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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11023/2022 and CM APPL. 32290/2022**

M/S SHRI KRISHNA EMBROIDERY PVT. LTD.....Petitioner
Through: **Mr. Brijesh Kumar Gupta, Advocate.**

versus

PUNIT KUMAR MISHRA ALIAS PUNIT MISHRA....Respondent
Through: **Ms. Samyukta Dorman, proxy**
counsel appearing on behalf of Mr.
Sumit Kumar, main counsel for the
respondent.

CORAM:
HON'BLE MR. JUSTICE MANOJ KUMAR OHRI

ORDER
29.01.2026

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1. The present writ petition, filed under Article 226 of the Constitution of India, has been directed against the order dated 18.09.2020 passed by the Presiding Officer, Labour Court, Rouse Avenue Court, New Delhi in LIR No. 856/2016. The aforesaid order came to be passed in context of following issue :-

“Whether the management has not conducted proper and lawful domestic inquiry? OPW”

2. The workman raised an industrial dispute challenging his termination, terming the same as illegal and unjustified. It was claimed that he was engaged with the management as a Machine Operator since October 2011 and was drawing wages @ Rs.8,000/- per month. It was further claimed that as he had raised his voice for not being provided legal facilities by the



management his services were terminated on 04.02.2013 without issuing any notice or charge-sheet. Additionally, his wages for the period 01.12.2012 to 04.02.2013 were also withheld.

3. On the other hand, the management claimed that the workman had met with an accident on 23.11.2012 and remained on medical leave from 23.11.2012 to 21.01.2013, whereafter, upon being issued a fitness certificate, he rejoined duties on 22.01.2013 and worked till 03.02.2013. It was further claimed that the workman started absenting from duty with effect from 04.02.2013 and despite issuance of five notices failed to report for duty. Further, an Inquiry Officer was appointed by the management to investigate the charges of continuous absence of the workman. It was asserted that the five notices were sent by the Enquiry Officer to the workman at his residential address as well as at his native village, however, the workman did not participate in the inquiry proceedings. The said notices were received back undelivered with the remarks 'unclaimed'. Consequently, the workman was proceeded ex-parte and inquiry proceedings were culminated in a report, on the basis of which the management took a decision to terminate the services of the workman. The Labour Court had framed following three issues:-

“(1) Whether the management has not conducted proper and lawful domestic inquiry? OPW

(2) As per terms of reference.

(3) Relief”

4. The Issue No.1 came to be decided vide the impugned order, wherein, after perusing the report of the Labour Inspector, the learned Labour Court



came to the conclusion that although the management claimed that the notices sent to the workman had been returned undelivered, the corresponding postal envelopes were not placed on record of the Labor Court. It further noted that in the process of inquiry, as adopted by the management, does not disclose whether any show cause notice or charge-sheet was issued to the workman. The Inquiry Officer was also not examined in the proceedings by the management. Additionally, the five letters allegedly written by the management to the workman were also not placed on record. On the strength of above facts, the Labour Court concluded that the inquiry was conducted in violation of the principles of natural justice and in the absence of any charge-sheet or show cause notice and accordingly decided the issue in favour of the workman and against the management. Thereafter, the matter was put for further proceedings.

5. At this stage, it is relevant to note the settled scope of interference of this Court under Article 226 of the Constitution of India. The findings returned by the Labour Court do not disclose any perversity or jurisdictional error so as to warrant interference. This Court has considered the scope of its writ jurisdiction in 'Ritz Theatre Private Limited v. Ramesh Chandra' in **W.P.(C) 6173/2024**, wherein it was held as under:

“21. At this juncture, this Court shall briefly revisit the scope of its power under Article 226 of the Constitution of India. The jurisdiction, of the High Court in matters where Article 226 has been invoked, is limited. It is a well settled proposition of law that it is not for the High Courts to constitute itself into an Appellate Court over the decisions passed by the Tribunals/Courts/ Authorities below, since, the concerned authority is constituted under special legislations to resolve the disputes of a particular kind.



22. A writ is issued for correcting errors of jurisdiction committed by inferior Courts or Tribunals and such errors would mean where orders are passed by inferior Courts or Tribunals without jurisdiction, or in excess of it, or as a result of failure to exercise jurisdiction. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or improperly, as for instance, it decides a question without giving an opportunity to be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to the principles of natural justice.

23. Tersely stated, firstly, a High Court shall exercise its writ jurisdiction sparingly and shall act in a supervisory capacity and not adjudicate upon matters as an appellate court. Secondly, the Constitutional Court shall not exercise its writ jurisdiction to interfere when prima facie; the Court can conclude that no error of law has occurred. Thirdly, judicial review involves a challenge to the legal validity of the decision. It does not allow the Court of review examine the evidence with a view to forming its own view about the substantial merits of the case. The reasoning must be cogent and convincing. Fourthly, a High Court shall intervene only in cases where there is a gross violation of the rights of the petitioner and the conclusion of the authority concerned is perverse. A mere irregularity which does not substantially affect the cause of the petitioner shall not be a ground for the Court to intervene. Fifthly, if the Court observes that there has been a gross violation of the principles of natural justice.”

6. The learned Labour Court has confined itself to deciding only on the aspect of domestic inquiry conducted by the management. It is informed that the reference is still pending consideration before the Labour Court. During the course of hearing, learned counsel for the appellant pointed out that matter has already reached the stage of final arguments before the Labour Court.

7. Keeping in view the aforesaid facts and circumstances, and upon re-appreciation of the facts and contentions, this Court finds no infirmity in the



findings of fact arrived at by the Tribunal and is, therefore, not inclined to interfere with the impugned order.

8. Consequently, the writ petition is dismissed alongwith pending application.

MANOJ KUMAR OHRI, J

JANUARY 29, 2026

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