



2026:DHC:1530



* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Reserved on: 20.11.2025
Pronounced on: 20.02.2026

+ W.P.(C) 3994/2003

AFTAB AHMAD

.....Petitioner

Through: Mr. M. Taiyab Khan, Adv.

versus

P.O.,LABOUR COURT-VIII & ANR.

.....Respondents

Through: None

CORAM:

HON'BLE MS. JUSTICE RENU BHATNAGAR

J U D G M E N T

RENU BHATNAGAR, J.

1. The present writ petition has been filed by the Petitioner, Shri Aftab Ahmad, invoking the extraordinary jurisdiction of this Court under Article 226 read with Article 227 of the Constitution of India assailing the Award dated 04.02.2003 and Order dated 27.09.2002 passed by the learned Presiding Officer, Labour Court-VIII, Karkardooma Courts, Delhi (hereinafter referred to as 'Labour Court') in I.D. No. 35/98.



2. By the Impugned Award dated 04.02.2003, the learned Labour Court dismissed the industrial dispute raised by the petitioner holding that the services of the workman were not terminated illegally and/or unjustifiably by the management and that he is not entitled to any relief. Prior to this, vide Order dated 27.09.2002, the learned Labour Court had decided a preliminary issue holding that the enquiry conducted against the workman was just and fair.

3. In nutshell, the case of petitioner before the learned Labour Court was that he was working with respondent No. 2/M/s. Unique Motors, Maruti Authorised Service Station (hereinafter referred to as 'Management'), as a Mechanic with effect from 18.09.1992. The petitioner was duly registered with the ESIC and was discharging his duties efficiently and honestly.

4. The petitioner's duty timings were from 10:30 A.M. to 7:00 P.M. His initial monthly salary was Rs. 2,500/- per month, which was subsequently enhanced to Rs. 2,800/- per month on account of his satisfactory performance.

5. On 07.10.1994, the Management issued a notice of termination to the petitioner alleging the following charges :

- I. Since July 1994 the workman had been absenting from duty without leave during the period from 01.07.1994 to



21.07.1994, on 25.07.1994, on 26.08.1994, on 08.09.1994, from 27.09.1994 to 30.09.1994, on 01.10.1994, and from 06.10.1994 to 08.10.1994;

- II. The workman was coming to duty late by 1 to 2 hours daily; and
- III. There were perpetual complaints in his workmanship.

6. Feeling aggrieved by the said notice, the petitioner issued a legal notice dated 21.10.1994 through his counsel requesting the Management to withdraw the said notice of termination as the same was issued illegally and arbitrarily without adopting due process of law and in utter violation of the principles of natural justice.

7. Thereafter, on 31.10.1994, the Management appointed one Shri V.K. Nayyar as Enquiry Officer to hold a domestic enquiry against the petitioner. On the same date, the Enquiry Officer issued a letter to the petitioner asking him to give his comments and present himself before the Enquiry Officer on 08.11.1994. Both letters the Management's letter of appointment addressed to the Enquiry Officer and the Enquiry Officer's notice addressed to the petitioner bear the date 31.10.1994 and were dispatched by registered post on the same day.

8. The petitioner received the letter dated 31.10.1994 from the Enquiry Officer only on 09.11.1994. Consequently, he could not



appear on 08.11.1994. Vide his reply dated 11.11.1994, the petitioner requested the Enquiry Officer to fix some other date and inform him in advance.

9. Thereafter, on 17.11.1994, the Enquiry Officer issued another letter to the petitioner directing him to appear on 24.11.1994. However, in this letter also, no specific time was mentioned and no venue of enquiry was pointed out.

10. On 24.11.1994, the petitioner appeared before the Enquiry Officer and submitted his reply denying all the charges as frivolous and baseless. Thereafter, as alleged the Enquiry Officer did not inform the petitioner about the next date of enquiry proceedings. The petitioner was never given any opportunity to cross-examine the witnesses of the Management, nor was he given any opportunity to lead his own evidence in defence.

11. Subsequently, on 10.12.1994, the Enquiry Officer proceeded *ex-parte* and recorded the statement of Shri S.C. Mago, partner of the Management, who acted both as the Presenting Officer and as the witness of the Management. Workmen also alleged that no other witness was examined. Petitioner contended that the enquiry proceedings and enquiry findings were never supplied to him.

