

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

NO. CGIT/LC/R/37/2019

Present: P.K.Srivastava

H.J.S..(Retd)

**Shri Raju, S/o Mohardas,
Village & Post - Bagrar,
District - Bilaspur (CG) – 495118**

Workman

Vs

**Deputy Regional Manager,
Kurja Sub-Area,
South Eastern Coal Fields Limited,
Post- Bijuri,
District- Anuppur (M.P.) - 484224**

Management

(JUDGMENT)

(Passed on this 17th day of March, 2026)

सत्यमेव जयते

As per letter dated **13/02/2018** 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-22012/178/2018-(IR(CM-II))** dt. **13/02/2018**. The dispute under reference relates to:-

"Whether the Deputy Regional Manager, Kurja Sub-Area, South Eastern Coal Fields Limited is justified in dismissing Shri Raju, S/o Mohardas Hasdeo, General Mazdoor, from service on the ground of his absence from duty? If no, what relief is the applicant, Shri Raju, General Mazdoor, 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 was served a chargesheet dt. 17.08.2015 alleging misconduct by way of wilfully absenting himself since 19.08.2015 without intimation to management and without getting any leave sanctioned. A departmental inquiry was conducted without observing basic principles of natural justice and without giving him proper opportunity to defend himself, the whole proceedings of departmental enquiry is vitiated in law, is partial and malafide. The findings with respect to misconduct are perverse and punishment is disproportionate to the charge.

Management has taken a case that the workman absented himself since 19.08.2013 without any intimation, permission or sanctioned leave. He was issued a charge sheet on 17.08.2015 with respect to misconduct by unauthorizedly and wilfully absenting himself from workplace since 19.08.2013 and is irregular as well his unauthorized absence in the year 2012 and 2013. He submitted his reply on 28.08.2015, which was found unsatisfactory, the management decided to conduct a departmental enquiry in the charges. The workman participated in the enquiry, he availed the services of his Defense Assistant, and he admitted the charges. He was issued another notice by disciplinary authority with a copy of enquiry report in which the charges were held proved against him, after finding his reply not sufficient and keeping in view his irregular presence at workplace, he was awarded punishment of termination.

Following preliminary issue was framed on the basis of pleadings vide order dated 22.07.2022.

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

On the basis of evidence on record, this preliminary issue was decided vide order dated 05.01.2026, the departmental enquiry was held just legal and proper. This order is part of this Judgment and Award.

Following Additional Issues were framed:-

1. Whether the finding of the Enquiry Officer in the enquiry report that the charges are proved and concurrence by the disciplinary authority is perverse?

2. Whether the punishment proportionate to the charges proved??

Parties were give opportunity to lead evidence strictly on additional issues, no evidence was produced.

I have heard argument of workman representative, Mr. O.P. Tiwari and Mr. Neeraj Kewat, Learned Counsel for management. I have gone through the record as well.

Additional issue No. 1

Charge against the workman is that, he committed misconduct as defined under clause 26.30 of the Certified Standing Orders by way of absenting himself unauthorizedly and without any intimation, permission to management or without getting any leave sanctioned, his presence was 28 days in 2008, 5 days in 2005 and zero days in 2014-2015.

A perusal of enquiry papers reveals that the workman admitted the charges and submitted that this was due to sickness of his mother. He assured that he will not repeat this misconduct in future.

The Enquiry Officer has held the charges proved on the basis of his this admission. Hence, I find no fault in the finding of the Enquiry Officer with respect to prove of charges and held the charges rightly proved.

Additional Issue No. 1 is answered accordingly.

Additional Issue No.2

Punishment awarded is dismissal from service. This is also established that the workman is habitual offender. The punishment is in exclusive domain of the Department and the Courts and Tribunals need not interfere in punishments till they are shockingly disproportionate to the charges. Hence, keeping in view the previous conduct of the workman, the punishment is held proportionate to the charge proved and the workman is held entitled to no relief.

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 management, Deputy Regional Manager, Kurja Sub-Area, South Eastern Coal Fields Limited, on departmental enquiry basis legal, and justified in dismissing Shri Raju, General Mazdoor, from service on the ground of his absence from duty, he is entitled to no relief.”

No order as to cost.

DATE:- 17-03-2026



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