

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – Cum – LABOUR COURT,
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
-----------------------------	---	--------

Case No. CGIT/LC/R/99/2018
Smt. Ishwari V/S Bhilai Steel Plant.

19.07.2024	<p>Matter taken up.</p> <p>Workman side represented by learned Counsel Mr. Aditya Singh. Management is represented by their learned Counsel Mr. R.C. Shrivastava.</p> <p>Heard on Preliminary Issue, perused record. The Preliminary Issue is as follows :-</p> <p style="text-align: center;"><i>“Whether the departmental enquiry was legal and proper ?”</i></p> <p>Charge against the workman was that he willfully unauthorisedly absented himself from duty between April-1994 to August 1994. According to the workman side, the workman went missing on 03.09.1994. A missing report was registered by his wife with Police on 05.09.1994. Since then, he remained untraceable. Case of the management is that, notices were sent with respect to the enquiry on the address of the workman maintained in his service record but were returned unserved with endorsement that the workman was not available.</p> <p>On perusal of evidence of the parties as well the proved enquiry papers, it is established that management made every effort to serve notices on workman with respect to the enquiry which could not be served due to his non availability. Hence, it can be safely concluded that management did its job to make the workman aware of the enquiry against him. When the workman was not found on his registered</p>	
------------	---	--

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – Cum – LABOUR COURT,
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
	<p>address, the management cannot be expected in law to trace the workman in the universe and served him the notice. Natural justice requires that opportunity should be given to the other party, which is proved in the case in hand with respect to the enquiry. There is no procedural or substantive defect or irregularity in conducting enquiry as it appears from record.</p> <p>Hence, in the light of above discussion, the enquiry is held to be legal and proper.</p> <p>Based on the pleadings, following additional issues are framed :-</p> <ol style="list-style-type: none">1. <i>What will be the effect of the order of Civil Court and decree, declaring the civil death of the workman on the finding of enquiry officer regarding proof of charge as well the punishment order ?</i>2. <i>Whether the workman side is entitled to any relief ?</i> <p>Parties are at liberty to file their respective evidence on additional issues inform affidavits/ documents after giving copy to their opposite side, till date _____.</p> <p>List on _____ for hearing.</p> <p style="text-align: right;">Presiding Officer</p>	