

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

NO. CGIT/LC/R/49/2021

Present: P.K.Srivastava

H.J.S..(Retd)

1. Shri Suresh Kumar,
S/o Late Shri Gagori Ram,
Kapildhara Colony, Quarter No. M/331,
Post- Bijuri,
Disstt. Annuppur (M.P.)

Workman

Vs

1. The Managing Director,
SECL, Sepat Road,
Bilaspur (Chhattisgarh)
2. The Subarea Manager,
Pinoura Sub Area,
District Umariya (M.P.)

Management

सत्यमेव जयते
(JUDGMENT)

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

As per letter dated **23/09/2021** 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. J-1(3-4)/2021-IR** dt. **23/09/2021**. The dispute under reference relates to:-

"Whether the demand of Shri Suresh Kumar S/o Late Ganori Ram, Ex. General Mazdoor for re-instatement of his service w.e.f., 21.05.2010 against the Sub Area Manager, Pinoura Sub Area (Management of SECL) is legal, fair and proper? If yes, to what relief the workman concerned 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 was appointed on compassionate ground on 02.03.2008, he fell ill and remained unconscious till 12.03.2008. He consulted doctor in Government Hospital on 13.03.2008, the doctor advised him rest. He was under treatment of the said doctor till 13.03.2010, when he was declared fit for duty by the doctor on 13.03.2010, he reported at his workplace and came to know that he has been terminated from service by the management on the charge of unauthorizedly and wilful absence from workplace without intimation to management and without getting any leave sanctioned. According to the workman, the action of management is unjust, illegal and arbitrary and he has prayed for setting aside of his termination, he be reinstated with all back-wages and benefits.

Case of the management is that the workman is a habitual absentee, he is in the habit of remaining absent from duty without intimation, permission or sanctioned leave for which he was issued a charge sheet at different times and was punished. There is a well equipped hospital maintained by management, he never reported sick in the hospital, and absented himself without intimation for which he was issued a charge sheet on 26.12.2009. A departmental enquiry was conducted in absence because all the communications sent by the management to the workman returned back with an endorsement that he was not found at his address. Enquiry Officer submitted his report holding the workman guilty of this misconduct after issuing a show cause notice, management passed termination order keeping in view his low attendance in previous years right from 2004 to 2007 as mentioned in the written statement. Thus, according to management the enquiry was conducted legally and properly, charges were rightly held proved and the punishment is proportionate to misconduct and previous misconducts. Management has prayed that the reference be answered against the workman.

Following preliminary issue was framed on the basis of pleadings vide order dated 23.02.2024.

“Whether the departmental enquiry conducted against the workman is proper, legal or not?”

On the basis of evidence on record, this preliminary issue was decided vide order dated 29.04.2025, the departmental enquiry was held vitiated in law. This order is part of this Judgment and Award.

Management was given opportunity to prove the charges before this Tribunal. Management examined Mr. Prahalad Kumar Gumasta in support of charges, he proved document Annexure-M/12 and he was cross-examined by workman side. The workman did not file any evidence.

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.

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

- 1) **Whether the charges have been proved by management?**
- 2) **Relief if any?**

Additional issue No. 1

Charge against the workman is that he committed misconduct under clause 26.24 of the Certified Standing Orders by way of absenting himself without any intimation to management and without getting any leave sanctioned. His presence was nil in 2006, 1 day in 2007 and 35 days in 2008. The management witness has stated these facts that the workman was in the habit of unauthorizedly absenting himself without any intimation, permission or sanctioned leave, for it he was issued charge sheet seven times and was punished. He remained absent in unauthorized manner for the period mentioned in charge sheet. The departmental enquiry was conducted, the witness proved document Annexure-M/12 which is the details about attendance of the workman prepared on the basis of his attendance register. In his cross-examination, the workman states that all these documents were filed during the enquiry and that he did not

participate in the enquiry. There is nothing in his statement to disbelieve him. The settled proposition of law with respect to evidence in departmental proceedings is that charges need not be proved beyond reasonable doubt as it is required in criminal trials.

Now testing the evidence on the aforesaid settled principles, there is no occasion to disbelieve the evidence of management and accordingly the charge of misconduct as leveled above is held 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 that the demand of Shri Suresh Kumar, Ex. General Mazdoor for re-instatement of his service w.e.f., 21.05.2010 against the Sub Area Manager, Pinoura Sub Area (Management of SECL) on departmental enquiry basis unfair and unjustified, he is entitled to no relief.”

No order as to cost.

DATE:- 17-03-2026

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