12. The Enquiry Officer submitted his enquiry report dated 22.12.1994 holding all the charges against the petitioner as proved.



Vide letter dated 23.12.1994, the Management purportedly sent a copy of the enquiry report along with a show-cause notice to the petitioner by registered post, which was returned unclaimed. The petitioner denies having received any such notice.

13. The petitioner thereafter initiated conciliation proceedings before the Conciliation Officer. Since the dispute could not be conciliated, the appropriate Government, vide Order dated 12.02.1998, made the following reference for adjudication to the Labour Court:

"Whether the services of Shri Aftab Ahmad have been terminated illegally and/or unjustifiably by the Management, and if so, to what relief is he entitled and what directions are necessary in this respect?"

14. In pursuance of the reference, the petitioner filed his statement of claim before the Labour Court stating that his termination was illegal, unjustified, and in violation of principles of natural justice. The Management filed their written statement denying the allegations and justifying the termination.

15. The learned Labour Court, vide Order dated 21.04.1999, framed the following preliminary issue:

"Whether the enquiry conducted against the workman is just and fair?"



20. Learned counsel for the petitioner submits that the notice dated 07.10.1994 issued by the Management is manifestly illegal and suffers from a fundamental and fatal defect. It is pointed out that the notice dated 07.10.1994 alleges that the petitioner remained absent from duty on 06.10.1994 to 08.10.1994. This is factually and legally impossible. The notice dated 07.10.1994 alleged future absence on 08.10.1994. This clearly demonstrates that the notice is backdated and fabricated. The Management has deliberately manipulated the dates to give an impression of compliance with legal formalities. It is further submitted that the learned Labour Court has completely failed to appreciate this illegality in the notice. Despite this document being on record, the Labour Court has mechanically accepted the Management's version without any application of mind.

21. It is submitted that the two letters dated 31.10.1994 one from the Management to the Enquiry Officer and another from the Enquiry Officer to the petitioner are clear evidence of the biased and fabricated nature of the enquiry. Both letters are dated the same day, the writing of both the letters are exactly same as written by one person only. It is beyond imagination that the same day letter was reached to the Enquiry Officer by registered post as written on the letter and on the same day the Enquiry Officer also issued the letter to the workman/petitioner. This establishes that the Enquiry Officer was acting in



collusion with the Management and that the entire enquiry was pre-determined.

22. Learned counsel further submits that no proper notice containing venue, time, and date was given to the petitioner. The letter dated 31.10.1994 asked the petitioner to appear on 08.11.1994 but did not specify any time or venue. Similarly, the letter dated 17.11.1994 asked the petitioner to appear on 24.11.1994 but again failed to specify the time or venue. This is a clear violation of the principles of natural justice.

23. It is submitted that after the petitioner filed his reply dated 24.11.1994, the Enquiry Officer did not inform him of the next date of hearing. On 10.12.1994, the Enquiry Officer proceeded *ex-parte* without giving any notice to the petitioner. The petitioner was never informed that the Management would lead evidence on 10.12.1994. Consequently, the petitioner was denied the opportunity to cross-examine the Management's witness, Shri S.C. Mago.

24. Learned counsel submits that the Enquiry Officer did not send any copy of the enquiry proceedings or the enquiry report to the petitioner. The Management claims that a show-cause notice along with the enquiry report was sent vide letter dated 23.12.1994, which was returned unclaimed. However, the petitioner denies having received any such communication. Even assuming that such a letter



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was sent, the fact remains that it was not received by the petitioner, and no further steps were taken by the Management to ensure service. The Management cannot take advantage of its own wrong.

25. Learned counsel submits that the learned Labour Court has completely failed to appreciate these glaring illegalities. The Labour Court, vide Order dated 27.09.2002, mechanically held that the enquiry was just and fair without considering the serious infirmities pointed out by the petitioner. The Labour Court failed to appreciate that in the present case, the petitioner was not given any proper opportunity to defend himself. He was not informed of the date, time, and venue of the enquiry proceedings, he was not given any opportunity to cross-examine the Management's witnesses, and the enquiry proceedings were conducted *ex-parte* without notice.

