

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
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/68/2023
Sujeet Kumar Sahu V/S S.E.C.L.

08.12.2025	<p><u>ORDER ON PRELIMINARY ISSUE</u></p> <p>The case of the workman on this issue is mainly that his father Dhwaja Kumar Sahu was a permanent employee of the management, he went missing from 20.10.2005. The missing report was lodged with the police station on 01.02.2006, public notice were published in newspapers thereafter on 29.05.2013, police filed a report that he could not be searched and probably has died, the enquiry was closed. The mother of the petitioner filed a representation before the management first time in 2006 and thereafter seeking appointment on compassionate ground due to non-appearance of the workman, Dhwaja Kumar Sahu but the management vitiated a departmental enquiry which proceeded <i>ex-parte</i> against workman. Management was informed during the enquiry that he has gone missing after duty hours since 20.10.2005 but the enquiry proceeded against him which is unjust and is vitiated in law because it is against the principles of natural justice.</p> <p>Case of the management is that after the workman, Dhwaja Kumar Sahu did not report on duty after 20.10.2005, a show cause notice was issued to him</p>	
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	<p>which was not responded to thereafter, a departmental enquiry was conducted against him, notices were issued to him on his address mentioned in his service record. He did not appear, hence enquiry proceeded <i>ex-parte</i> against him.</p> <p>Both the sides have filed their affidavits as their Examination-in-chief and have been cross-examined by opposite side.</p> <p>Enquiry papers have also been filed which are on record.</p> <p>I have heard argument of Union representative Mr. Tapan Kumar Chakraborty and Mr. Neeraj Kewat Learned Counsel for the management on preliminary issue. I have gone through the records as well.</p> <p>Limiting myself to the legality of departmental enquiry, I have found that the whereabouts of the workman, Dhwaja Kumar Sahu were not known even to his family. Notices were sent to him on his address mentioned in his service record. Since, none appeared on his behalf in the enquiry, it was just and proper for the Enquiry Office to proceed <i>ex-parte</i> in the enquiry. I find no illegality in the enquiry as such and preliminary issue is answered accordingly.</p>	

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	<p>Hence holding the departmental enquiry conducted just and proper the preliminary issue is answered accordingly.</p> <p>Following additional issues are framed:-</p> <p>(i) <i>Whether the charges have been rightly held proved in the enquiry?</i></p> <p>(ii) <i>Whether the punishment awarded is just, legal and proper?</i></p> <p>(iii) <i>Whether the dependant son of the workman, Dhwaja Kumar Sahu is entitled to compassionate appointment treating Dhwaja Kumar Sahu as dead on duty as per service tenure?</i></p> <p>Parties are at liberty to file their evidences/affidavits strictly confined to additional issue.</p> <p>List on for hearing.</p> <p>Upload this order.</p> <p>PRESIDING OFFICER</p>	