

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

NO. CGIT/LC/R/68/2023

Present: P.K.Srivastava

H.J.S..(Retd)

**Sujeet Kumar Sahu,
S/o Late Dhwaja Ram Sahu,
Village Dewari, Po Korshi, Pamgarh,
Janjgir- Champa,
Chhattisgarh- 495556**

Workman

Vs

**Subarea Manager,
Kudri Project,
Under G.M. SECL, Johila Area,
Post- Nowrozabad,
District Umariya (M.P.)- 484555,
Johila**

Management

(JUDGMENT)

(Passed on this 25th day of February, 2026)

As per letter dated **11/08/2023** 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. J-5(28)/2023-RLC** dt. **11/08/2023**. The dispute under reference relates to:-

"1. Whether the action of the management of SECL Bilaspur in terminating the workman Shri Dhwaja Ram Sahu w.e.f. 07.02.2007 on departmental enquiry basis is legal, fair and justified? If not, what relief the workman is entitled to and from which date?"

2. Whether the demand of the Union Sanyukta Shramik Sangathit Asangathit Sangh, Chhattisgarh from the management of SECL, Bilaspur for seeking compassionate appointment for Shri Sujeet

Kumar Sahu s/o late Dhwaja Ram Sahu under clause 9.3.0 NCWA.IV of Coal India Ltd. Is legal, fair and justified? If yes, than what relief the workman is entitled to and from which date?"

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 applicant is mainly that his father Dhwaja Ram Sahu was a permanent employee of the management. He went missing from 20.10.2005. The missing report was lodged with the Police station on 01.02.2006. A public notice was published in newspapers thereafter on 29.05.2013. Police filed a report that he could not be searched and probably has died. The Police enquiry was closed. The mother of the petitioner filed a representation before the management for the first time in 2006 seeking appointment on compassionate ground due to non-appearance and probable death of the workman, Dhwaja Ram Sahu but the management initiated a departmental enquiry which proceeded ex-parte against workman. Management was informed during the enquiry that he has gone missing after duty hours since 20.10.2005 but the enquiry proceeded against him which is unjust and is vitiated in law because it is against the principles of natural justice. Also, alleged that the enquiry officer wrongly held the charges proved and the punishment is also disproportionate to the charges. Also that the action of management in not granting appointment to the petitioner on compassionate ground treating his father dead as he was not traceable is also unjust in law.

Case of the management is that after the workman Dhwaja Ram Sahu did not report on duty after 20.10.2005, a show cause notice was issued to him, which was not responded to thereafter, a departmental enquiry was conducted against him, notices were issued to him on his address mentioned in his service record. He did not appear hence, enquiry proceeded ex-parte against him. It was further pleaded that the charges were rightly held proved and the punishment is also proportionate the charges. Also that since death of the workman was not established, the petitioner was rightly not granted appointment on compassionate ground.

Both the sides have filed their affidavits as their Examination-in-chief and have been cross-examined by opposite side.

Enquiry papers have also been filed which are on record.

Following preliminary issue was framed on the basis of pleading vide order dated 11.09.2024.

“Whether the departmental enquiry conducted is just legal and proper?”

In evidence on record, this preliminary issue was decided vide order dated 08.12.2025, 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 charges have been held rightly proved in the enquiry?***
- 2) ***Whether the punishment awarded is just, legal and proper?***
- 3) ***Whether the dependant son of the workman Dhwaja Ram Sahu is entitled to compassionate appointment, treating the workman Dhwaja Ram Sahu as dead on duty during is service tenure?***

Parties were directed to file their respective evidence on these additional issues, no additional evidence was filed. Union have filed affidavit in the matter.

I have heard argument of workman union representative Mr. Tapan Kumar Chakravarti and Mr. Neeraj Kewat, Learned Counsel for management and I have gone through the record.

The documents with respect to enquiry are on record. I have gone through the record as well.

Additional issue No. 1

According to workman side charge against the workman was that he absented himself from duty place without any intimation and without getting any leave sanctioned from 21.10.2005 till 19.01.2006

i.e., the date of issuing of charge sheet. Hence, committed misconduct under clause 26.24 and 26.30 of Certified Standing Orders.

Perusal of enquiry papers reveals that during enquiry, the attendance sheet of the workman was filed which corroborated this fact. It also comes out that during enquiry the fact that the workman disappeared after working hours from work place and never came home was informed with local police, information in this respect was given to the management also. This is also established that the workman did not appear before the enquiry officer during inquiry, he also did not file any reply to the show cause notice served on his family. The enquiry papers also reveal that the letters/notices sent to the workman were returned back mentioning that he was not found at his address. This is further established from the enquiry papers that the workman had not applied for leave nor did he inform the management. Hence, the finding of the enquiry officer that the charge that the workman left his place and absented himself from his workplace for the period mentioned in the charge sheet without getting any leave sanctioned and without intimation to management is held proved and finding of the enquiry officer as well concurrence by the disciplinary authority is held justified in law.

Additional Issue No. 1 is answered accordingly.

Additional Issue No.2

Keeping in view the nature of the charges, the punishment of removal of workman from service cannot be held to be disproportionate hence, holding the punishment proportionate the charges.

Additional Issue No.2 is answered accordingly.

Additional Issue No. 3

The Union representative has referred to clause 9.3.2, 9.3.3 and 9.3.4 of Certified Standing Order which is being reproduced as follows:-

“9.3.2 Employment to one dependant of the worker who dies while in service

In so far as female dependants are concerned, their employment/payment of monetary compensation would be governed by para 9.5.0.

9.3.3 the dependant for this purpose means the wife/husband as the case may be, unmarried daughter, son and legally adopted son. If no such direct dependant is available for employment, brother, widowed daughter/widowed daughter-in-law or son-in-law residing with the deceased and almost wholly dependant on the earnings of the deceased may be considered to be the dependant of the deceased.

9.3.4 the dependants to be considered for employment should be physically fit and suitable for employment and aged not more than 35 years provided that the age limit in case of employment of female spouse would be 45 years as given in Clause 9.5.0. In so far as male spouse is concerned, there would be no age limit regarding provision of employment."

It is established from these clauses that the claim of compassionate appointment as a dependant of the employee who died in service will be admissible only after the fact of death in service is established. The workman side has filed judgment of *Civil Judge Pamgarh District, Jaanjgeer, Champa (C.G.) in civil Case No. 14A/2021 in which the civil death of the workman Dhawaja Ram Sahu is presumed, this Judgment and Decree is of date 19.10.2022 i.e., much years after the date of termination of the workman Dhawaja Ram Sahu.* This Judgment cannot be a ground to presume death of the said workman during service. Hence, the claim of compassionate appointment on the ground of death of father while in service is not admissible to the applicant nor in the case in hand.

Additional Issue No. 3 is answered accordingly.

In light of above discussion and findings, the reference is answered as follows.-

AWARD

1. Holding the action of the management of SECL Bilaspur in terminating the workman Shri Dhawaja Ram Sahu w.e.f. 07.02.2007 on departmental enquiry basis legal, fair and justified, he is entitled to no relief.

2. Holding the demand of the Union Sanyukta Shramik Sangathit Asangathit Sangh, Chhattisgarh from the management of SECL, Bilaspur for seeking compassionate appointment for Shri Sujeet Kumar Sahu s/o late Dhwaja Ram Sahu under clause 9.3.0 NCWA.IV of Coal India Ltd. unjustified, the applicant is held entitled to no relief.

No order as to cost.

DATE:- 25-02-2026

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

