

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR
COURT, JABALPUR**

NO. CGIT/LC/C/05/2023

Present: P.K.Srivastava

H.J.S..(Retd)

1. Santosh Kumar Gehlot,
R/o House No. 58, Jama Masjid Road,
Neemuch (M.P.)
Mob. 7987489912
Email: santoshgehlot1952@gmail.com

Workman

Versus

1. Chief Controller,
Govt. Opium and Alkaloid Factories,
Block-J, Ground Floor,
Near NSIC Technical Centre,
Okhla Industrial Estate, Phase-III,
New Delhi- 110019,
Email: goaf.ccf@cbn.nic.in

2. The General Manager,
Govt. Opium & Alkaloid Works,
Neemuch (MP)
Email: gmgow-nmh@gov.in
gmpiumnmh@dataone.in

Management

(J U D G M E N T)

(Passed on this 12nd day of September-2025)

The award holder/workman has filed this petition under Section 33(c)(2) of the **Industrial Disputes Act 1947** (in short the 'Act') with a case that he was first appointed as 'Peon' with the management on 03 July, 1971, was promoted as Worker/Technician on 01.10.1975. On 24.10.1978,

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he was suspended for alleged misconduct relating to assault on the then Plant Superintendent on 23.10.1978. His suspension was revoked on 20.07.1981. He was terminated without enquiry on the basis of his alleged involvement in seizure of Morphine vide order dated 20.07.1981, a criminal case was filed against him with respect to seizure of Morphine. He was discharged by the Court of Additional Chief Judicial Magistrate. This order was confirmed by Hon'ble High Court vide its order dated 02.03.1994. On 11.04.1984, he raised a dispute with respect to his termination of his service which was referred to this Tribunal, a case R/28/1984 was registered and was decided by this Tribunal by Judgment and Award dated 23.04.1991, his termination was set aside, management was directed to reinstate him with all back wages but no consequential benefits, management was also given liberty to institute a fresh departmental enquiry. Both, the workman and management filed writ petitions before Hon'ble High Court which were dismissed and writ appeal was also dismissed by the Division Bench of Hon'ble High Court vide judgment dated 24.06.1999. He was reinstated by management vide order of management dated 17.10.2000, he joined his services on 30.10.2000, he was paid back wages without consequential benefits. He was issued a fresh charge sheet in light of award on 29.03.2004 after dismissal of the writ appeal, after enquiry he was found not guilty of any misconduct vide order of management dated 24.04.2006. His suspension period between 24.10.1978 to 20.07.1981 was held to be continuous service but consequential benefits were not paid to him, though no charges were proved against him in the enquiry. He made a representation before the General Manager seeking consequential benefits also on the ground that now no charges have been found proved in the enquiry but his representation was rejected by the General Manager vide order dated

24.06.2006 and a departmental appeal was also dismissed vide order dated 31.07.2007.

It is thereafter he raised another dispute through union before a Conciliation Officer. He was advised to file a petition under section 33(c)(2) of the Act which was registered in this Tribunal as M/04/2010, this petition was decided by this Tribunal on 11.05.2016, he was held entitled to recovery only his wages for the suspension period, i.e., from October, 1978 to July, 1981 calculated at Rs. 16,139/- (Sixteen Thousand One Hundred & Thirty Nine Only) as claimed by him. Since he had not claimed any other relief in the said petition, no order was passed and this point was not considered by the Tribunal.

Management paid him this amount of Rs. 16,139/- (Sixteen Thousand One Hundred & Thirty Nine Only) on 11.04.2017. Thereafter, he made representations to the management, claimed all the benefits, in service and post retiral, on the ground that he was found not guilty both in the departmental trial and criminal case. He filed a calculation regarding his claim before the management on 10.01.2022, which was not responded thereafter he again approached the Conciliation Officer and raised a dispute in this respect, he was again advised to approach this Tribunal under section 33(c)(2) of the Act, hence this petition.

He has claimed that the action of management in not granting him all in service and post retiral benefits even after he came clean in the departmental as well criminal Trial is unjust, illegal and arbitrary and against Fundamental Rules 54(1) Volume IV. He has thus prayed this Tribunal to determine the amount due as per Annexure-P/1 which is calculation sheet filed by him.

Management has taken a case that as per directions of order of this Tribunal in award dated 23.04.1991, he was not entitled to consequential

benefits, hence he was rightly held not entitled to consequential benefits. The amount of Rs. 16,139/- (Sixteen Thousand One Hundred & Thirty Nine Only), determined by this Tribunal in the previous Application under section 33(c)(2) of the Act (M/04/2010) has already been paid to him. He is not entitled for further benefits, the application is misconceived and rightly denied.

Management has prayed for the application to be dismissed.

Both the sides have filed affidavits of order of this Tribunal in the reference case and case under section 33(c)(2) of the Act (M/04/2010), order of Hon'ble High Court in writ petition and writ appeal as well order of the General Manager on his representation to pay consequential benefits as well order of Appellate Authority have been filed on record.

I have heard arguments of the Learned Counsel for the Award Holder/Workman Mr. Kuldeep Bhargava and Learned Counsel, Mr. S.K. Mishra for Management. Both the sides have filed written submissions, also which are part of record. I have gone through the record as well written submissions also.

On perusal of record in light of rival submissions, makes it clear that the award was as follows:-

“The same having not been done, the order of termination is liable to be set aside but in particular circumstance of this case, I direct that department to hold a domestic enquiry against the workman concerned and take suitable action in the matter. With this observation, I set aside the order of termination and direct that the workman shall be deemed to be in continuous service with all back wages but no consequential benefits. It is to be kept in mind that he was under suspension for certain period and so far services of that suspension are concerned, they should

be given in accordance with law, if departmental enquiries are held against the workman concerned, award made accordingly.

No order as to cost.”

This award has been confirmed up to writ appeal. On perusal of this award reveals that the workman was awarded back wages without consequential benefits with respect to the period of termination of his service that stood set aside vide award i.e. to say he was to be paid back wages from the date he was suspended till the date of award when his termination was set aside but was not entitled to consequential benefits for this period which was between 24.10.1978 to date of award.

It is not disputed that charges were not found proved in the departmental enquiry against him and in the criminal trial also. Rather he was discharged in the criminal trial and this order was maintained by Hon'ble High Court also. The legal position will be that he is spotless. Even if we assume that he will not be entitled to consequential benefits up to the date of award because there is an award in this respect confirmed by Hon'ble High Court also, but to assume that on the basis of this award, he will be barred from all consequential benefits even thereafter also, will be nothing but a mockery of and miscarriage of justice. Hence, the workman is held entitled to all in service and post retiral consequential benefits regarding wages, increments, pay commissions, promotions and other related matters, from the date of award till the date of his superannuation and thereafter as per the calculation sheet filed by him.

DATE:- 12 / 09/ 2025

**(P.K.SRIVASTAVA)
PRESIDING OFFICER**

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