

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR (M.P.)

NO. CGIT/LC/R/03/2016

Present: P.K.Srivastava

H.J.S..(Retd)

**Shri Ramdin Dayama,
 S/o Ramlal Dayama,
 Akavliya (Rala), Tehsil Nasrullaganj,
 Sehore (M.P.)**

Workman

V/s

**Assistant General Manager,
 State Bank of India,
 Regional-VI, Network-2, L.H.O.,
 Hoshangabad Road,
 Bhopal (M.P.)**

Management

(JUDGMENT)

(Passed on this 15th day of July, 2026)

As per letter dated **31/12/2015** by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under **Section-10 of Industrial Disputes Act, 1947** (in short the 'Act') as per Notification **No. L-12012/118/2015 (IR(B-1))** dt. **31/12/2015**. The dispute under reference relates to:-

"Whether the action of the management of Assistant General Manager, State Bank of India, Region-VI, Bhopal in removing the services of the workman Shri Ramdin Dayama S/o Ramlal Dayama w.e.f. 10.09.2010 is justified? If not, what relief the workman is entitled to?"

After registering the case on the basis of reference, notices were issued to the parties. They appeared and filed their respective statement of claim in defense.

Case of the workman, is mainly that he first joined the Bank as a Messenger on 28.08.1989, he was promoted as a Cashier cum Record Keeper w.e.f. 01.08.2002 and was posted in Nasrullaganj Branch of the Bank in 2003, after a year

transferred to Rehti Branch. A criminal prosecution was instituted against him on the basis of complaint made by the account holders, which was registered with the Police. The workman was acquitted after trial from all the charges vide judgment of the Criminal Court i.e., Court of Judicial Magistrate I Class, Nasrullaganj dated 25.07.2008. After acquittal, the workman applied for reinstatement under clause 3(c) of the Memorandum of Settlement, with the copy of the judgment. He was reinstated vide order dated 16.05.2009. The management decided to conduct a departmental enquiry with respect to the same incident and charges in which he was acquitted after trial and charge sheet in this respect was issued to him on 19.01.2009 containing 7 allegations and one single charge of misconduct. Out of these, allegations No. 2, 3 and 4 had been adjudicated by the Trial Court. The workman made a representation before the Disciplinary Authority to drop enquiry with respect to these charges which was not accepted. The Enquiry Officer filed his enquiry report in which he held allegations No. 1, 2, 6 and 7 'Not Proved' and allegations No. 3, 4 and 5 'Partially Proved'. This enquiry report dated 30.11.2009 was forwarded to the Disciplinary Authority. The Disciplinary Authority disagreed with the finding of the Enquiry Officer and held the allegations No. 1, 3 and 4 as 'Proved' and allegation No. 5 as 'Partially Proved'. The Disciplinary Authority also concurred with the finding of the Enquiry Officer that allegations No. 2 and 4 were 'Not Proved'. The Disciplinary Authority issued a show cause notice to the workman with the copy of enquiry report. The workman filed his written submission dated 20.03.2010. The Disciplinary Authority passed the impugned order of punishment dated 09.09.2010, removing the workman from service by way of punishment.

According to the workman, the departmental enquiry itself was vitiated in law because it was in violation of clause 3 (d) of the Memorandum of Settlement dated 10.04.2002 because he was acquitted after trial with respect to the same allegations. The departmental enquiry was also not conducted as per law rather it was conducted in violation of rules and principle of natural justice. The charges were wrongly held

proved and the punishment was also disproportionate to the misconduct proved. The management Bank did not treat him in service as per terms and provisions of section 3(c) & (d) of the Memorandum of Settlement with respect to the period of suspension which was revoked before his reinstatement. According to the workman, this action of the management is unjust, illegal and arbitrary. He raised the dispute in this respect. After failure of conciliation, the reference was sent to this Tribunal. The workman has prayed for setting aside his punishment order, he be reinstated with all back wages and benefits.