26. It is submitted that the learned Labour Court has also erred in holding that the petitioner deliberately avoided the enquiry proceedings. This finding is perverse and contrary to the record. The petitioner appeared before the Enquiry Officer on 24.11.1994 and filed his reply. Thereafter, he was never informed of the next date. The enquiry proceedings dated 24.11.1994 do not show that the next date was fixed in the presence of the petitioner or that the petitioner was informed in writing about the next date. The Labour Court's finding



that the petitioner deliberately avoided the enquiry is based on mere conjecture and surmises.

27. Learned counsel submits that the Labour Court has also failed to appreciate that the notice period wages for one month (from 07.10.1994 to 07.11.1994) were never paid to the petitioner. This is admitted by the Management in their counter affidavit filed in the writ petition. Non-payment of notice period wages is a clear violation of Section 25-F of the Industrial Disputes Act, 1947, and renders the termination illegal.

28. Learned counsel further submits that the Management has taken contradictory stands regarding the date of termination. In some places, it is stated that the services were terminated w.e.f. 07.11.1994, in some places w.e.f. 31.10.1994, and in the counter affidavit filed before this Court, it is stated that the services stood terminated w.e.f. 31.12.1994. These contradictions further demonstrate the mala fide and illegal nature of the termination.

29. Learned counsel for the petitioner, in support of the aforesaid submissions, places reliance on the judgments of the Hon'ble Supreme Court in *Kumaon Mandal Vikas Nigam Ltd. v. Girija Shankar Pant & Ors.* (2001) 1 SCC 182 and submits that where no proper notice specifying the date, time, and venue of enquiry is issued and no opportunity of examination or cross-examination of witnesses is



afforded, such an enquiry stands vitiated for violation of the principles of natural justice.

30. It is submitted that none of these requirements were satisfied in the present case. The enquiry was conducted in a most casual manner with a pre-determined mind to terminate the services of the petitioner. The entire enquiry was an eyewash and a mere formality to make termination legal.

31. Learned counsel further relies on the judgment of the Supreme Court in *Chamoli District Co-operative Bank Ltd. v. Ragunath Singh Rana & Ors.*, Civil Appeal No. 2265 of 2011 decided on 17.05.2016, wherein it has been held that if an enquiry is conducted without giving the employee a copy of the enquiry proceedings and without providing an opportunity to make representations on the enquiry report, it amounts to a violation of principles of natural justice. In the present case also, the petitioner was never given a copy of the enquiry proceedings or the enquiry report, and no opportunity was given to him to make representations. Therefore, the enquiry is vitiated and liable to be set aside.

32. Learned counsel lastly submits that the petitioner has already crossed the age of superannuation (having been born on 10.01.1961). Therefore, the question of reinstatement does not arise. However, the petitioner is entitled to all consequential service benefits including



back wages, continuity of service, provident fund dues, gratuity, and all other terminal benefits. The illegal termination has caused immense hardship to the petitioner and his family, and he is entitled to full compensation for the same.

33. In view of the above submissions, learned counsel prays that the impugned Award dated 04.02.2003 and Order dated 27.09.2002 be set aside, the termination of the petitioner be declared illegal, and appropriate directions be issued to the respondent-Management to grant all consequential service benefits to the petitioner.

34. The respondent No. 2 is ex-parte in this case as it did not appear despite notice.

35. I have heard learned counsel for the petitioner and have carefully perused the record including the writ petition, annexures, the impugned Award dated 04.02.2003, the impugned Order dated 27.09.2002, the Lower Court Record (LCR), and the judgments cited by the petitioner.

36. The petitioner has strenuously contended that both the Management's letter appointing Shri V.K. Nayyar as Enquiry Officer and the Enquiry Officer's letter addressed to the petitioner bear the same date, i.e., 31.10.1994, and were allegedly dispatched by registered post on the very same day. It is urged that it is logistically and practically impossible for the Enquiry Officer to have received his



letter of appointment by registered post and to have simultaneously issued his own notice to the petitioner on the same day. This, it is argued, conclusively establishes collusion between the Management and the Enquiry Officer, and demonstrates that the enquiry was pre-determined and a mere formality to lend a veneer of legality to a decision already taken to terminate the services of petitioner.

