

(2000) 10 P&H CK 0021
In the Punjab And Haryana At Chandigarh
Case No : Civil Writ Petition No. 66 of 1984

State of Punjab

APPELLANT

Vs

Dhanna Singh

RESPONDENT

Date of Decision : 18-10-2000

Acts Referred:

Constitution of India, 1950 — Article 226
Industrial Disputes Act, 1947 — Section 11

Citation : (2000) 10 P&H CK 0021

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

Bench : Single Bench

Advocate : P.S. Chhina, Deputy Advocate General, for the Appellant; J.M. Sethi, for the Respondent

Judgement

S.S. Sudhalkar, J.—Respondent No. 1 is employed as Conductor with the petitioner. There was an enquiry held against him on the charge of embezzlement to the tune of Rs. 18.90 by not issuing tickets against fares charged by him from the passengers. His service was terminated by the employer. However, the Labour Court by its impugned award dated 2.3.1983 reinstated the workman with continuity of service and fifty per cent back wages.

2. Learned Senior Deputy Advocate General, Punjab appearing for the petitioners argued that for a serious charge like embezzlement, a very mild punishment is substituted by the Labour Court which is highly disproportionate to the charge proved against respondent No. 1. This argument has to be accepted. The charge is of embezzlement, though of a small amount of Rs. 18.90 but the punishment substituted is very mild. However, the question arises is whether, at this stage, this court should uphold the punishment of dismissal awarded by the employer. The award of the Labour Court is of 1983. Respondent No. 1 has been reinstated after the award and after a passage of such a long time, I do not find it proper to again impose the punishment of dismissal from service on respondent No. 1. Considering all the facts and circumstances of the present case, I find it proper

that the award of fifty per cent back wages should be set aside.

3. In view of the above reasons, this petition is partly allowed and the award of 50 per cent back wages is set aside.

4. Petition partly allowed.