The case of the management is mainly that while the workman was discharging his duties as cashier in the Nasrullaganj Branch of the Bank, certain complaints were received from the customers reflecting his involvement in serious financial irregularities including the fraudulent withdrawals from the account of the customers. He was suspended vide order dated 24.09.2007. First Information Report was registered with the Police, who filed charge sheet after investigation, against the workman and co-accused Vishnu Prasad u/s 409, 420, 467, 468 and 471 of IPC. He was acquitted by the Court of Judicial Magistrate I Class, Nasarullaganj vide judgment dated 25.07.2008 for want of sufficient evidence to prove charges. Thereafter, the management decided to conduct a departmental enquiry. A charge sheet was served on him on 19.01.2009 with seven allegations constituting grave misconduct on his part. These allegations levelled related to fraudulent withdrawals from the accounts of the customers. After finding the reply to the charge sheet not sufficient, the management Bank decided to conduct regular departmental enquiry, Enquiry Officer and Presenting Officer were appointed. The departmental enquiry was conducted strictly in accordance with rules and principles of natural justice by way of giving full opportunity to the workman to defend himself which he did avail. The Enquiry Officer found allegations No. 1, 2, 6 and 7, 'Not Proved' while allegations No. 3, 4 and 5 were held 'Partially Proved' against

the workman. The Disciplinary Authority, after examining the records, recorded his disagreement with the findings of the Enquiry Officer with respect to allegations No. 1, 3 and 4. The Disciplinary Authority found allegations No. 1, 3 and 4 fully proved against the workman vide letter dated 20.02.2010, which contained the reasons of disagreement, the Disciplinary Authority forwarded enquiry report to the workman for his explanation within 7 days. The workman filed his explanation and after examining the explanation, the Disciplinary Authority issued a show cause notice dated 14.07.2010 proposing punishment of removal from service with superannuation benefits. The opportunity of personal hearing was also accorded. The workman submitted reply to the show cause notice on 30.10.2010 after finding the reply not satisfactory, the punishment of removal of the workman from his service with super annuatory and pensionary benefits was passed. The workman was paid his post retiral dues namely Provident Fund, Gratuity and Pension under relevant Rules. According to the management Bank, the charges were rightly held proved and punishment is also not disproportionate to the allegations proved.

In his rejoinder, the workman has mainly reiterated the allegations.

On the basis of pleadings, following preliminary issue was framed vide order dated 02.02.2024.

“Whether the departmental enquiry conducted against the workman is just, legal and proper?”

The workman filed his affidavit as his Examination-in-chief. He was cross-examined by management. Management also filed affidavit of its witnesses as his Examination-in-chief, he was also cross-examined by workman. The management filed documents with respect to charge, enquiry and punishment.

The preliminary issue was decided after hearing vide order dated 17.10.2024, the departmental enquiry was held vitiated in law, management was given opportunity to prove the allegations regarding misconduct before this Tribunal.

In evidence, the management filed affidavits of three witnesses Mr. Sunil Kumar, Mr. Sanjeev Shrivastava and Mr. Govind Singh Ahirwar. They were cross-examined by workman, these management witnesses proved documents Ex-M/10 to M/42 which relate to the charge, enquiry and punishment order.

I have heard argument of Learned Counsel for workman, Mr. Shantanu Seth, Learned Counsel Mr. Pranay Choubey for management Bank. The workman side has filed written submission which is part of record. I have gone through the written submission and record as well.

Following Additional Issues arises on perusal of record in light of rival arguments:-

- 1) ***Whether the management has successfully proved the charges before this Tribunal?***
- 2) ***Subject to finding of Additional Issue No. 1, but what punishment the workman is liable to?***

Additional issue No. 1

Learned Counsel for the workman has first submitted that since the workman was acquitted after trial with regards to same allegations, hence, the departmental enquiry after acquittal, was not permissible in law. He has referred to judgment of ***Hon'ble High Court of Bombay in the case of Jeevan Prakash Pandurang Mokashe v/s State Bank of India & Another, 1982 SCC Online Bom 99***, in this case, the workman was prosecuted for the charge u/s 380, 381, 465, 467, 468, 471 and 420 of Indian Penal Code, 1860, for fraudulently encashing draft, he was acquitted by Hon'ble High Court from all the charges. Thereafter, he made representation to the Bank that he be reinstated, he was reinstated also, after two years the

Bank decided to conduct departmental enquiry with respect to the same allegations and served the charge sheet in this respect. ***It was held that para 521 (2) of Shastri Award, empowers the employers to have recourse any of the two courses, namely either to reinstate the person on acquittal or to proceed him against him as laid down in the provisions.*** It clearly indicates that consequences must be followed and the option exercised at the time when any of the action contemplated, has to be taken, therefore when an employee who has been convicted and has been dismissed on the basis of his conviction, subsequently acquitted in appeal and makes a representation to the management, the management has to review his case and has to take a call whether it will reinstate him or proceed against him in departmental trial. ***Having taken one course of reinstatement, the management cannot be allowed to take another course of departmental trial.*** Facts of the case referred are different from the facts of the case in hand. In the case in hand, the workman was under suspension during the period of his trial before the Criminal Court, it is not that he was dismissed on the basis of his conviction and later on, his conviction was set aside in appeal. Hence, this judgment will not help the workman in the case in hand.