37. At the threshold, it is necessary to recall the settled legal position regarding the impartiality of an Enquiry Officer in domestic enquiry proceedings. It has been consistently held by the Supreme Court that an Enquiry Officer in a domestic enquiry need not be a complete stranger to the management or the establishment. What is imperative is that he must conduct the proceedings with fairness and impartiality. In *Saran Motors (P) Ltd., New Delhi v. Vishwanath*, 1964 SCC OnLine SC 9 wherein objection of the Enquiry Officer being bias was raised on account of him being the lawyer on representing the management on previous instances, the Supreme Court held in unequivocal terms that bias on the part of an Enquiry Officer must be established by reference. An enquiry is not rendered void merely because the Enquiry Officer is known to or has prior dealings with the management; what vitiates an enquiry is demonstrated partiality that has resulted in actual prejudice to the



delinquent employee. The relevant para of the judgment is extracted below :

6. In our opinion, this view is completely erroneous and cannot be sustained. We have repeatedly pointed out that domestic enquiries in industrial relations must be fairly conducted and whenever we are satisfied that any enquiry was not fairly conducted or its conclusions were not supported by evidence, we have unhesitatingly ignored the findings recorded at such an enquiry and held that the Tribunals must deal with the merits of the dispute for themselves; but it is impossible to accept the argument that because a person is sometimes employed by the employer as a lawyer, he becomes incompetent to hold a domestic enquiry. It is wellknown that enquiries of this type are generally conducted by the officers of the employer and in the absence of any special individual as attributable to a particular officer, it has never been held that the enquiry is bad just because it is conducted by an officer of the employer. If that be so, it is obviously unsound to take the view that a lawyer who is not a paid officer of the employer, is incompetent to hold the enquiry, because he is the employer's lawyer and is paid remuneration for holding the enquiry. Therefore, the first reason given by the Tribunal for ignoring the findings of the domestic enquiry must be reversed.”

38. A similar view has been taken by Supreme Court in ***South Indian Cashew Factories Workers’ v. Kerala State Cashew***



Development Corpn. (2006) 5 SCC 201, wherein the objection was raised that the Enquiry Officer being biased on the ground that he was working as Assistant Personal Manager in the management. The objection was rejected by the Apex Court. The relevant paragraph of the judgment is extracted below:

“13. Therefore, the finding of the Labour Court that enquiry was vitiated because it was conducted by an officer of the management cannot be sustained.

14. The only other ground found by the Labour Court against the enquiry officer is that he made some unnecessary observations and, therefore, he was biased. The plea that the enquiry officer was biased was not raised during the enquiry or pleadings before the Labour Court or in the earlier proceedings before the High Court. The bias of the enquiry officer has to be specifically pleaded and proved before the adjudicator. Such a plea was significantly absent before the Labour Court.”

39. More fundamentally and decisively, the petitioner's own conduct in the enquiry proceedings stands as a complete and insuperable answer to this contention. The record shows beyond dispute that the petitioner appeared before the Enquiry Officer on 24.11.1994 and filed a detailed reply to the charges framed against him. At no point during the course of the enquiry neither at the



commencement of the proceedings, nor when he appeared and filed his reply on 24.11.1994 did the petitioner raise any objection whatsoever to the appointment, constitution, or impartiality of the Enquiry Officer. Further nothing is demonstrated to this Court as to how the Enquiry Officer was biased or caused prejudice to the petitioner.

40. The Labour Court specifically considered the allegation of bias and correctly held that the workman had never raised any objection to the impartiality of the Enquiry Officer during the enquiry proceedings. It was noted that even in his written reply, the workman did not allege that the Enquiry Officer was biased or partial, nor did he seek any change of the Enquiry Officer at the relevant time. The Labour Court, therefore, concluded that the plea of bias was raised belatedly and was unsupported by any material or contemporaneous protest, and accordingly rejected the same and this Court finds no perversity in the findings of the learned Labour Court. Thus, the contention that the Enquiry Officer was in collusion with the Management cannot be substantiated based on the record.

41. The petitioner has also contended that the notice dated 31.10.1994 issued by the Enquiry Officer and the subsequent notice dated 17.11.1994 were both defective and insufficient, inasmuch as neither of them specified the time of the enquiry proceedings or the



venue at which the petitioner was required to appear. It is urged that a notice calling upon a delinquent employee to participate in a domestic enquiry must, as a minimum requirement of natural justice, contain all three essential particulars date, time, and venue and that the omission of time and venue from both notices constituted a fundamental denial of the petitioner's right to a fair hearing.

