

ORDER SHEET
CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
JABALPUR(MP)

CASE NO. CGIT/LC/R-61/2007
Shri ShivraJ Singh Sarotiya Vs. Jt.C.D.A.

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
18-2-2021	<p style="text-align: center;"><u>Order on preliminary issue No.1</u></p> <p style="text-align: center;"><u>Preliminary Issue No.1 is as follows:-</u> “Whether the inquiry conducted against the workman is proper and legal.”</p> <p>The case of the workman on this issue is that while he was transferred to Pachmarhi as Auditor and subsequently transferred to PAO, GRC, Jabalpur in the year 1984, he was issued a chargesheet and a departmental inquiry was proposed against him. He denied the charges. The Inquiry Officer conducted the inquiry and held the charges proved. The inquiry conducted against the workman was not as per rules laid down in CCS(CC&A)Rules,1965. He was not given opportunity to defend and the inquiry officer conducted inquiry. The charges were held proved without considering the records available. The workman was not</p>	

supplied copy of documents which he asked for to defend him during the inquiry and hence all rules of natural justice were flouted by the inquiry officer. Also it has been stated that he was not issued a copy of the inquiry when the disciplinary authority proposed to accept the inquiry report and passed punishment order. The workman has further pleaded that the Controlling Officer did not apply his mind in awarding the punishment. The Appellate Authority also summarily rejected his appeal by an order which was not a speaking order.

The case of the Management on this issue is that the inquiry was conducted as per rules and principles of natural justice . The inquiry officer rightly held the charges proved against the workman. The Disciplinary Authority imposed penalty of termination on the workman which was converted into moderate punishment of compulsory retirement by the Appellate Authority. It is also the case of the Management that the inquiry was conducted strictly as per rules laid down in CCS(CC&A)Rules,1965, the workman was given full opportunity to defend his case. The copy of inquiry report was furnished to the workman.

The workman has examined himself on oath and has been cross-examined by Management. The Management has examined its witness Durgalal Meena. He has proved the inquiry papers Exhibit M-1 to M-2. He has been cross-examined by the workman.

Heard the arguments of Mr. Rakesh Soni, learned counsel for workman and Shri S.K.Mishra, learned counsel for Management. I have gone through the records as well. The submissions of learned counsel for both the sides are on the line of pleadings in this issue, as mentioned above.

The burden to prove that the inquiry was not as per rules lies on the workman who alleged it. The workman has examined himself on oath and has been cross-examined. He has supported his allegations on this issue as mentioned above. The Management witness has proved the inquiry papers and Exhibit M-1 to Exhibit M-2 which is the receipt regarding the inquiry report and representation of the workman on the inquiry report, submitted by him to the Controlling Authority on inquiry in respect of show cause notice issued by the Controlling Authority. Exhibit M-1/72 is the daily ordersheet of 24-7-1989 wherein it has been mentioned that the workman

admitted before the inquiry officer that all the papers and documents asked by him were handed over to the workman. Hence the arguments from the side of the workman that the required documents were not supplied to the workman resulting into prejudice falls flat. The inquiry report and inquiry proceedings show that the workman did participate during the inquiry. He was permitted to have the service of defence assistant of his choice. He cross-examined the prosecution witness also. Hence it cannot be said that Rules of natural justice and procedures mentioned in CCS(CC&A)Rules,1965 were not followed in the case in hand. Exhibit M-2 is the receipt signed by the workman which shows that the copy of the inquiry report was furnished to him on 18-12-1989 along with show cause notice issued by the Controlling Authority. Exhibit M-10 also contains representation of the workman on this inquiry report. Hence Arguments of learned counsel for workman on this point also gets demolished.

On the basis of the documents produced and oral evidence , I am of the considered view, that the workman has miserably failed to show any irregularity or illegality in the inquiry proceedings. Hence, holding the inquiry against the workman in the case in hand is legally and

properly conducted. **Issue No.1 is answered against the workman.**

List the case on _____ for hearing on issue No.2 and 3. Parties may file their respective evidence on affidavits on these two issues, if they want.

(PRESIDING OFFICER)