Learned counsel for the workman has further submitted that when the workman has been acquitted on after trial, a departmental enquiry with respect to same allegations, based on same evidence, the allegations cannot be held proved on the basis of a statement of the same witnesses with respect to same allegations in the departmental enquiry. He has referred to judgment of ***Hon'ble Apex Court in the case of G.M. Tank v/s State Of Gujarat & Anr, (2006) 5 SCC 446***, in this case, it was held that the departmental proceedings and criminal case, when based on identical and similar set of facts and the charges in departmental enquiry as well before the Criminal Court are one and same, when there was a acquittal of the employee, the same requires to be taken note of and decision of ***Hon'ble Apex Court in the case of Capt. M. Paul Anthony v/s Bharat Gold Mines Ltd. & Anr, (1999) 3 SCC 679*** shall apply.

Learned Counsel has referred to another judgment of ***Hon'ble Supreme Court in the case of Ram Lal v/s State of Rajasthan, (2024) 1 SCC 175 para 28 and 29***, being reproduced as follows-

"28. Expressions like "benefit of doubt" and "honorably acquitted", used in judgments are not to be understood as magic incantations. A court of law will not be carried away by the mere use of such terminology. In the present case, the Appellate Judge has recorded that Exh. P-3, the original marksheet carries the date of birth as 21.04.1972 and the same has also been proved by the witnesses examined on behalf of the prosecution. The conclusion that the acquittal in the criminal proceeding was after full consideration of the prosecution evidence and that the prosecution miserably failed to prove the charge can only be arrived at after a reading of the judgment in its entirety. The court in judicial review is obliged to examine the substance of the judgment and not go by the form of expression used.

29. We are satisfied that the findings of the appellate judge in the criminal case clearly indicate that the charge against the appellant was not just, "not proved" - in fact the charge even stood "disproved" by the very prosecution evidence. As held by this Court, a fact is said to be "disproved" when, after considering the matters before it, the court either believes that it does not exist or considers its non-existence so probable that a prudent man ought, under the circumstances of the particular case, to act upon the supposition that it does not exist. A fact is said to be "not proved" when it is neither "proved" nor "disproved" [See Vijayee Singh and Others v. State of U.P. (1990) 3 SCC 190].

30. We are additionally satisfied that in the teeth of the finding of the appellate Judge, the disciplinary proceedings 19 and the orders passed thereon cannot be allowed to stand. The charges were not just similar but identical and the evidence, witnesses and circumstances were all the same. This is a case where in exercise of our discretion, we quash the orders of the disciplinary authority and the appellate authority as allowing them to stand will be unjust, unfair and oppressive. This case is very similar to the situation that arose in G.M. Tank (supra).

32. This issue need not detain us any further because it is not the case of department that the appellant sought employment based on 10th standard marksheet. It is their positive case that the appellant sought employment on the basis of his 8th standard marksheet. Shravan Lal-PW-4 in the departmental enquiry had also furnished the 10th standard marksheet procured from the Secondary Education Board, Ajmer. In cross-examination, on being asked, he admitted that the appellant was recruited on the basis of 8th standard marksheet, and he admitted that there was no alteration in the 8th standard marksheet."

The seven allegations against the workman constitute the serious misconducts, which are being reproduced as follows:-

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As it appears, from the allegations mentioned above, allegations No. 2, 3 and 4 based on the alleged complaint of the account holder Brij Mohan Devra. This Brij Mohan Devra account holder or his wife Mani Devra, who held the joint account with her husband, were never examined during the departmental enquiry they have not been examined by management Bank before this Tribunal also when the management was given opportunity to prove the charges before this Tribunal. There is on record, the statement of the

account holder Brij Mohan Devra said to be recorded before the Court of Judicial Magistrate during trial of the criminal case (details mentioned earlier), wherein, he has specifically stated that in fact, he had instructed the workman. He also stated that the workman never kept cheques signed and receipt signed by him and he has in fact himself received the amount for which the allegations have been made against the workman.