42. This Court recognises that the issuance of an adequate notice specifying the date, time, and venue of the enquiry proceedings is indeed an important procedural requirement in the conduct of a domestic enquiry. The purpose of such a notice is to afford the delinquent employee a reasonable and meaningful opportunity to prepare his defence and to appear before the Enquiry Officer on the appointed occasion. This much is undeniable as a general proposition.

43. However, the application of this general principle to the facts of the present case leads this Court to a conclusion that is adverse to the petitioner as in the present case, the factual position is clear and unambiguous. Despite the alleged omission of time and venue in the notices dated 31.10.1994 and 17.11.1994, the petitioner did appear before the Enquiry Officer on 24.11.1994 and filed a detailed reply to the charges against him. His very appearance before the Enquiry Officer on that date is conclusive proof that he was in fact aware of



where and when to appear, and that he suffered no prejudice whatsoever on account of the alleged deficiencies in the notice.

44. This Court therefore finds that the non-specification of time and venue in the notices dated 31.10.1994 and 17.11.1994 caused no actual prejudice to the petitioner, as demonstrated conclusively by his own appearance and participation in the enquiry proceedings on 24.11.1994. The Labour Court rightly rejected this contention, and this Court finds no ground to interfere with that finding.

45. The petitioner further contended that after filing his reply on 24.11.1994, he was not informed of the next date of the domestic enquiry. He argues that the Enquiry Officer proceeded *ex-parte* on 10.12.1994 without notice and recorded the statement of the Management's partner, Shri S.C. Mago, thereby denying him the valuable right to cross-examine the witness and effectively defend himself. He asserts that this amounted to a violation of the principles of natural justice.

46. In the present case, the petitioner had filed his reply before the Enquiry Officer on 24.11.1994 by personally appearing before him. The enquiry proceedings clearly mentions the next date as 10.12.1994 and specified the venue of holding of enquiry proceedings on every sitting, so there is no force in the arguments of petitioner that he was not given the next date, venue and time by the Enquiry Officer.



However, if an employee intentionally chose not to appear on the next date and was consequently proceeded ex-parte, he cannot complain on the principle of natural justice. I find no perversity in these findings.

47. In *SBI v. Narendra Kumar Pandey*, (2013) 2 SCC 740 the Supreme court has held that if a workman intentionally refuses to participate in the enquiry, he cannot later contend that the dismissal violates principles of natural justice. Once the enquiry proceeds *ex-parte* due to the charged officer's absence, the enquiry authority is not required to again call upon him to submit a defence orally or in writing. The relevant para is extracted below:

27. This Court in Lakshmi Devi Sugar Mills Ltd. v. Ram Sarup [AIR 1957 SC 82] held that where a workman intentionally refuses to participate in the inquiry, he cannot complain that the dismissal is against the principles of natural justice. Once the inquiry proceeds ex parte, it is not necessary for the inquiring authority to again ask the charged officer to state his defence orally or in writing. We cannot appreciate the conduct of the charged officer in the instant case, who did not appear before the inquiring authority and offered any explanation to the charges levelled against him but approached the High Court stating that the principles of natural justice had been violated."



48. It is well settled law that in writ jurisdiction under Article 226, High Court cannot re-appreciate evidence or interfere with findings of fact unless they are perverse. Referring to ***Krishnanand v. Director of Consolidation***, (2015) 1 SCC 553, the Apex Court reiterates that supervisory jurisdiction is limited to correcting jurisdictional or apparent legal errors. The relevant para is extracted below :

12. The High Court has committed an error in reversing the findings of fact arrived at by the authorities below in coming to the conclusion that there was a partition. No doubt, the High Court did so in exercise of its jurisdiction under Article 226 of the Constitution. It is a settled law that such a jurisdiction cannot be exercised for reappreciating the evidence and arrival of findings of facts unless the authority which passed the impugned order does not have jurisdiction to render the finding or has acted in excess of its jurisdiction or the finding is patently perverse. In the present case, though the High Court reversed the concurrent findings of the authorities below and came to the opposite conclusion on matter of facts, the High Court did not do so on the ground that the authorities below acted in excess of their jurisdiction or without jurisdiction or that the finding is vitiated by perversity.

