



CWP-12326-2026(O&M)

1

122

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

CWP-12326-2026 (O&M)
Date of Decision : **23.04.2026**

M/S TRICITY AUTO

.....Petitioner

VERSUS

INDUSTRIAL TRIBUNAL S A S NAGAR MOHALI AND OTHERS
.....Respondents

CORAM: HON'BLE MR. JUSTICE KULDEEP TIWARI

Present : Mr. Ishan Gupta, Advocate,
for the petitioner-management.

Mr. Sahil R. Bakshi, AAG, Punjab.

KULDEEP TIWARI, J.(Oral)

1. Through the instant petition, a challenge is thrown to the Award dated 18.08.2025 (Annexure P-10), passed by the learned Industrial Tribunal (respondent no.1), whereby, the claim application filed by respondent no.2-workman, under Section 2(A) of the Industrial Disputes Act, 1947, has been allowed.

2. Learned counsel for the petitioner-management, in order to throw challenge to the Award (*supra*), submits that after tendering resignation, respondent no.2-workman, remained gainfully employed, and this fact is clearly discernible from his cross-examination itself. However, this fact was cleverly concealed by respondent no.2-workman, in his affidavit.

**CWP-12326-2026(O&M)**

2

3. He further submit that on account of fault on the part of the advocate representing the petitioner-management before the Tribunal, the petitioner-management could not led the evidence to establish that it is a case of volunteer resignation from service.

4. No other argument was raised by learned counsel for the petitioner-management, to challenge the Award (*supra*).

5. This Court has considered the submissions as made by learned counsel for the petitioner, and has perused the Award.

6. It is a categorical finding of fact, based on documentary evidence, as recorded by the learned Tribunal that amounts of Rs.32,500/- and Rs.30,000/- were deducted, forcefully, by the petitioner-management from the account of the claimant/workman on 19.08.2017. This fact further strengthens the assertions of respondent no.2-workman, that the resignation was a forceful one. On the basis of the unrebutted documentary evidence, the action of petitioner-management was found to be illegal. The relevant finding by the learned Tribunal, is extracted hereinafter:-

“13. In order to prove his case the claimant stepped into witness box and got himself examined as WW1. He tendered into evidence his affidavit Ex WW1/A. He was cross-examined at length by the representative of respondent but nothing favourable came out to discard the version of claimant. On perusal of Ex. W2 and Ex.W3 copies of bank account statements, it also reveals that an amount of Rs.32,500/- and Rs. 30,000/- are deducted by respondent from the account of claimant on 19-08-2017. But this fact was denied by the respondent during the course of arguments. The documentary evidence relied upon by the workman clearly indicate that malpractice was adopted by the management upon workman and it can safely be assumed



CWP-12326-2026(O&M)

3

that the workman was forced to resign from the service. The respondent has failed to answer any of evidence produced on file by the claimant. To rebut the stand of claimant neither the respondent examined any witnesses nor produced any documentary evidence. The evidence led by the claimant thus stands un-rebutted and uncontested.”

7. Learned counsel for the petitioner-management is unable to point out any perversity or illegality, in the impugned Award (*supra*), requiring this Court to take a different view, from that of learned Tribunal.

8. In the event, the advocate representing the petitioner-management before the learned Tribunal failed to lead evidence, the same would not constitute a ground for this Court to set aside a well-reasoned Award, specifically, when it is based upon documentary evidence adduced by the workman.

9. In view of the above, the instant petition, is hereby **dismissed**.

10. All pending application(s), if any, also stand **disposed** of accordingly.

April 23, 2026
dharamvir

(KULDEEP TIWARI)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No