

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR  
COURT, JABALPUR**

**NO. CGIT/LC/R/51/2023**

**Present: P.K.Srivastava**

**H.J.S..(Retd)**

**The National Convener,  
Union Forum of We Bankers,  
New MIG-53, Hemant Vihar,  
Barra-2, Kanpur (U.P.)- 208227**

**Workman**

**Vs**

**The Regional Manger,  
Indian Overseas Bank, Regional Office,  
Investment Building, Phase-II,  
Jeevan Bima Marg, Pandri,  
Raipur (C.G.), 492004**

**Management**

**(JUDGMENT)**

**(Passed on this 9<sup>th</sup> day of September- 2025)**

As per letter dated 20/07/2023 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. 24(25)/2023-IR dt. 20/07/2023. The dispute under reference relates to:

***"Whether the action of the management in non-exonerating Miss Aarti Verma from the charges levelled against her on the basis of complaints made by certain customers and colleagues of the Bank, without following the due procedure to conduct such enquiry and even after the withdrawal of show- cause notice dated 06.10.2020***

***and original order dated 01.02.2021 in respect of the charge-sheet is legal & justified. If not, what relief the workman is entitled to?"***

**Case of the workman union** is mainly that, the workman Ms Arti Verma first joined the service of Bank in 2014 as Clerk and is posted in the Bhilai Durg Branch Bank. Her service record has been spotless, she has always been committed and sincere towards her duties. She is a union activist and works for the interest of Bank employees, her this act has earned displeasure and annoyance of the management and they have been harassing her by way of adopting unfair labour practices.

She was issued first show cause notice on 30.05.2020 without being provided sufficient details and supporting documents which she replied on 04.06.2020, denying the allegations in the notice. She was suspended by management on 04.06.2020 after she submitted her reply. She filed an appeal against her Suspension Order before the Appellate Authority which was kept pending for a period more than which is required for disposal of such type of appeals in para 14 of the Bipartite Settlement dated 10.04.2020 and thereafter dismissed it by non-speaking and unreasoned order. Thereafter, she raised a dispute. During the pendency of dispute, her suspension was revoked by management, she was issued a letter on 27.07.2020 captioned as Charge Sheet and was asked to show cause within 10 days why disciplinary action, not be taken against her. She submitted her written submission to this letter/charge sheet also on 05.08.2020.

The management again issued a show cause notice dated 06.10.2020 communicating that her case was being considered under Clause 12(e) of the Bipartite Settlement dated 10.04.2002, dispensing with the enquiry and Stoppage of One Increment for a period of six months was proposed in the show cause notice dated 06.10.2020. She

did reply this notice also, denying the charges. The management, ignoring the reply dated 12.10.2020 filed by her with response to the aforesaid notice dated 06.10.2020, passed an order dated 01.02.2021 confirming the punishment proposed which was Stoppage of One Increment for a period six months. She raised a dispute again against this action of management. During pendency of the dispute, the imposed punishment was withdrawn by management vide its letter dated 29.06.2021. Management, thereafter, proposed to proceed for regular departmental enquiry with respect to the charges which is unjust, illegal, arbitrary, malafide and in violation of Bipartite Settlement. The Management has denied her the benefits which she may be entitled or may be entitled to be considered for, under the pretext of the aforesaid Charge Sheet since last five years which is unfair labour practice resulting into her harassment. She has further alleged that under the settlement, the Regional Head is the Disciplinary Authority for her whereas the decision for departmental enquiry has been taken by Chief Manager who is not a Disciplinary Authority.

**It is also her case that** once the Disciplinary Authority decided to withdraw punishment which was imposed on her dispensing enquiry, the Chief Manager who was not a Disciplinary Authority, did not have power to initiate regular departmental enquiry on the basis of same chargesheet. She has therefore prayed that holding the order of management conducting regular departmental enquiry with respect to same charges as mentioned above unjust, illegal and arbitrary, she be held entitled to all benefits with respect to salary, seniority, increment, etc., which has suffered on the basis of aforesaid charge sheet.

