

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/63/2024  
Anil Ramakant Pandey V/S. WCL

16.06.2025	<p style="text-align: center;"><b><u>Order on Preliminary Issue</u></b></p> <p>The Preliminary Issue, framed by order dated 30.04.2025 is as follows :-</p> <p style="text-align: center;"><i>1. Whether, the charge sheet and punishment order including the inquiry is bad in law as the charge sheet and punishment have been issued by Officer Incompetent ?</i></p> <p>I have heard argument of the workman in person and management representative Mr. Yogeshwar Sahu on this Preliminary Issue. Parties have preferred written arguments also, which are part of record. I have gone through the written arguments and the record as well.</p> <p>The undisputed facts relevant to this issue are mainly that a charge sheet issued against the workman by management with allegations of misconduct committed by him under <b>Clause 26.18, 26.19, 26.22 and 26.39 of Certified Standing Orders</b> and was served on the workman. According to the workman, he submitted a letter to the management on 09.01.2024 and requested for evidence in support of charges to enable him to reply the allegations which was not granting and departmental inquiry was ordered by management. The inquiry was conducted against the principles of natural justice without according opportunity to the workman to defend himself. It is further the case of workman that he had filed a W.P. No. 1645/2024 before Hon’ble High Court of M.P. at Jabalpur in which the management was directed to supply him the documents sought by him vide his letter, within 30 days from the date of order i.e., 05.02.2024 but this order was never complied with by management. The workman was served a show-cause notice dated 08/09.04.2024 sent to</p>	
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	<p>him by the registered post in which he was required show-cause and put his case with respect to the inquiry report within seven days from today. Since, the show-cause was received by the workman on 15.04.2024 he had seven days time ending on 21.04.2024 to reply the show-cause notice dated 08/09.04.2024 but the management passed order of punishment of dismissal from service on 19.04.2024 which is arbitrary and illegal. It is also the case of workman that the charge-sheet was issued by an Officer who was not authorized to issued and punishment order was passed by an Officer unauthorized to pass such order. Hence, the whole charge-sheet and punishment is illegal.</p> <p>Management has pleaded that charge-sheet with suspension order was served on workman on 05.02.2024. He filed his reply of charge-sheet on 09.01.2024. A detailed inquiry was ordered and inquiry committee was constituted by management on 23.01.2024. Notice of inquiry was sent to the workman but he never participated in the inquiry, the Inquiry Officer prepared his report and submitted before the management holding the charges proved against the workman. In the meanwhile, the workman approached Hon'ble High Court by way of filing W.P. No. 1645/2024 in which following directions were issued by Hon'ble High Court :-</p> <p><i>“Petitioner requires certain documents for his defense in departmental inquiry. It is submitted that respondent may consider his representation and supply the documents.”</i></p> <p>According to management, the workman was served a second show-cause notice dated 09.04.2024 on his registered e-mail address and registered post informing him that charges framed against him were found to be true and he could be potentially dismissed from service should he fail to refuse to partake in the departmental inquiry proceedings and submit documents in his defense within a</p>	

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	<p>week of service of notice, this notice was served on the workman on his registered email address on 10.04.2024 and by registered post on 12.04.2024. He did sign a written acknowledgement of the receipt of the registered post filed by management. The workman was also served the inquiry report, documents relevant to inquiry proceedings and video clips prayed by him in the aforesaid writ. The workman did not file any reply to the second show-cause notice. Since the conduct of the workman made a strong case for dismissal, he was dismissed by management.</p> <p>The management has also pleaded that in the Certified Standing Orders, in Training Centre situate at HQ at Nagpur, the Competent Authority to recommend dismissal/discharge/removal of the workman is Head of Personnel/Admin Department of the Area and approving authority is the General Manager/ Chief General Manager.</p> <p>Both the sides have filed photocopy documents with respect to the inquiry and photocopy of Certified Standing Orders as well office orders, which are not disputed by any of the parties.</p> <p>The main argument from the side of workman is that he was working as Instructor in V.T.C. Training Centre, Pathakheda Area of Western Coalfields Limited, which is under the control of General Manager (HR) WCL HQ Nagpur but the charge-sheet was issued by Regional Personnel Manager, Pathakheda Area who did not have authority to issue the charge-sheet as per the Rules. The punishment order was also issued by the Personnel Manager of Pathakheda Area, who is not competent to pass it.</p> <p>The workman has referred to letter no. WCL/IR/SE/SO/99 dated 11/15.01.1994 in which the Director Incharge has nominated competent authorities for its establishments/</p>	

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	<p>units. <b>At serial no. 5</b>, for Training Centers (Centrally controlled by HQs) the competent authority nominated is Training Centre Incharge. In another letter dated WCL/IR/SE/SO/100 dated 11/15.01.1994, the Director Incharge has nominated Officers/ Directors of Western Coalfields Limited as competent authorities for according approval in case of punishment of dismissal, discharge and removal from service of the workman governed by <b>Certified Standing Orders</b> at <b>column no. 5</b>, the General Manager (Training HRD) has been nominated approving authority for Training Centre Incharge.</p> <p>On the other hand, management has submitted that since the workman was working at Vocational Training Centre, Pathakheda which is not controlled by company headquarters and entire control is with the Area General Manager, which is covered by Clause 11 of the Letter referred to by the workman himself (mentioned earlier in this order), which states that for office of General Manager and other departments as well establishments which are placed under his direct administrative control, the competent authority is the head of Personnel/ Administrative Department of the Area. Hence, according to management the charge-sheet and punishment order do not suffer with any legal infirmity. The workman has filed photocopy document with respect to WCL HRD which mentions about the training centers, the group vocational training centers are mentioned in the list, which are 12 in number, their also engaged in training and managed by WCL. It is not disputed that the workman was working as Instructor with the Vocational Training Center at Pathakheda. The letter dated 11/15.01.1994 mentions specific competent authority and appellate authority for vocational training centers at serial no.-5 of this letter. Hence, the argument from the side of management that since the vocational training center is in Pathakheda, the</p>	

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	<p>Administrative Head of the Pathakheda Area shall be the competent authority for issuing charge-sheet and punishment order cannot be accepted.</p> <p>On the basis of the findings and observations recorded above, the charge-sheet is held to be issued by an Officer not competent to issue it consequently the departmental inquiry on the basis of such a charge-sheet is held to be vitiated in law. Since the punishment order has also not been issued by an authority competent to issue it, the punishment order is also held to be vitiated in law.</p> <p>Preliminary Issue stands answered accordingly in favour of the workman.</p> <p>Since, the management has prayed in its written statement that they be given opportunity to prove the charges before this Tribunal, if the inquiry is held unjustified, they are given opportunity to prove the charges before this Tribunal.</p> <p>List on 28.07.2025 for evidence of management in support of charges.</p> <p>Upload this Order.</p> <p>Presiding Officer</p>	