
(2000) 10 P&H CK 0034
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 5964 of 1985

Gurnam Singh

APPELLANT

Vs

State of Punjab

RESPONDENT

Date of Decision : 17-10-2000

Acts Referred:

Industrial Disputes Act, 1947 — Section 11

Citation : (2000) 10 P&H CK 0034

Hon'ble Judges : S.S. Sudhalkar, J

Bench : Single Bench

Advocate : Mr. P.S. Chinna, Deputy A.G, for the Appellant;

Judgement

S.S. Sudhalkar, J.—This petition has been filed by the workman against the award dated 16.3.1984 (copy Annexure P/1) passed by the Labour Court. The workman is employee of respondent No. 2. He was absent from duty for two days and an enquiry was conducted against him and his services were terminated. He raised a demand which ultimately resulted in reference to the Labour Court. The Labour Court substituted the punishment by that of stoppage of five increments, with permanent effect. According to the petitioner, the Labour Court has erred in holding the punishment after "discharging" the allegations levelled against him and has also erred in not granting back wages.

2. None has appeared for the petitioner. I have heard learned counsel for the respondent.

3. It can be seen from the award passed by the Labour Court that it has not discharged the petitioner and the allegations levelled against him. On the contrary, it has been found that there was no legal defect in the departmental enquiry against the petitioner as conceded by the representative of the petitioner before the Labour Court. The Labour Court can substitute the punishment u/s 11A of the Industrial Disputes Act (hereinafter referred as the "Act"). The Labour Court invoked its power u/s 11A of the Act. However, in view of the allegations/

charge against the petitioner, even this punishment substituted by the Labour Court is harsh. The petitioner is not serving in a disciplined force like police or military etc. Considering all these aspects, it will be proper to reduce the punishment further to stoppage of two increments without cumulative effect.

4. So far as back wages are concerned, looked to the fact that the punishment is further reduced, the petitioner can be awarded 25 per cent back wages.

5. As a result, this petition is partly allowed. The punishment awarded is reduced to that of stoppage of two increments without cumulative effect and payment of 25 per cent back wages from the date of demand notice till the date of reinstatement.

6. Petition partly allowed.