

(2000) 11 P&H CK 0240
In the Punjab And Haryana At Chandigarh
Case No : C.W.P. No. 16093 OF 2000

Ashwani Kumar Sharma

APPELLANT

Vs

Presiding Officer, Labour Court, Ambala

RESPONDENT

Date of Decision : 24-11-2000

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2000) 11 P&H CK 0240

Hon'ble Judges : S.S. Sudhalkar, J; Mehtab S. Gill, J

Bench : Division Bench

Advocate : Mr. Namit Kumar, for the Appellant;

Judgement

Mehtab Singh Gill, J.—The petitioner has filed a writ in the nature of certiorari for quashing the award dated September 6, 1999 (Annexure P-9) passed by the Presiding Officer, Labour Court. Ambala.

2. The petitioner has averred that the joined as a Cane Yard Supervisor in the Shahabad Sugar Milis, Sha-habad Markanda (hereinafter referred to as "The Mill"). Later on, he was made permanent on the said post vide order dated October 21, 1988 and he joined as such w.e.f. November 2, 1988 (Annexure P-1). It has been further averred that he was placed under suspension on May 2, 1991 along with three other employees, namely, S/Shri Harbans Singh, Satbir Singh, both Cane Clerks and Jai Ram. Wcigh-bridge attendant. A charge-sheet dated May 11, 1991 was served on the petitioner. It was alleged in the charge sheet that he, in connivance with other three officials, had prepared a bogus weighment voucher bearing No. 143983 and punching card No. 42924 of cane trolley on May 1, 1991 in the shift from 2.00 A.M. to 10.00 A.M. It has been further alleged that he destroyed the weighment voucher. In this way, he tried to cheat the Mill and made a loss to it. The copies of suspension order and the charge-sheet are annexed with the petition as Annexures P-2 and P-3 respectively. It has been further averred that it was neither the duty of the petitioner to prepare a weighment voucher nor a punching card. These

documents were never in his possession, as he was working on a technical post, viz. supervision etc. to see the quality of sugarcane.

3. We have heard learned counsel for the petitioner, perused the petition and the annexures attached thereto.

4. Charge-sheet, Exhibit M-4, was issued to four employees including the petitioner. The charges against all these four employees were that they conspired with each other and prepared a bogus weighment voucher bearing No. 143983 and punching card No. 42924 of canetrolley on May 1, 1991 in the shift from 2.00 A.M. to 10.00 A.M. They were further charged that they destroyed the same along with the office copy illegally and in fraudulent manner. Thus, in collusion with each other, they cheated the Mill and made a substantial loss to it.

5. The witness of the, management Shri Sat Parkash, who appeared as MW-2 in the Labour Court, Ambala, had stated that on May 1, 1991, he was on duty from 2.00 A.M. to 9.00 A.M. At about 2.30 A.M. Shri Ram Pal, Supervisor, came and told him that the petitioner along with other persons was making an effort to prepare bogus Purchis. He went to the weigh bridge and posted Luxmi Chand, a Guard, there to look into the matter. Then he went to exit gate, alerted the guard and came back. After some time, Shri Ram Pal, MW-4 came to his office and gave him the voucher number and the punching card number. On going back, this very witness then again went to the weigh bridge and found that four copies of the vouchers were taken out and only a counter-foil was present at that time. The present petitioner (workman) was also present there. He enquired from the workman about the torn voucher and the answer given by him was that it may be misprinted. On further enquiry about the torn voucher, the petitioner did not give any reply. On further going into the voucher book, the witness saw that the counter-foil was torn and apart from this counter- foil, three other counter-foils were also torn.

6. The other witness Shri Ram Pal Tamak, MW-4, also narrated the entire occurrence.

7. Learned counsel for the petitioner has vehemently argued that Shri Ram Pal Tamak, MW-4, had resiled from his statement. But going through the award passed by the Presiding Officer, Labour Court, Ambala, we find that when the enquiry proceedings were going on, this very witness MW-4 had supported the stand taken against the workmen that they tried to cheat the Mill. It was only after a subsequent date, probably being influenced by his co-workers, that he resiled from his statement before the enquiry officer.

8. We have no hesitation in coming to the conclusion that the petitioner was a parry to the fabrication of the documents with intention to cheat the Mill.

For the reasons recorded above, we find no infirmity in the award dated September 8, 1999 passed by the Presiding Officer, Labour Court, Ambala. The writ petition is, thus, dismissed.

9. Petition dismissed.