

# 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/47/2016 Shri Gend Lal V/s. S.E.C.L.		
30.06.2025	<p><b>Order on preliminary issue.</b> <b>Preliminary issue No.1 -</b> <b><i>“Whether Departmental Enquiry conducted by Management against the Workman was conducted properly and legally?”</i></b></p> <p>Case of the Workman on this issue is that, he was issued a charge sheet on 04.09.1986 by Management containing allegations of misconduct committed by him by way of unauthorizedly absenting himself from workplace without intimation to the Management and their permission &amp; without sufficient cause for the period of more than 10 days. He submitted a reply to the Charge sheet which was not considered and Departmental enquiry was ordered. Notice for appearance in the enquiry proceedings was sent on the wrong address of the Workman which was never received by him and enquiry was conducted during his absence. Copy of certain documents Exhibits were also not supplied to me. The Enquiry was conducted in gross violation of principles of natural justice without giving a sufficient opportunity to the Workman to defend himself.</p> <p>Management has pleaded that, the Workman had absented himself unauthorizedly from duty w.e.f. 07.05.1984, hence he was issued a charge sheet dated 19.09.1984 which was sent to him by registered post. He did received it but did not filed any reply, hence, after waiting for his reply for 2 years, the revised charge sheet dated 04.09.1986 for the same charge was issued against him and was served on him. He did file reply to the charge sheet making an incorrect statement that he had filed for leave with medical certificate. Management decided to conduct enquiry and ordered a Departmental Enquiry vide its order dated 04.12.1986. The Workman appeared during the enquiry, services of a co-worker as his defense assistance were also granted to him. He participated during the enquiry. The Enquiry Officer submitted his reply holding the charges against the workman proved, the workman was terminated by Competent Authority vide order dated 08.05.1987. He never hesitated against this order, rather approached the Labour Commissioner for the first time</p>	

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	<p>in 2009 i.e. after lapse of 22 years.</p> <p>The Workman side has filed his affidavit as his examination-in-chief. He has been cross-examined by Management.</p> <p>Management has also filed affidavit of Management witness as his examination-in-chief and has filed Enquiry papers which have been admitted by the Workman side.</p> <p>I have heard argument of Learned Counsel for Workman Mr. Uttam Maheswari and Learned Counsel Mr. Neeraj Kewat for Management on this issue. I have gone through the record as well. On perusal of enquiry papers as well affidavits and cross-examinations established that the Workman participated in the enquiry, he cross-examined himself and was cross-examined by Management representative. The enquiry report was submitted by Enquiry Officer.</p> <p>Learned Counsel for workman has taken a plea in the Written submissions submitted by him that, the enquiry proceedings, enquiry report and termination order emerges from notice dated 04.09.1986 which is simply a notice and not a charge sheet. Hence, no enquiry proceeding could be conducted nor any punishment order could be passed on this notice dated 04.09.1986. He has relied to judgment of <b>Hon'ble High Court of M.P. in the case of Chandrika Prasad Dubey Vs. Steel Authority of India, 2002 (2) MPLJ185</b>, wherein it has been held that, in case where a Workman is charged with misconduct which may lead to imposition of major penalty, he should be informed in writing of the allegations against him and shall be given an opportunity to explain his conduct. If the charges are denied by the Workman, an Enquiry may be conducted with respect to the charges.</p> <p>As it appears from the perusal of record in the case in hand, the memo dated 04.09.1986, reads as under:-</p> <p><b><i>It has been from the Office Records that you were issued charge sheet No. NC/SM-CS/Disple/14805-15 dated 20.09.1984 for remaining unauthorized absent from 07.05.1984 to till date under certified standing order No.20(16) which reads as under: -</i></b></p> <p><b><i>"Continuous absence without permission &amp; without</i></b></p>	

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	<p><i>satisfactory cause for more than 10 days."</i></p> <p><i>Inspite of several persuasions/reminders nothing-9 is heard about you.</i></p> <p><i>You are once again &amp; finally advised to appear your self in person for joining duty before management with valid reasons thereof about your absence within one month of receipt of this letter. Should you fail to do so within the stipulated time, it will be presumed that you are no more interested in your service &amp; your name will be struck off from the role of the company by the competent authority on its merit without any further reference to you.</i></p> <p>In this memo shows that charge has been specified against the Workman in this memo, hence it cannot be held to be a simple show cause notice as it contains the allegations in the charge sheet.</p> <p>In view of these findings, argument of Learned Counsel for Workman fails, as there appears illegality or material irregularities with respect to procedure or substance in the charge sheet and enquiry, the enquiry is held just legal and proper and preliminary issue is answered accordingly.</p> <p>List on <b>07.08.2025</b> for hearing on other issues/ final arguments. Parties are at liberty to file their evidences/ affidavits specifically relevant to remaining issues.</p> <p>Upload this order.</p> <p><b>Presiding Officer</b></p>	