Similarly, with regards to allegation No. 1 which is regarding non deposit of amount of Rs. 5,000/- which was received by the workman from the account holder, Ram Swaroop Solanki on 03.07.2007, this Ram Swaroop Solanki, though examined during the departmental enquiry but has not been examined before this Tribunal by management in support of the allegations. Learned counsel for the workman has submitted that after departmental enquiry has been held vitiated in law no statement of any witnesses and no evidence produced in the departmental enquiry will be taken into consideration. He has referred to judgment of ***Hon'ble High Court of Madhya Pradesh in W.P. No. 21077/2016, Union Bank v/s Norbert Anthony***. Hon'ble High Court has referred to judgment of ***Hon'ble Supreme Court in the case of Neeta Kalpesh v/s Presiding Officer, Labour Court and Ors. (1999) 1 SCC 517, paragraphs 24, 25, 26 and 27*** in this respect, being reproduce as follows-

“24. In view of the above, the legal position as emerges out is that in all cases where enquiry has not been held or the enquiry has been found to be defective, the Tribunal can call upon the management or the employer to justify the action taken against the workman and to show by fresh evidence that the termination or dismissal order was proper. If the management does not lead any evidence by availing of this opportunity, it cannot raise any grouse at any subsequent stage that it should have been given that opportunity, as the Tribunal, in those circumstances, would be justified in passing an award in favour of the workman. If, however, the opportunity is availed of and the evidence is adduced by the management, the validity of the action taken by it has to be scrutinised and adjudicated upon on the basis of such fresh evidence.

25. In the instant case, the appellant had questioned the domestic enquiry on a number of grounds including that her own answers, in reply to the questions of the Presiding Officer, were not correctly and completely recorded and that the Enquiry Officer was not impartial and was biased in

favour of the respondent. It was further contended that her own witnesses were not called and she was not given the opportunity to lead evidence. The Labour Court has discussed a few of these grounds but has not given any finding on the bias of the Enquiry Officer or the ground relating to incorrectly recording the statement of the appellant. The Labour Court, however, found that the enquiry was not fairly and properly held. It was after recording this finding that the Labour Court called upon the Management to lead evidence on merits which it did not do.

26. Learned counsel for the appellant (sic respondent) contended that in spite of the direction by the Labour Court to the respondent-Management to lead evidence, it was open to the Management to rely upon the domestic enquiry proceedings already held by the Enquiry Officer, including the evidence recorded by him, and it was under no obligation to lead further evidence, particularly as the Management was of the view that the charges, on the basis of the evidence already led before the Enquiry Officer, stood proved. It was also contended that under Section 11-A, the Labour Court had to rely on the "materials on record" and since the enquiry proceedings constituted "material on record", the same could not be ignored. The argument is fallacious.

27. The record pertaining to the domestic enquiry would not constitute "fresh evidence" as those proceedings have already been found by the Labour Court to be defective. Such record would also not constitute "material on record", as contended by the counsel for the respondent, within the meaning of Section 11-A as the enquiry proceedings on being found to be bad, have to be ignored altogether. The proceedings of the domestic enquiry could be, and were in fact, relied upon by the Management for the limited purpose of showing at the preliminary stage that the action taken against the appellant was just and proper and that a full opportunity of hearing was given to her in consonance with the principles of natural justice. This contention has not been accepted by the Labour Court and the enquiry has been held to be bad. In view of the nature of objections raised by the appellant, the record of enquiry held by the Management ceased to be "material on record" within the meaning of Section 11-A of the Act and the only course open to the Management was to justify its action by leading fresh evidence as required by the Labour Court. If such evidence has not been led, the Management has to suffer the consequences.

Hence, in light of this preposition of law, since the evidence of the account holder Ram Swaroop Solanki during the enquiry cannot be read because the enquiry was held vitiated in law, this account holder had not been examined before this Tribunal by management in support of the allegations, the point arises is if the charge is proved from documents ?.

