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

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Date of decision: 06.05.2026

GULSHAN KUMAR**...APPELLANT****VERSUS**

**THE PRESIDING OFFICER, INDUSTRIAL TRIBUNAL &
LABOUR COURT, UNION TERRITORY, CHANDIGARH AND
ORS.**

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE JASGURPREET SINGH PURI
HON'BLE MRS. JUSTICE AMARJOT BHATTI**

Present: Mr. Gagandeep Singh, Legal Aid Counsel for the appellant.

Ms. Puneeta Sethi, Additional A.G., Haryana.

AMARJOT BHATTI, J.

1. Present intra-court appeal is filed by the appellant assailing the judgment dated 07.03.2019 passed by learned Single Judge in CWP-22365-2011 vide which the aforesaid civil writ petition has been dismissed, upholding the award dated 24.03.2011 passed by the then Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh.

2. It is the case of appellant/workman that he was appointed as Driver and joined his duties w.e.f. 15.06.1999 on contractual basis for a period of 89 days. His contract was renewed from time to time and he worked till 17.12.2002, the date when his services were terminated. His service tenure was more than three years. Since he had completed more than 240 days, therefore he was deemed to be a regular employee. On



28.09.2002, he was performing his duty on Chandigarh-Shimla route when false allegations were levelled against him regarding alleged sale of 20 litres of diesel from the bus at Kamal Dhaba. The appellant alleged that his services were terminated without any charge-sheet or holding a regular inquiry. He was not supplied any document nor was he afforded any opportunity of being heard. Without following proper procedure, his services were terminated vide order No.3066/ECD dated 17.12.2002.

3. Feeling aggrieved of the aforesaid termination order, he served demand notice dated 04.11.2003 and reference was sent to the Industrial Tribunal-cum-Labour Court, UT, Chandigarh dated 05.03.2004. The Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh vide award dated 24.03.2011 declined the reference. Feeling aggrieved of the same, the appellant/workman filed Civil Writ Petition No.22365 of 2011, which was again dismissed by the learned Single Judge vide judgment dated 07.03.2019. Against the aforesaid judgment, present Letters Patent Appeal has been filed.

4. Learned counsel representing appellant has taken the stand that no proper inquiry was conducted by the department. He was not served with any charge-sheet or notice regarding inquiry. He was having no knowledge about the holding of any such inquiry. Therefore, the services of appellant were terminated without following due process of law, which is against the provisions of the Industrial Disputes Act as well as principles of natural justice. It is further pointed out that during the proceedings before the Industrial Tribunal-cum-Labour Court, UT, Chandigarh an application was filed to supply the statements of witnesses



as well as the alleged confessional statement made by the appellant/workman, but the management failed to produce such record by taking the stand that the record was burnt in a fire incident. In fact, the appellant/workman was never granted any opportunity of being heard nor any regular inquiry was conducted. Therefore, the termination of appellant/workman is against the principles of natural justice as well as in violation of Article 14 and 16 of the Constitution of India. The aforesaid factual position was not appreciated by the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh and declined the reference vide award dated 24.03.2011. Later on, Civil Writ Petition filed by the appellant was also declined by learned Single Judge vide judgment dated 07.03.2019. There was no proper appreciation of the facts of the case as well as the legal proposition. Therefore, the impugned judgment dated 07.03.2019 passed by learned Single Judge, may kindly be set aside by accepting the present Letters Patent Appeal.

5. On the other hand, learned counsel representing contesting respondents took the stand that in the case in hand, appellant/workman was involved in selling diesel of bus No.HR-68-0643 while on duty at Chandigarh-Shimla-Chandigarh route on 28.09.2002 and was caught by Works Manager of the Depot and Traffic Manager of Sub-Depot Kalka. Proper preliminary enquiry was conducted by the Store Purchase Officer. During the enquiry, service contract of the appellant/workman was suspended and preliminary enquiry was conducted by competent officer. While holding preliminary inquiry, statements of relevant witnesses were recorded. The inquiry report was submitted, on which notice was sent to

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the workman by competent authority, who in his reply admitted his guilt and sought apology. Since the appellant/workman was involved in theft of diesel and caused financial loss to the Government, the competent authority rightly terminated his service contract vide order No.3066/ECO dated 17.12.2002. The inquiry report was duly exhibited before the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh. The facts and the contents of inquiry report were duly considered and the reference preferred by the appellant/workman assailing the termination order was declined vide award dated 24.03.2011 and the Civil Writ Petition preferred by the appellant/workman was rightly dismissed by learned Single Judge vide judgment dated 07.03.2019. Since proper procedure was followed by the department, no interference is warranted in the aforesaid judgment and present Letters Patent Appeal deserves dismissal.

6. We have considered the arguments advanced by learned counsel representing appellant/workman as well as learned counsel representing contesting respondents and have carefully gone through the record. As per the record, appellant/workman was appointed as Driver on contract basis, who joined his duty on 15.06.1999. His contract was extended from time to time till his services were terminated by passing order 3066/ECO dated 17.12.2002. The appellant/workman was driving bus No.HR-68-0643 on Chandigarh-Shimla-Chandigarh route on 28.09.2002, when he was allegedly caught by Manager of the Depot and Traffic Manager Sub-Depot Kalka for selling diesel at Kamal Dhaba. Learned counsel for the appellant/workman has mainly argued that no

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proper procedure was followed for terminating his services while passing order dated 17.12.2002.

In the case in hand, preliminary inquiry was conducted by the Store Purchase Officer and in that process, statements of relevant witnesses were recorded. The inquiry report was submitted by the inquiry officer, in furtherance of which notice was served upon the appellant/workman who gave his statement that 'it was his first mistake and that it should be treated as final & last and prayed for exoneration'. Since the appellant/workman admitted his guilt and on the basis of inquiry report, the services of appellant/workman were terminated vide order dated 17.12.2002. The appellant/workman filed an application before the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh to supply the copies of statements of witnesses as well as his own statement. However, the same could not be supplied as the record was burnt in a fire incident. The inquiry report containing statements of witnesses was duly exhibited before the Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh and on that basis, award dated 24.03.2011 was passed by declining the reference of appellant/workman. Later on, appellant/workman took the stand that the said confession was made under threat and inducement, therefore, the same could not be made basis for termination of his services. Learned Single Judge while passing judgment dated 07.03.2019 duly considered the aforesaid factual position.

7. As referred above, a preliminary inquiry was held by the competent authority. Statements of witnesses were recorded and due



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opportunity was granted to the appellant/workman to present his own version. In return, the appellant/workman had given his reply admitting his fault with a prayer to exonerate him. On the basis of inquiry report and his confessional statement his services were terminated on 17.12.2002. Even before Presiding Officer, Industrial Tribunal-cum-Labour Court, UT, Chandigarh, the appellant/workman did not opt to lead any evidence to show that the said confessional statement was given under any threat or inducement. The stand taken by the appellant/workman is vague and an afterthought. Taking note of entire factual position, learned Single Judge dismissed the Civil Writ Petition by passing judgment dated 07.03.2019.

8. Considering the aforesaid factual position, the judgment dated 07.03.2019, passed by learned Single Judge does not suffer from any illegality or perversity, thus, there is no reason to interfere in the same. The Letters Patent Appeal preferred by the appellant/workman is accordingly declined.

9. Pending miscellaneous application(s), if any, shall also stand disposed of.

(AMARJOT BHATTI)
JUDGE

(JASGURPREET SINGH PURI)
JUDGE

06.05.2026

Sunil Devi

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