

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/RC/01/2019
Sajjad Hussain V/S. NCL

05.03.2025	<p>Matter taken up.</p> <p>Learned Counsel Shri Praveen Yadav present for workman. Learned Counsel Shri Neeraj Kewat present for management. Today is fixed for hearing on preliminary issue, which is as follows :-</p> <p><i>Whether the inquiry conducted against the workman is just, proper and legal ?</i></p> <p>According to the workman, he was issued a charge-sheet by management with an allegation of misconduct by absenting himself from work without any sufficient cause and without any intimation to management as well without getting any leave sanctioned. He submitted a reply on 24.01.2015 in which he stated that he could not attend his duties due to death of his father, sickness of his mother, construction of his house and his personal problems and requested the management to give him a chance assuring the management that this mistake will not be repeated. The management permitted him to join on 24.01.2015. He was served an order of management dated 15.04.2017 by which his services were terminated by management without any inquiry and without giving him opportunity to defend. He preferred a departmental appeal against the termination order which was wrongly dismissed.</p> <p>Case of management is that, the workman Sajjad Hussain was appointed on compassionate basis as a dependant son of his deceased father Sheikh Tazabbul Hussain who was an employee of management. He was a habitual absentee, who did not improve himself inspite</p>	
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	<p>of warnings. Thereafter, he was issued a charge-sheet on 12.12.2014 with an allegation of misconduct by habitually and unauthorizedly absenting himself from workplace without intimation to management or without getting any leave sanctioned, which is a misconduct under Clause 26.30 and 26.22 of the Certified Standing Orders. He submitted a reply and was permitted to resume duty subject to disciplinary proceedings. He did not resume duty and continue to remain absent from workplace. He was issued again a second charge-sheet dated 24.07.2015 with the same misconduct allegations. He did not submit any reply to the charge-sheet, hence management decided to conduct an inquiry. He participated in the inquiry. But absented later on in the inquiry. The inquiry was conducted and the Inquiry Officer submitted his inquiry report dated 27.06.2016 holding the misconduct proved. He was issued a show-cause notice with copy of inquiry report, which was served on him but did not submit any reply. Hence, the Disciplinary Authority passed the impugned punishment. He preferred departmental appeal against the punishment which was dismissed after hearing.</p> <p>In evidence, on this issue the workman has filed his affidavit as his examination in chief, he has been cross examined by management.</p> <p>Management has filed and proved photocopy inquiry papers, management has also filed any affidavit of its witness as his examination in chief and has been cross examined.</p> <p>On perusal of the record in the light of rival arguments, it comes out that the workman did participate in the inquiry and denied the charges. He submitted the</p>	

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	<p>reasons behind his absence in his statement during the inquiry. He appointed a Defense Assistant. Hence, it cannot be said that no opportunity was given by management to the workman to defend himself. There is nothing on record to hold the departmental inquiry unjust and in violation of principles of natural justice. Hence, holding the departmental inquiry just, legal and proper, preliminary issue is answered accordingly.</p> <p>Following additional issues are framed :-</p> <ol style="list-style-type: none">1. <i>Whether, the charges are proved ?</i>2. <i>Whether, the punishment is proportionate to the charge proved ?</i>3. <i>Whether, the workman is entitled to any relief ?</i> <p>Parties may file evidence on additional issues in form of affidavits/ documents.</p> <p>List on 19.05.2025 for hearing on additional issues.</p> <p>Upload this order.</p> <p>Presiding Officer</p>	