

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/85/2015

Shankar Singh Bomniya V/S Narmada-Jhabua Gramin Bank

29/02/2024

Order on Preliminary Issue

The preliminary issue, framed vide order dated 29/07/2022 is as follows: -

Whether the enquiry conducted against the workman is legal and proper?

Facts connected in brief are the departmental enquiry has been conducted against rules and procedure he was not given sufficient opportunity to defence his case. No principle of natural justice is followed in the enquiry.

According to management, the workman was issued the charge sheet dated 22/03/2013 with an allegation that while being posted at the Manawar Branch and Ganpur Branch within the period 15/06/2009 to 17/06/2011 in Ganpur Branch and 18/06/2011 to 27/12/2011 he misappropriated Rs 3.84 lakhs from the accounts of various account holders. After finding his reply to the charge sheet unsatisfactory the department decided to conduct a departmental enquiry the enquiry was conducted as per rules and principle of natural justice, given full opportunity to the workman to defend his case. The Enquiry Officer submitted his report on 30/07/2024 holding all the charges proved. Agreeing with the findings in the enquiry, the disciplinary authority issued show cause notice to the workman with the copy of enquiry report and after considering the reply of the workman, punishment of removal of the workman from the service of the management bank was passed by the disciplinary authority on 19/09/2014. Also recovery of the amount of 3.84 lakhs, suffered by the bank was directed to be realized from gratuity. Appeal against this order was also dismissed by the appellate authority.

In evidence, the workman filed his affidavit but never turned up for cross examination. He also filed certified copy of judgement in ST No. 184/2013 and 177/2013.

Management filed affidavit of its witness Dinesh Mahajan was not cross examined by the workman the management also proved the enquiry documents exhibit M1 to M7 which are to show cause the charge sheet, reply on the show cause, enquiry proceedings 20 page,

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	<p>show cause on enquiry report, reply of show cause on sentence order of punishment, and order of appellate authority.</p> <p>I have heard arguments of both the side of preliminary issue and I have gone through the record. Perusal of record shows that there were as many as 14 charges regarding misappropriation of different amounts with respect to different account holders in which entry of deposit was mentioned in the passbook of the account holders but the money was not deposited with the bank nor was any deposit entry was made in the bank records. As regards the enquiry proceedings, it comes out that the workman participated in the enquiry and he was given full opportunity to defend himself regarding the punishment, the workman was issued the show cause notice and it was after his reply, that the punishment order was passed. Hence procedurally there is not defect in the enquiry and punishment.</p> <p>One point has been raised from the side of the workman that the officer superior to the competent authority has issued the charge sheet but this alone cannot be a ground to vitiate the enquiry in absent of any prejudice established against the workman. On the basis of the above discussion the departmental enquiry is held legal and proper preliminary issue No. 1 is answered accordingly: -</p> <p>Following additional issues are framed –</p> <ol style="list-style-type: none">1. Whether the charges are proved on the basis of enquiry.2. Whether the punishment is proportionate to the charges proved. <p>Parties are at liberty to produce evidence on additional issues till or before date fixed.</p> <p>List on date 23/04/2024 for final arguments.</p> <p style="text-align: right;">Presiding Officer</p>	

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