

**BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-
LABOUR COURT NO-II, NEW DELHI**

I.D. No. 11/2021

Sh. Dinesh Kumar Sharma,

S/o Late Sh. Charan Singh Sharma

R/o- D-01/536, Gali No.-04, Ashok Nagar,
Shahdara, Delhi-110093.

Versus

1. The General Manager,
Central Bank of India,
Head Office-Chander Mukhi,
Nariman Point, Mumbai-400021.
2. The Regional Manager,
Central Bank Of India,
Regional Office: B-1398, 01st Floor,
Chandni Chowk, Delhi-110006.

Counsels:

For Claimant: None

For Respondent: Sh. Vivek Ojha, Ld. AR.

AWARD

By this order, I shall dispose of this application of U/S 2A of the **Industrial Disputes Act (here in after referred as an Act)** filed by the claimant against the respondent for his illegal termination. Claim of the workman is that he was appointed as peon in the year 1993 in Central Bank of India at Ghonda Branch, Delhi. He had been doing his work with diligently and honestly. His service record is clean and he has not given any chance to any complaint to any concerned officer, but,

fraudulently management had initiated a departmental enquiry against him and suspended him in March, 2000 from his job. Management also got a false and fabricated FIR registered in which workman had to remain in jail for two months and also been terminated from his said post. Despite the innocency, the workman contested the said case for 19 years and was facing many difficulties and problems and leading a shameful life and he feel shameful and insulted in the eyes of society. At that time, the daughter of the workman was preparing the studies for government job and due to the above said reasons the image and goodwill of the daughters of the workman was fell down in the society and they did not get any job. After acquittal of the workman, the workman is unemployed till date and he did not succeed to get any work. On 25.09.2019 a demand notice was served upon the management but despite the service of the legal/demand notice the management neither complied nor gave reply of the same. Workman has sent a request letter/industrial dispute to the office of the Deputy Commissioner, Central, 4th Floor, Jeevan Deep Building, Parliament Street, Sansad Marg, New Delhi-110001 before Assistant Labour Commissioner cum conciliation officer-III, Delhi, but it was resulted into failure. Hence, he has filed the present claim.

W.S has been filed by the respondent. He had denied the averment made in the claim. He stated that on 02.03.2000 workman was suspended from service vide letter dated Ro (North)/Dad/227/99-2000/521 issued by the management bank on 02.03.2000 for committing acts of omission and commission while working at peon at Patparganj office, Delhi during his service period from 21.09.1999 to 17.12.1999 inter-alia stating that he has not discharged his duties with utmost care with honesty, devotion and diligence which is on becoming of a Bank Employee. Workman has committed gross irregularities in while depositing and withdraw of the alleged amount of Rs. 30,000/- in total from account no. 19684 which is maintained in the name of Sh. Nitender. Workman on 21.09.1999 change a figure or Rs. 5,500/- to Rs. 15,500/- by inserting "1" and on 01.12.1999 again inserted

“2” to make a figure of Rs. 21,000/- instant of Rs. 1,000/- by repeating again and again workman had done fraud of Rs. 30,000/- on different dates and for withdrawl of the above said amount. Workman doing all with malafide intention to cheat the bank. He had submitted that claim is liable to be dismissed.

After completion of the pleadings, following issues have been framed vide order dated 19.01.2023 i.e.-

1. Whether the proceeding is maintainable.
2. Whether the domestic enquiry against the claimant was conducted fairly.
3. Whether the punishment imposed on the claimant commensurate the charge.
4. To what relief the claimant is entitled to.

Now, the matter is listed for workman evidence. On behalf of management, **Sh. Vivek Ojha** appeared. Claimant has not brought any evidence i.e documents and oral to substantiate his claim, inspite of providing a number of opportunities.

In these circumstances, when the claimant has not been appearing since long to substantiate his claim, it appears that he is not interested to pursue his case. His claim stands dismissed. Award is passed accordingly. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947. File is consigned to record room.

Date- 23.07.2024

ATUL KUMAR GARG
Presiding Officer.
CGIT-cum- Labour Court-II

