

BEFORE THE NATIONAL INDUSTRIAL TRIBUNAL

MUMBAI

Present

JUSTICE RAVINDRA NATH KAKKAR
Presiding Officer

APPROVAL APPLICATION NO. NTB-12 OF 2020
(Arising out of Ref.No. NTB-1 of 1990)

Parties: Air India Ltd., Delhi : Applicant
Vs.
Ms. Ranjana Verma : Opp. Party

Appearances:

For the Applicant : Mrs. Pooja Kulkarni, Adv.

For the Opposite Party : Absent.

State : Maharashtra

Mumbai, dated the 18th day of January 2021.

JUDGMENT

1.. This is an Approval Application filed under Section 33(2)(b) of the Industrial Disputes Act, 1947 for approval of order of 'Removal from service' passed by the Air India Ltd against Ms. Ranjana Verma.

2. The facts necessary for the disposal of the present approval application may be summed up as under:

2. The Opposite Party was appointed as Cabin Crew on 04.08.2004 in the Applicant Company. She was issued with a chargesheet vide letter No. DEL/IFS/32/1706 dated 01.7.2019 on account of absenteeism. The Opposite Party submitted her reply dated 29.7.2019 by e-mail . The Competent Authority, did not find any merit in the reply filed by the opposite party and decided to hold an enquiry into the charges levelled against the Opposite Party and the same was communicated to the opposite party vide letter No. del:IFS:32:2048 dated 3.9.2019 .The Enquiry Officer asked the Opposite Party to appear for enquiry on 21.10.2019, 31.10.2019 AND 14.11.2019. The opposite party sent an e-mail dated 4.11.2019 stating that she will not be present for the final enquiry on 14.11.2019 since she is unable to resume work and have already submitted her resignation. A reply to the e-mail was sent to her vide email advising that submitting resignation does not justify for not reporting for enquiry until her resignation is accepted or approved by the Competent Authority but she failed to attend the enquiry proceedings. The report of the Enquiry Officer was sent to the Opposite Party to which the Opposite Party did not submit any reply. The Competent Authority after going through the findings concurred with the ~~with the~~ findings of the Enquiry Officer and considering the gravity of the misconduct, warranted a severe punishment and accordingly proposed show cause for punishment of "Removal from Services" and the opposite party was asked to showcause within 07 days. The Opposite



Party submitted here reply to the showcause which was found unsatisfactory. The Competent Authority after going through the entire case and considering the gravity of the misconduct passed an order No. IFS/DEL/32/734 "Removal from the Services with immediate effect The order of "Removal from Services" was communicated to the opposite party with a cheque bearing No. 262605 dated 6.10.2020 for Rs. 46,269/- being the wages for one month as required under section 33(2)(b) of the Act and filed the Approval Application before this Tribunal.

3. On 14.01.2021, when the case was taken up for hearing before this Tribunal, learned counsel for the Applicant drew the attention of this Tribunal that the opposite party has filed an application dated 30.11.2020 stating that she accept the punishment of "Removal from service" and did not wish to contest the same. Further she stated that she has No objection of the punishment order given by AirIndia Ltd.

4. The compliance of Section 33(2)(b) of the Act is there in view of the payment of one month notice pay which is not found to be short in any manner in the eye of law.

5. After giving a conscious consideration of the evidence on record , I allow the Approval Applications against the opposite party filed under Section 33(2)(b) of the Act. However, in all fairness to the opposite party workman I would like to clarify that this order shall not, in any manner preclude the workman from raising an industrial dispute to challenge the legality and propriety of her dismissal and in case any such industrial dispute is raised and adjudicated nothing



stated or observed herein shall operate as resjudicata against the workman and nothing stated or observed herein shall in any way be read to the prejudice of the workman. With the aforesaid observation the application for approval is granted.

6. Thus, this approval application deserves to be allowed and is hereby allowed. Order of dismissal is hereby approved from the date of filing this Approval Application.



TRUE COPY

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(JUSTICE RAVINDRA NATH KAKKAR)

PRESIDING OFFICER