

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

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CWP-7618-2017

Date of Decision : January 28, 2026

GURIQBAL SINGH

-PETITIONER

V/S

**THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL,
BATHINDA AND ORS.**

-RESPONDENTS

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present: Ms. Pawandeep Kaur, Advocate (Legal Aid Counsel)
for the petitioner.

Ms. Pratibha Bali, Asstt. A.G., Punjab
for the respondents No.2 and 3.

KULDEEP TIWARI, J. (ORAL)

1. Through the instant writ petition, the petitioner/workman assails the award dated 19.09.2013 (Annexure P-1), passed by the respondent No.1/Industrial Tribunal, Bathinda, whereby the reference made under Section 10(I)C of the Industrial Disputes Act, 1947 (hereinafter referred to as "the I.D. Act") was answered against him and his termination was held to be legal and valid.

2. Assailing the impugned award, learned counsel for the workman advances a two-pronged argument. Firstly, it is contended that at no stage of the proceedings, whether at the time of issuance of the chargesheet or in the enquiry report, the specific amount allegedly embezzled was ever quantified. It is argued that once the respondent Nos.2 and 3/management themselves failed to specify the amount of embezzlement, the termination order as well as the impugned award are

vitiated and liable to be set aside on this ground alone.

3. Secondly, placing emphasis on the long and unblemished service rendered by the workman for nearly 27 years, learned counsel submits that the extreme penalty of termination has been imposed for a single alleged act of misconduct, ignoring his otherwise clean service record. It is, thus, contended that the punishment of termination is grossly disproportionate and calls for interference by this Court in exercise of powers under Section 11-A of the I.D. Act.

4. *Per contra*, learned counsel for the management submits that the workman was found guilty of embezzlement of government revenue by indulging in overwriting/cutting of ticket numbers and re-issuing the same tickets to passengers after collecting fare. It is contended that the workman was duly served with a chargesheet detailing the allegations and was afforded an opportunity to submit his explanation. Upon finding his reply unsatisfactory, a regular departmental enquiry was initiated, during which the workman was granted full opportunity to participate and cross-examine departmental witnesses. The enquiry report was thereafter supplied to him, inviting his comments, and only after complying with all statutory requirements and principles of natural justice, the order of termination was passed.

5. Learned counsel for the management further contends that since the mandatory procedure was duly followed and no infirmity or perversity was established in the enquiry proceedings, the Industrial Tribunal rightly upheld the termination. The impugned award, therefore, calls for no interference by this Court.

6. This Court has heard learned counsel for the parties and has perused the record.

7. What emerges from a studied survey of the record is that the workman was appointed as a Conductor on 17.05.1975 and his services were terminated on 08.11.2002 after conducting a regular departmental enquiry. The enquiry was initiated pursuant to allegations that the workman had defrauded government revenue by overwriting ticket numbers and re-issuing used tickets to passengers. Upon receipt of 17 reports pertaining to such acts of embezzlement, the General Manager, Punjab Roadways, issued a chargesheet dated 21.06.1999, which was duly received by the workman on 29.06.1999. His reply dated 13.07.1999 was considered but found unsatisfactory, whereafter an enquiry officer was appointed on 16.07.1999 to hold a regular departmental enquiry.

8. It further surges forth from the record that the workman participated in the enquiry proceedings and was afforded an opportunity to cross-examine the departmental witnesses. Upon appreciation of the evidence on record, the enquiry officer held the workman guilty of the charges. A copy of the enquiry report was supplied to him vide letter dated 05.03.2001, enabling him to submit his written comments, which he furnished on 03.04.2001. Thereafter, a show-cause notice dated 21.05.2001 proposing imposition of a major penalty was issued to him by the Director, State Transport, through the General Manager. The workman furnished his reply to the show cause notice on 12.06.2001. Subsequently, he was also granted an opportunity of personal hearing by the Director, State Transport, on 07.11.2002, and only thereafter the termination order was passed on

08.11.2002.

9. The sequence of events discussed hereinabove clearly demonstrates that the principles of natural justice were scrupulously followed and the workman was afforded adequate opportunity to defend himself prior to termination of his services.

10. Learned counsel for the workman has also failed to point out any procedural lapse or violation which caused prejudice to the workman. The Industrial Tribunal has recorded a categorical finding that no perversity or illegality was found in the departmental enquiry, and this Court finds no reason to disagree with the said conclusion.

11. Now, the issue emerging for consideration is whether the punishment imposed upon the workman is disproportionate to the misconduct proved against him. The charge against the petitioner pertains to embezzlement of government revenue. In the considered opinion of this Court, once a workman is found guilty of embezzlement, the employer legitimately loses confidence in him. In such circumstances, the punishment of termination cannot be termed as disproportionate. Though the workman had rendered 27 years of service, a single proven act of embezzlement is sufficient to justify the punishment of termination.

12. In summa, this Court finds no merit in the instant writ petition and the same is accordingly **dismissed**.

January 28, 2026
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(KULDEEP TIWARI)
JUDGE

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