined by the learned Tribunal concerned. Therefore, this Court finds that the instant matter is required to be **remanded** back for this limited purpose only, to the learned Tribunal concerned. However, rest of the Award is affirmed.

11. **Disposed of** accordingly.

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

April 20, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No