

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/35/2018 Salil Kumari (dead, represented through LR's) V/S. Bhilai Steel Plant		
15.09.2025	<p>Matter taken up.</p> <p>Learned Counsel Mr. Shantanu Seth for workman and Mr. R.C. Shrivastava, Learned Counsel present for Management.</p> <p>Heard argument of both the sides on preliminary issue which is as follows:-</p> <p><i>“Whether the departmental enquiry conducted is legal and proper.”</i></p> <p>Perused record.</p> <p>Learned Counsel for workman side has submitted that death of an employee against whom the charge sheet was issued and punishment was awarded does not close the proceedings. He has referred to judgment of Hon'ble Supreme Court in the case of Rameshwar Manjhi Vs. Management of Sangram Garh Colliery (1994) I SCC 292, wherein it has been held that death of a workman does not result into abatement of the reference. Learned Counsel has further submitted that the enquiry was not just because firstly, copies of the documents sought were not provided to the workman with the charge sheet, secondly, the charge sheet was not complete because it did not contain the provision with respect to the misconduct alleged. Learned Counsel has referred to following judgments, in this respect.-</p>	

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	<p>1. A Sudhakar Vs. Post Master General (2006) 4 SCC 348 held that when the document was taken in evidence without supplying a copy the enquiry was not sustainable.</p> <p>2. Deepak Puri Vs. State of Haryana, (2000) 10 SCC 373.,</p> <p>3. Committee of management Vs. Shambu Sharan Pandey (1995) 1 SCC 404, the aforesaid principle was followed in these cases.</p> <p>Learned Counsel for management has submitted that non mentioning of a provision with respect to misconduct in the charge sheet is mere irregularity which has been cured by way of amended charge sheet. As regards the document, which was the application said to be submitted by the complainant workman revoking his suspension and the complainant alleged that the applicant workman demanded illegal gratification to process his application, which is subject matter of the charge, non-supply of this application has not prejudiced the defense of the workman in the enquiry. I am in full agreement with the argument from the side of management.</p> <p>Another argument raised by workman side is that some additional witnesses who were not named in the charge sheet were also examined during the enquiry, this fact also does not prejudice the workman in the enquiry because he was given</p>	

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	<p>opportunity to cross-examine these additional witnesses also which he did avail.</p> <p>On the basis of above discussion, the preliminary issue is answered against the workman holding the departmental enquiry just, legal and proper.</p> <p>Following additional issues are framed.-</p> <ol style="list-style-type: none"> 1. <i>Whether the finding of enquiry officer and concurrence by disciplinary authority that the charges were proved is perverse?</i> 2. <i>Whether the punishment awarded is excessive to the charge?</i> <p>Parties are at liberty to file evidence strictly with respect to the additional issues till next date.</p> <p>List on 04.11.2025 for hearing.</p> <p>Upload this Order.</p> <p style="text-align: right;">Presiding Officer</p>	