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

(129)

LPA-3287-2025 (O&M)
Date of decision:- 09.04.2026

Ganga Parshad**... Appellant****Versus****Presiding Officer, Labour Court, Jalandhar and another ... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL****HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present:- Mr. Krishan Singh Dadwal, Advocate and
Mr. Munish Dadwal, Advocate
for the appellant.

SUVIR SEHGAL, J. (ORAL)**CM-8134-LPA-2025**

1. Exemption, as prayed for, is granted.
2. Application is allowed.

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3. For the reasons given in the application, which is supported with an affidavit of the appellant, delay of 25 days in re-filing the appeal, is condoned.
4. Application is allowed.

Main case

5. This Letters Patent Appeal has been filed against judgment, dated 17.07.2025, whereby CWP-985-2000, preferred by the appellant-workman, has been disposed of with a direction to pay Rs.50,000/- to him as full and final settlement.

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6. Brief facts may be noticed. Appellant was working as a Winder with respondent No.2-Management since 09.06.1981. A complaint was given on 16.08.1986 by two female co-workers alleging that the appellant and Vinod Kumar had tried to outrage their modesty. An FIR bearing No.183, dated 27.08.1986, was lodged against them under Sections 354, 356, 379, 392 and 34, IPC at Police Station Sadar Hoshiarpur. They were placed under suspension on 03.09.1986 and a disciplinary enquiry was conducted on the basis of charge-sheet issued by them. Both the employees were found guilty in the enquiry and after following the due process of law, they were dismissed from service. Both of them separately raised industrial disputes and vide award dated 24.12.1998, Annexure P-1, Labour Court, Jalandhar, dismissed the reference, which was challenged by the appellant by filing the above mentioned writ petition. The writ court upheld the award passed and disposed of the writ petition, preferred by the appellant, by directing the management to pay of sum of Rs.50,000/-.

7. Counsel for the appellant has urged that the punishment of dismissal imposed upon the appellant is disproportionate to the charges proved and principles of natural justice have been violated by the management during the conduct of the disciplinary proceedings. It has been argued that appellant had served the management for more than 5 years and award of Rs.50,000/- is highly inadequate.

8. We have considered the arguments addressed by counsel for the appellant as well as examined the record.

9. In **B.C.Chaturvedi vs. Union of India, (1995) 6 SCC 749**, Hon'ble



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Supreme Court has held that a Court cannot substitute its own view on the punishment imposed by the departmental authority and can interfere only when the punishment shocks the judicial conscience. In Union of India vs. Constable Sunil Kumar, (2023) 3 SCC 622, as well as in Union of India Versus R.K.Sharma, (2001) 9 SCC 592, Apex Court has observed that interference in the punishment order is permissible only when the punishment is shockingly or strikingly disproportionate to the proved charges.

10. Although, the criminal case registered against the appellant resulted in his acquittal vide judgment, dated 23.12.1987, Annexure P-2, but an examination of the same shows that the acquittal order had been passed as the appellant had been extended the benefit of doubt by criminal court. Appellant, therefore, cannot derive any benefit from the aforesaid judgment. It is trite law that departmental proceedings can proceed independently of the criminal proceedings and findings of a criminal court are not binding on the disciplinary authority. In departmental proceedings, management has established the charges, which are grave in nature against the appellant and the findings recorded have been rightly affirmed by the writ Court. Vide the impugned common judgment, learned Single Judge had dismissed writ petition filed by Baleshwar Yadav, a co-worker, against which LPA-3166-2025 was filed, which has also been dismissed on 19.12.2025. Appellant, therefore, cannot be permitted to re-agitate the findings recorded by the Labour Court.

11. In so far as the argument of the appellant regarding grant of compensation is concerned, it may be noticed that an offer for settlement was extended by the management to Vinod Kumar as well as appellant. Vinod

