

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
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Case No. CGIT/LC/R/103/2012
Balwant Singh Gour V/S. State Bank of India

16.07.2025	<p style="text-align: center;"><u>Order on Preliminary Issue</u></p> <p>The preliminary issue framed vide order dated 22.06.2016 is as follows :-</p> <p style="text-align: center;">Whether inquiry conducted against workman is proper and legal ?</p> <p>The case of the workman, on this issue is mainly that a charge sheet dated 21.04.2009 was issued to him with allegations of misconduct said to be committed by the workman. An inquiry was ordered against him after considering his representations, filed by him on 02.05.2009 with respect to the charge-sheet dated 21.04.2009. Inquiry Officer and management representative were appointed by the order of management dated 13.05.2009. The inquiry was conducted against the workman without following the established procedure in this respect and without following the rules of natural justice. The workman was refused the services of legal practitioner as his defense assistant. He was allowed to engage the Secretary of his union as his defense representative but was not continued on the ground that the Secretary himself was an employee of the Bank terminated for misconduct. The workman was not supplied with the documents. He was not allowed to have his defense before the Inquiry Officer.</p> <p>Case of management is that inquiry was conducted by the Inquiry Officer in accordance with the principles of the natural justice awarding full opportunity to the workman to defend himself and did avail this</p>	
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	<p>opportunity.</p> <p>In evidence on this issue, the workman has filed his affidavit as his examination in chief, he died during the proceedings and was substituted by his legal representatives. His widow Mukta Gour filed her affidavit and her examination in chief. Management did not cross examine her.</p> <p>The management filed affidavit of its witness Suneel Kumar Guha, who simply proved the inquiry papers. He stated in his cross examination that he never participated in the inquiry in any capacity.</p> <p>The inquiry papers have been filed and proved. I have heard argument of learned Counsel Mr. Arun Patel for workman and Mr. Pranay Choubey for management on preliminary issue and have gone through the record.</p> <p>The main attack on the inquiry is that Hindi version of the inquiry report was not supplied, services of defense representative were not granted, defense was not given time to file their side of evidence and documents sought by defense were not supplied, which resulted into prejudice to defense.</p> <p>The ground that the Hindi version of the inquiry report and inquiry proceedings were not given to the workman. The inquiry proceedings are in Hindi, the inquiry report is also in Hindi. The show cause notices issued by the Disciplinary Authority is also in Hindi, hence it can be held that no prejudice has been caused to the workman on this point. Inquiry proceedings further shows that the inquiry was closed on 21.04.2009 in presence of the workman. There is nothing to show that the workman sought opportunity to produce evidence from his side,</p>	

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	<p>hence this argument from workman also fails. As regards, the argument that services of an Advocate to act in his defense was not granted to workman and the defense assistant was disengaged on the ground that he was not an employee of the Bank, learned Counsel could not show any provision in the Bipartite Settlement permitting services an Advocate to act as defense representative or any provision permitting a person who is not an employee of the Bank, to act as defense assistant. As regards, the argument that some documents were not provided, the workman side has failed to show that this resulted into prejudice to him. In the judgment of Hon’ble Supreme Court in the case of State Bank of Patiyala & Others vs. S.K. Sharma, reported in (1996) 3 SCC 364, wherein it has been held that violation of any every procedural provision cannot be said to automatically vitiate the inquiry or order passed and the complaint of violation of procedural provision should be examined whether any such violation has prejudiced the delinquent officer in defending himself properly and effectively.</p> <p>In the light of above discussion, holding the departmental inquiry conducted legally and properly, the preliminary issue is answered accordingly.</p> <p>List on 14.08.2025 for hearing on other issues. Parties are at liberty to file their respective evidence strictly relevant to the remaining issues.</p> <p>Upload this Order.</p> <p>Presiding Officer</p>	