49. The petitioner raised another objection that the enquiry proceedings and the enquiry report dated 22.12.1994 were not



furnished to him, thereby denying him an opportunity to respond to the findings.

50. In the present case, the Management has placed on record a copy of the enquiry report along with the show-cause notice was dispatched to the petitioner by registered post vide letter dated 23.12.1994, but the same was returned unclaimed. The petitioner denies receipt of any such communication. The Labour Court has considered this factual dispute and, having regard to all the circumstances including the deliberate disengagement of petitioner from the enquiry process at an earlier stage did not find the non-supply sufficient to vitiate the termination. This Court, for the reasons held in *Krishnanand* (Supra) regarding the limits of its writ jurisdiction over findings of fact, finds no perversity in that finding warranting interference.

51. The petitioner contends that the termination letter dated 07.10.1994 was fabricated and deliberately antedated, as it charged him with absence on 08.10.1994 a date subsequent to the issuance of the notice. According to the petitioner, it would have been impossible for the Management to refer to an absence that had not yet occurred, and this alleged impossibility demonstrates mala fides in the termination process.



a mandatory violation of Section 25-F of the Industrial Disputes Act, 1947, rendering the termination void ab initio; while it is undisputed that compliance with Section 25-F is a condition precedent in cases of retrenchment, the applicability of the provision depends upon the nature of termination. As observed in *State of Punjab v. Jagir Singh*, (2004) 8 SCC 129 where services are terminated for misconduct, the question of payment of retrenchment compensation or statutory notice does not arise, and compliance with Section 25-F becomes relevant only where termination is effected on a ground other than misconduct. In the present case, since the petitioner's services were terminated pursuant to a domestic enquiry in which charges of misconduct were found proved, the termination was punitive in character and not retrenchment; consequently, Section 25-F was not attracted, and the plea of non-payment of notice wages is legally unsustainable. The relevant para the relied judgment is extracted below :

“11. It is not in dispute that the workman did not perform any duty since 2-5-1979. The Labour Court made its award only on the ground that before issuing the order of termination dated 3-8-1979, no disciplinary proceeding was held in terms of the Punjab Civil Services (Punishment and Appeal) Rules and furthermore the mandatory requirements of Section 25-F of the Industrial Disputes Act, 1947 were not complied with. The findings of the Labour Court are inconsistent and self-



contradictory. If the services of the workman were terminated for misconduct, the question of payment of any retrenchment compensation or service of any statutory notice would not arise. The question of compliance with the provisions of Section 25-F of the Industrial Disputes Act would arise, if the services of the workman concerned were terminated on a ground other than misconduct.”

54. The petitioner has been unable to bring the Labour Court's finding on any aspect within the category of perverse findings. The finding is supported by the evidence of the Enquiry Officer and the Management's witness examined before the Labour Court and represents a reasonable conclusion that the Labour Court was entitled to draw on the evidence before it. This Court declines to substitute its own view for that of the Labour Court on a matter of fact.

55. Having examined each of the contentions argued by the petitioner individually, it is to be considered that whether the impugned Award dated 04.02.2003 and Order dated 27.09.2002 suffer from any jurisdictional error, patent error of law, or perversity warranting interference under Article 226 of the Constitution.

56. It reiterates that the scope of judicial review in labour matters is narrow and well-settled. Relying on, ***Syed Yakoob v. K.S. Radhakrishnan and Ors.***, 1963 SCC OnLine SC 24 it is observed by



the Apex Court that a writ of certiorari lies only to correct jurisdictional errors or errors of law apparent on the face of the record, and not mere errors of fact. Findings of fact can be interfered with only if they are perverse, i.e., based on no evidence or such that no reasonable tribunal could have arrived at them. The relevant para of the relied judgment is extracted below

“An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is shown that in recording the said finding, the Tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. In dealing with this category of cases, however, we must always bear in mind that a finding of fact recorded by the Tribunal cannot be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before the Tribunal was insufficient or inadequate to sustain the impugned finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal, and the said points cannot be agitated before a writ Court.”

