

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

**110**

**CWP-26507-2014**

**Date of Decision : February 11, 2026**

**THE PEPSU ROAD TRANSPORT CORPORATION AND ANR.**

**-PETITIONERS**

**V/S**

**PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, LUDHIANA  
AND ANR.**

**-RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI**

Present: Mr. Anil Kumar Sharma, Advocate  
for the petitioners.

Mr. Kashmir Singh, Advocate  
for the respondent No.2.

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**KULDEEP TIWARI, J. (ORAL)**

1. Through the present writ petition, the petitioners-management assail the award dated 17.02.2014, passed by the Industrial Tribunal, Ludhiana, whereby the reference was answered in favour of the respondent No.2-workman, and he was directed to be reinstated with continuity of service and full back wages. Moreover, it was directed that the workman shall be deemed to have continued in service up to the date of his superannuation and shall be entitled to pensionary benefits accordingly.

2. Succinctly stated, the workman was appointed as a Conductor by the management on 14.06.1978 and remained in service until 29.04.2001, when his services were terminated. The proceedings leading to the termination of his services originated from allegations of misconduct, specifically that he committed fraud amounting to ₹98/- while on duty on 11.12.1998 and 18.09.1998. Consequently, he was placed under suspension

vide order dated 15.12.1998. Thereafter, he was served with a chargesheet on 03.06.1999 by the competent authority, followed by the conduct of an enquiry and issuance of a show-cause notice dated 28.07.2000. Ultimately, the workman's services were terminated on 30.04.2001.

3. Upon consideration of the pleadings, submissions and evidence adduced by both sides, the Tribunal concluded that the enquiry was vitiated by procedural irregularities and violation of the principles of natural justice. Consequently, the reference was decided in favour of the workman and the impugned award was passed.

4. Assailing the award, learned counsel for the management contends that a specific preliminary objection had been raised before the Tribunal to the effect that, in the event the enquiry was found to be defective, the management be afforded an opportunity to lead evidence to substantiate the charges. It is submitted that once the Tribunal concluded that the enquiry was vitiated, it was incumbent upon it in law to grant such opportunity. The failure to do so renders the award legally unsustainable.

5. It is further submitted that Annexure A-3 (exhibited as M-13 before the Tribunal), clearly demonstrates that the workman was duly served with the chargesheet and had unequivocally admitted the charges levelled against him. He had also made a categorical statement that he did not wish any enquiry to be conducted. It is argued that this material piece of evidence has been completely overlooked by the Tribunal while declaring the enquiry to be invalid.

6. *Per contra*, learned counsel appearing for the workman supports the award and submits that the same does not suffer from any

illegality or perversity. It is contended that no valid or lawful enquiry was conducted in accordance with the principles of natural justice, and therefore the Tribunal rightly held the domestic enquiry to be illegal.

7. This Court has heard the submissions made by learned counsel for the parties and has also perused the record.

8. In the considered opinion of this Court, once the Tribunal arrived at a categorical finding that the domestic enquiry was vitiated for non-compliance with the principles of natural justice, it was incumbent upon it to afford the management an opportunity to adduce evidence to establish the charges against the workman. The denial of such opportunity amounts to a manifest error of law. Moreover, Annexure A-3 (Ex. M-13), which goes to the root of the matter, makes vivid display that the workman had admitted his guilt and expressed his unwillingness to have a formal enquiry conducted. This voluntary admission and waiver by the workman obviated the need for formal enquiry. The statement of the workman, as recorded in Annexure A-3, is reproduced hereinbelow:-

*“Statement of Sh. Roop Singh, Conductor No. K-190.*

*I have received charge sheet No.1317 dated 03.06.1999, issued by General Manager, Ludhiana Depot. I do hereby admit all the charges, levelled against me. I do not want to get conducted any enquiry in the matter. I have made this statement as per my own free will.”*

9. The record further reveals that, although the workman claimed in examination-in-chief that the aforesaid statement was made on the assurance of the enquiry officer that no stringent action would be taken against him, this aspect does not appear to have been examined by the Tribunal in its proper perspective.

10. At this stage, learned counsel for the workman submits that the chargesheet was issued as far back as 03.06.1999 and the workman has endured prolonged hardship. Despite the award in his favour, he has been unable to reap its benefits owing to the stay granted by this Court. It is therefore submitted that, if the matter is to be reconsidered by the management pursuant to the chargesheet, the same may be confined to reconsideration of the quantum of punishment, excluding the penalty of dismissal/termination, in light of mitigating circumstances.

11. Having regard to the totality of circumstances, this Court finds substance in the aforesaid submission. Accordingly, the **impugned award is set aside and the matter is remitted to the competent authority for the limited purpose of reconsidering the quantum of punishment, excluding the penalty of dismissal/termination.** The said exercise shall be undertaken within a period of three months from the date of receipt of a certified copy of this order. In the event the workman is found entitled to consequential benefits, the same shall be released within one month thereafter.

12. **Disposed of accordingly.**

February 11, 2026  
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(KULDEEP TIWARI)  
JUDGE

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