

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR [M.P.]

NO. CGIT/LC/R/12/2024

Present: P.K.Srivastava

H.J.S..(Retd)

**Yashwant Giri Goswami,
S/o Lakshmi Giri Goswami,
Village & PO Pandhi, Thana Seepat,
Tah. Masturi,
Bilaspur (Chhattisgarh)- 495006**

Workman

Vs

**South Eastern Central Railway Bilaspur,
Bilaspur (Chhatisgarh)- 495006**

Management

(JUDGMENT)

(Passed on this 18th day of February, 2026)

As per letter dated **30/11/2023** 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. **RP-8(1-06)/2023-ES.III** dt. **30/11/2023**. The dispute under reference relates to:

“Whether the action on the part of the management of South Eastern Central Railway Bilaspur (CG) in retrenching the workman Shri Yashwant Giri Goswami, S/o Laxmi Giri Goswami, substitute Telephone Attendant cum Dak Khalasi, on the basis of purported resignation letter is legal and justified? If not, to what relief, the workman is entitled to?”

The case of the workman is mainly that he was appointed by the Senior Administrative Officer on the post of Telephone Attendant-cum-Daak Khalasi in pay matrix level-I, 7th CPC vide order dated 22.04.2019 and worked continuously till 30.06.2021 without any

break, his services were terminated by the department under an oral order without notice or compensation. He had acquired permanent status of an employee, this action of termination of his service by the department is in violation of section 25-F and 25-G of the Act hence, is unjust, illegal and arbitrary. He has requested that set aside his termination, he be reinstated with back-wages and benefits.

The department has taken a case that, the workman was appointed vide letter dated 22.04.2019. He accepted the terms and conditions of the offer letter and thereafter, Office Order dated 29.04.2019 was issued, appointing him as substitute Telephone Attendant-cum-Daak Khalasi in pay matrix level-I, 7th CPC. He was attached with Deputy Chief Engineer and joined under him under para 4 of the Establishment Rule No. 250/2010 as Telephone Attendant-cum-Daak Khalasi. After joining on 29.04.2019, the workman submitted a letter dated 02.05.2019 to the department stating that he was not willing to work and his services be terminated, this letter was forwarded by Deputy Chief Engineer (General) to Senior Personnel Officer, Headquarter vide his letter dated 06.05.2019 and after the approval of Principal Chief Engineer his services were terminated from 02.05.2019 vide Office Order dated 07.06.2019. Thus according to management, he submitted his resignation just after four days in service which was duly accepted. Hence, according to department, the workman was never disengaged by them rather he himself resigned from service. Department has requested that the reference be answered against the workman.

In his rejoinder, the workman has denied the case of the department that he himself resigned.

In Evidence, the workman filed his affidavit as his Examination-in-chief, he was cross-examined by the department. The department filed affidavit of its witness Snehasish Ghosh as his Examination-in-chief. The department filed and proved documents Ex-M/1 to M/10, to be referred to as and when require.

I have heard argument of Learned Counsel for Workman Mr. Shailesh Mishra and Mr. S.K. Gupta, Learned Counsel for Department.

The workman side has filed written submission, also which are part of record. I have gone through the written submission and record as well.

On perusal of record in light of rival arguments, the sole issue which arises for determination is.

Whether the services of the workman stood terminated on the basis of his resignation letter dated 02.05.2019 and order passed by the Officers of Department on this letter accepting his resignation?

In his statement, the workman has denied that he filed any resignation letter. He denied his signature on the resignation letter. The management witness has proved this resignation letter. In these circumstances, the burden was on the workman to prove by evidence of forgery that his signatures on his resignation dated 02.05.2019 are in fact not done by him. He has not discharged his burden. ***Hence, the fact that he filed his resignation letter as stated above is held proved.***

Learned Counsel for the workman has also submitted that, even if the workman had filed his resignation letter but, termination of his services could not be held complete till its acceptance of resignation letter and order with respect to dismissal of service was communicated to him. He has referred to ***Judgment of Hon'ble Supreme Court in the case of, State of Punjab vs Amar Singh Harika, 1966 SCC Online SC 48***, in the case referred, the employee was found guilty of misconduct in a departmental enquiry, he was sent a communication by the department to the effect that in light of finding of enquiry holding him guilty, he could exercise his option to resign. Pursuant to that letter the employee sent his resignation. Order of dismissal was passed on the resignation. The question which was before the Hon'ble Supreme Court was whether the order of dismissal on the basis of his resignation letter would be effective from the date of communication or from the date of order. The Five Judges Bench of Hon'ble Supreme Court held that, it would be effective from the date of its communication or its publication.

Learned Counsel for workman has submitted that since, this order was never communicated to him or published, it could not be

held effective. Office memorandum dated 07.06.2019 which declares that service of the workman shall stand terminated from the date of his resignation letter dated 02.05.2019 and a copy was ordered to be sent to the workman along with other offices including Pay and Accounts Office, in such circumstances, it cannot be said that the order was not published, may be, it may not served on him.

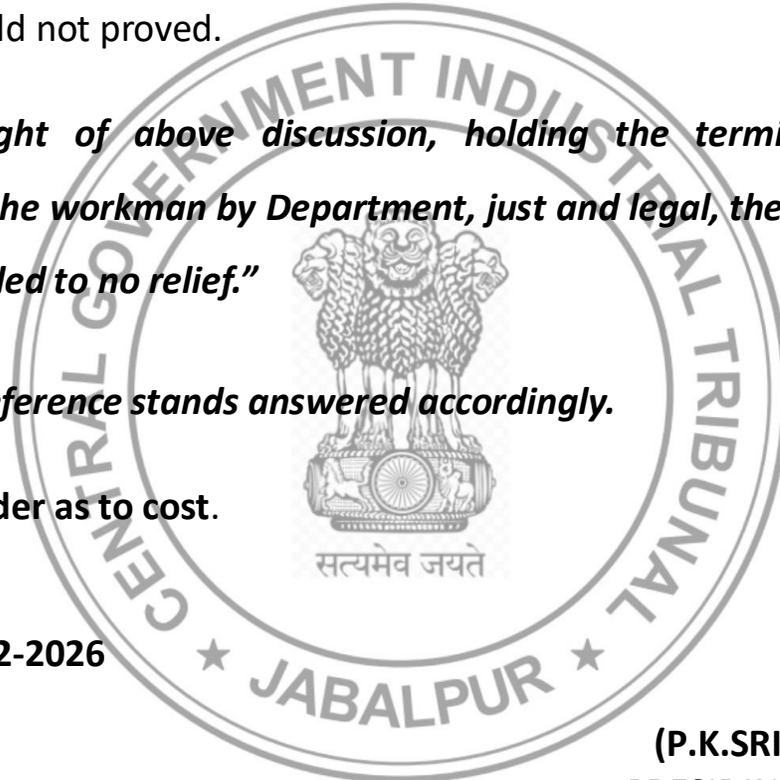
Even otherwise, though the case of the workman was that he worked till 2021, but he could not produce any evidence to support his this claim that he worked for 240 days in any year, but he could at least produce his pay slips or attendance slips to corroborate his this case, in absence of such evidence, his case that he worked for 240 days in a year also held not proved.

“In light of above discussion, holding the termination of services of the workman by Department, just and legal, the workman is held entitled to no relief.”

The reference stands answered accordingly.

No order as to cost.

DATE:- 18-02-2026



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