Learned counsel for management has referred to documents which have been filed and proved by the management witnesses. These documents are deposit slips signed by the account holder, Ram Swaroop Solanki, the receipt issued by the workman under his seal and signature

acknowledging the receipt of the amount of the account holder on 06.07.2007 and this amount does not find mention in the Bank records as deposited, ***hence even in absence of the examination of the account holder, Ram Swaroop Solanki, this charge is held proved on the basis of documents as mentioned above.***

It also comes out that the Bank account of Brij Mohan Devra and his wife was a joint account, they had issued an instruction to the Bank that this account will be operated jointly. From documents, it is proved that the cheque, which was passed by the workman was signed only by one account holder i.e., Brij Mohan Devra. ***Hence, in these circumstances, the workman is held to have disobeyed the operating instructions issued by the joint account holders regarding joint operation of the account and passed cheques which were signed by one account holder only. Thus this much of allegations also are held proved.***

Hence, in light of above discussion and findings the two allegations as mentioned above are held proved against the workman.

Additional Issue No. 1 is answered accordingly.

Additional Issue No.2

The workman in this case has been awarded punishment of removal with pensionary benefits. Learned Counsel for the workman has attacked the punishment with an argument that this punishment is disproportionate to the allegations proved. Learned Counsel further submits that on the same set of facts, the workman was acquitted after trial by Criminal Court but his this argument cannot be a ground for interference in punishment order because the trial was with respect to account of Brij Mohan Devra the account holder, and not with respect to the alleged misdeeds regarding deposit of amount of Rs. 5,000/- in the account of Ram Swaroop Solanki and other allegations.

Learned counsel for the management Bank has submitted that the punishment order does not warrant any

interference. He submits that even one case of proved misconduct involving the moral turpitude is sufficient for removal. He has referred to judgment of ***Hon'ble Supreme Court in the case of State Bank of India v/s A.G.D. Reddy Civil Appeal No. 11196/2011, 2023 INSC 766, para 39*** of this judgment is being reproduced as under:-

“39. The law is well-settled that if in a disciplinary proceeding, the order of penalty can be imposed on the charges proved and the punishment imposed is lawfully sustainable on those charges, it is not for the Court to consider whether those grounds alone would have weighed with the authority in imposing the punishment. No doubt, on the facts of the present case, on some aspects of the charge, the proof may have been found wanting. However, since the law laid down by this Court is that unless punishment imposed is only co-relatable to any of those charges found not proved, the penalty cannot be set aside. In this case, the punishment can be sustained even if the charges held not proved are severed. [See State of Orissa vs. Bidyabhushan Mohapatra [1963] Supp. 1 SCR 648 and Deputy General Manager (Appellate Authority) and Others. vs. Ajai Kumar Srivastava, (2021) 2 SCC 612].”

In another judgment of ***Hon'ble Supreme Court State Bank Of India And Anr vs Bela Bagchi and Ors, (2005) 7 SCC 435***, referred to by Learned counsel for management Bank, it has been held that plea about absence of loss of the Bank as well even one misconduct involving act of moral turpitude may attract maximum punishment, para 15 of this judgment is being reproduced as under:-

“15. A Bank officer is required to exercise higher standards of honesty and integrity. He deals with money of the depositors and the customers. Every officer/employee of the Bank is required to take all possible steps to protect the interests of the Bank and to discharge his duties with utmost integrity, honesty, devotion and diligence and to do nothing which is unbecoming of a Bank officer. Good conduct and discipline are inseparable from the functioning of every officer/employee of the Bank. As was observed by this Court in Disciplinary Authority-cum-Regional Manager

v. Nikunja Bihari Patnaik, [1996] 9 SCC 68, it is no defence available to say that there was no loss or profit resulted in case, when the officer/employee acted without authority. The very discipline of an organization more particularly a bank is dependent upon of its officers and officers acting and operating within their allotted sphere. Acting beyond one's authority is by itself a breach of discipline and is misconduct. The charges against the employee were not casual in nature and were serious. That being so, the plea about absence of loss is also sans substance."

Learned counsel for the workman Mr. Shantanu Seth has referred to judgment of *Hon'ble Supreme Court in the case of Deepali Gundu Surwase Vs. Kranti Junior Adhyapak Mahavidyalaya & others (2013) 10 SCC 324.*

The relevant paragraphs of the said judgment are being reproduced as follows:

The Supreme Court in the said case has observed as under:-

"The propositions which can be culled out from the aforementioned judgments are:

i) In cases of wrongful termination of service, reinstatement with continuity of service and back wages is the normal rule.

ii) The aforesaid rule is subject to the rider that while deciding the issue of back wages, the adjudicating authority or the Court may take into consideration the length of service of the employee/workman, the nature of misconduct, if any, found proved against the employee/workman, the financial condition of the employer and similar other factors.