**Case of the management,** as taken by them in their written submission of defense is mainly that many complaints were received about the workman with respect to her work, she was issued a show

cause notice dated 30.05.2020, she submitted a reply to the notice on 04.06.2020, she was placed under suspension vide order dated 04.06.2020. She was issued a charge sheet dated 27.07.2020 alleging acts of misconduct against her. The Senior Regional Manager, did not follow any opinion in the show cause notice dated 06.10.2020, the workman was granted sufficient time to reply, she accepted her misconduct in her reply dated 12.10.2020 and only raised objection with regard to quantum of punishment, she was awarded punishment which was withdrawn and the department decided to conduct regular enquiry with respect to the charges which is perfectly legal and management is within its right to conduct such enquiry as per circular of Bank dated 01.02.2021, the Senior Regional Manager and Chief Manager both are Disciplinary Authorities for the workman.

Management has prayed that the reference be answered against the workman.

**Both the sides have filed** their respective affidavits and documents, which are mainly Show Cause Notices, Charge Sheet, Replies, Punishment Order, Order Regarding Special Punishment and Suspension, to be referred to as and when required.

**I have heard argument of the workman who appeared in person and Learned Counsel for the Bank Mr. Sahil Bahadur Singh.** Both the sides have filed written submissions which are part of record. I have gone through the record as well.

**From perusal of the record the settled facts are that** a show cause notice was issued against the workman with regards to some alleged misconducts committed by her, she replied to the show cause. She was suspended by management with respect to the show cause notice, which was revoked later on when she raised a dispute in this respect. Thereafter management issued a charge sheet with

allegations of misconducts mentioned in the charge sheet and issued a show cause notice as to why she not be punished dispensing with the enquiry on charge sheet. She did file a reply to the show cause notice, the management awarded punishment to her dispensing with the formal departmental enquiry on the charge sheet, this punishment order was also withdrawn and management has decided to conduct a regular departmental enquiry with respect to the charge sheet.

**The case of the workman is that** the charge sheet has been issued by a person who is not Disciplinary Authority and is not competent to issue it and secondly, the management is using the charge sheet as a tool of harassment to deny her benefits she is entitled to on the pretext of charge sheet and show cause notice which is unfair labour practice.

The management has submitted that they are within their power to withdraw punishment which was awarded to her dispensing with formal departmental enquiry and also that the charge sheet has been issued by competent authority who is the Disciplinary Authority. There is no legal infirmity in the charge sheet.

**Now the only issue arises for determination is whether the management is within its right to conduct a regular departmental enquiry on the charge sheet in the circumstance as detailed above.**

There are allegations of misconducts against the workman in the charge sheet issued by management. These misconducts are minor and major misconducts for which there is punishment provided in the Bipartite Settlement. The workman side could not cite any Rule or provisions or judgment holding that when a punishment awarded dispensing with formal enquiry has been revoked, the management is not empowered to conduct a regular formal enquiry into the charge sheet. **Hence, management in this case is held fully within its right to**

**conduct a formal departmental enquiry with respect to charge sheet issued by them with allegations of misconduct mentioned in the charge sheet.**

**As regards the arguments from the side of workman that charge sheet has not been issued by a Competent Authority, she is always at liberty to take this plea during the departmental enquiry which shall be addressed and decided by Enquiry Officer as well the Disciplinary and Appellate Authority by a reasoned order.**

It is further submitted that on the pretext of show cause notice, suspension and charge sheet the workman has been denied her claims which she is entitled to, keeping in view the fact that the matter is lingering since 2020 till date and the conduct of management as mentioned above many times, **it is held that the management will grant the workman all her legally admissible claims with respect to wages, increment, career progression and other related claims which she is eligible and entitled to, till date the management appoints Enquiry Officer and Presenting Officer with respect to the departmental enquiry.**

The reference stands answered in the light of observations and findings made above.

**No order as to cost.**

**DATE:- 09/09/2025**

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