

# 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/44/2017  
Sitaram Banjare V/S S.E.C.L.

03.10.2024

**Order on preliminary issue**

The Preliminary Issue is as follows :-

**Whether, the departmental inquiry conducted against the workman is legal and proper ?**

In his statement of claim, the workman has alleged that the management failed to follow principles of natural justice during the course of inquiry, proceeded ex-parte against the workman and conducted inquiry without affording legal and proper opportunity to the workman.

The case of management on this issue is that, while the workman was working on 13.11.2004 as Pump Khalasi, Category-III, he assaulted Shri U.S. Goyal and P.L. Kewat who were Superintendent of Mines in Balgi Project. He was issued a charge-sheet containing charges of misconduct under Clause 26.16, 26.18 and 26.22 of the Certified Standing Orders on 15.11.2004. He submitted his reply on 27.11.2004. On finding the reply unsatisfactory, management decided to conduct regular departmental inquiry vide order. The inquiry concluded in as many as 20 sittings in which the workman was given full opportunity to defend himself. The Disciplinary Authority issued show cause notice against him. Another show cause notice was issued by Appellate Authority at appeal stage asking the workman to show cause with respect to inquiry and punishment. The workman did submit his reply and thereafter punishment order was passed and confirmed.

Both the sides have filed affidavits as examination in chief. They have been cross examined by their adversary. Management has filed the original inquiry papers also.

I have heard argument of Shri Arun Patel learned Counsel for workman and Learned Senior Counsel Shri Anoop Nair assisted by learned Counsel Shri Neeraj Kewat. I have gone through the record as well.

Perusal of inquiry record shows that, as many as four

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	<p>witnesses were examined by management during inquiry to prove the charges. The workman was given opportunity to cross examine these witnesses, which he did avail. Thereafter, the workman examined his witnesses. There is nothing on record nor is there anything in the statement of witnesses to indicate that the Inquiry Officer did not permit the workman to put question of his choice to the management witnesses nor is there any material to indicate that the workman was deprived of producing his evidence in defense.</p> <p>Learned Counsel for workman has submitted that the complainant and the Inquiry Officer both were in the same rank, hence there was element of bias in the inquiry. Learned Senior Counsel has submitted that since there is nothing to show that the inquiry was not proper, it should not be held unjust, only on the assumption of bias. The inquiry records do not show or indicate presence of any bias or prejudice, on the part of Inquiry Officer while conducting inquiry. Hence, argument of learned Counsel of workman on this point fails.</p> <p>Accordingly, holding the departmental inquiry not vitiated in law, Preliminary Issue is answered against workman.</p> <p>Following additional issues are framed :-</p> <ol style="list-style-type: none"><li><i>1. Whether, the finding of Inquiry Officer that, the charges are proved can be held perverse ?</i></li><li><i>2. Whether, the punishment awarded is disproportionate to the charges proved ?</i></li></ol> <p>List on _____ for hearing on additional issues/ final arguments. Parties may file their evidences, if any, in form of affidavits/documents on additional issues till date.</p> <p>Upload this order.</p> <p style="text-align: right;"><b>Presiding Officer</b></p>	