iii) Ordinarily, an employee or workman whose services are terminated and who is desirous of getting back wages is required to either plead or at least make a statement before the adjudicating authority or the Court of first instance that he/she was not gainfully employed or was employed on lesser wages. If the employer wants to avoid payment of full back wages, then it has to plead and also lead cogent evidence to prove that the employee/workman was gainfully employed and was getting wages equal to the wages he/she was drawing prior to the

termination of service. This is so because it is settled law that the burden of proof of the existence of a particular fact lies on the person who makes a positive averments about its existence. It is always easier to prove a positive fact than to prove a negative fact. Therefore, once the employee shows that he was not employed, the onus lies on the employer to specifically plead and prove that the employee was gainfully employed and was getting the same or substantially similar emoluments.

iv) The cases in which the Labour Court/Industrial Tribunal exercises power under Section 11-A of the Industrial Disputes Act, 1947 and finds that even though the enquiry held against the employee/workman is consistent with the rules of natural justice and/or certified standing orders, if any, but holds that the punishment was disproportionate to the misconduct found proved, then it will have the discretion not to award full back wages. However, if the Labour Court/Industrial Tribunal finds that the employee or workman is not at all guilty of any misconduct or that the employer had foisted a false charge, then there will be ample justification for award of full back wages.

v) The cases in which the competent Court or Tribunal finds that the employer has acted in gross violation of the statutory provisions and/or the principles of natural justice or is guilty of victimizing the employee or workman, then the concerned Court or Tribunal will be fully justified in directing payment of full back wages. In such cases, the superior Courts should not exercise power under Article 226 or 136 of the Constitution and interfere with the award passed by the Labour Court, etc., merely because there is a possibility of forming a different opinion on the entitlement of the employee/workman to get full back wages or the employer's obligation to pay the same. The Courts must always be kept in view that in the cases of wrongful/ illegal termination of service, the wrongdoer is the employer and sufferer is the employee/workman and there is no justification to give premium to the employer of his wrongdoings by relieving him of the burden to pay to the employee/workman his dues in the form of full back wages.

vi) In a number of cases, the superior Courts have interfered with the award of the primary adjudicatory authority on the premise that finalization of litigation has taken long time ignoring that in majority of cases the parties are not responsible for such

delays. Lack of infrastructure and manpower is the principal cause for delay in the disposal of cases. For this the litigants cannot be blamed or penalised. It would amount to grave injustice to an employee or workman if he is denied back wages simply because there is long lapse of time between the termination of his service and finality given to the order of reinstatement. The Courts should bear in mind that in most of these cases, the employer is in an advantageous position vis-à-vis the employee or workman. He can avail the services of best legal brain for prolonging the agony of the sufferer, i.e., the employee or workman, who can ill afford the luxury of spending money on a lawyer with certain amount of fame. Therefore, in such cases it would be prudent to adopt the course suggested in Hindustan Tin Works Private Limited v. Employees of Hindustan Tin Works Private Limited (supra).

vii) The observation made in J.K. Synthetics Ltd. v. K.P. Agrawal (supra) that on reinstatement the employee/workman cannot claim continuity of service as of right is contrary to the ratio of the judgments of three Judge Benches referred to hereinabove and cannot be treated as good law. This part of the judgment is also against the very concept of reinstatement of an employee/workman."

Now coming on the facts of the case in hand, in light of settled proposition of law on the point of punishment as discussed above, it comes out that the allegations that the workman had more than one times passed cheques issued by one of the account holder of joint account which was to be operated jointly and that the workman did not deposit Rs. 5,000/- with the Bank which he had received by the account holder Ram Swaroop Solanki for deposit in his account and had issued a counterfoil as well receipt as a proof of this receipt of money to the account holder, have been held proved. Both these acts are the acts of moral turpitude.

The workman has been awarded punishment of removal from service with superannuatary benefits which, in the light of the nature of the charges proved, cannot be said to be so disproportionate to shock the conscience of this Tribunal.

Additional Issue No.2 is answered accordingly.

In light of above discussion and findings, the reference is answered as follows.-

AWARD

Holding the action of the management of Assistant General Manager, State Bank of India, Region-VI, Bhopal in removing the services of the workman Shri Ramdin Dayam S/o Ramlal Dayama w.e.f. 10.09.2010 with superannuatory benefits justified, the workman is held entitled to no relief."

No order as to cost.

DATE:- 15-07-2026

**(P.K.SRIVASTAVA)
PRESIDING OFFICER**

