

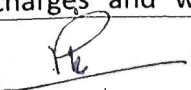
ORDER SHEET

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

CASE NO. CGIT/LC/R-6-2005

(Shri Manu Ram Yada Vs. S.B.I.)

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
14-7-22	<p style="text-align: center;"><b><u>ORDER ON PRELIMINARY ISSUE No.1</u></b> (Passed on this 14-7-22)</p> <p>Preliminary Issue No.1 is as follows:-</p> <p style="text-align: center;"><b>“ Whether the Departmental inquiry conducted against the workman is just , proper and legal?”</b></p> <p>According to the workman the inquiry was conducted without giving him proper opportunity of hearing, hence is against law. Whereas the Management has disputed the claim on this point with a case that the bank served a charge sheet to the workman on 30-10-1998 under provisions of Bi-Partite Settlement dated 19-10-1966 for committing acts of grave and minor misconduct and sought the response of the workman. The workman requested for 15 days' time for filing reply but never submitted his reply. He was again granted seven days' time vide letter of Management dated 23-2-1999. The workman failed to submit any reply. Thereafter the management appointed an Inquiry Officer and a Presenting Officer. The Inquiry Officer sent a notice dated 23-3-1999 to the workman to submit his defense, list of witnesses, as well as documents with respect to the charge dated 20-4-1999 was fixed for inquiry. The workman did not appear, the Inquiry Officer again sent a notice on 26-4-1999 advising the workman to attend the inquiry on the next date fixed which was 20-5-1999 . The workman appeared on 20-5-1999 and admitted the charges. He further submitted that since he has submitted an application to the Disciplinary Authority on 19-3-1999, the Inquiry be postponed till the Disciplinary Authority deals his application. The Inquiry report was prepared holding the workman guilty of misconduct on the basis of his admission to the charges and was submitted to the</p>	



Disciplinary Authority. The Disciplinary Authority issued a show cause notice on 17-7-1999 with respect to the inquiry report. The workman filed his reply to the show cause on 26-7-1999. He was also granted personal hearing as requested by him. The Disciplinary Authority, not being satisfied by the reply, passed the impugned order of punishment of dismissal from service without notice, treating his entire suspension period as of duty and without any remuneration. The workman preferred an appeal against the order on 20-10-1999 which was dismissed after granting opportunity of personal hearing which the workman did avail.

The workman has examined himself as a witness and reiterated his case as taken by him on this issue. The Management has examined its witness Chief Manager Inspection who was the Inquiry Officer in the inquiry. The Management has proved the documents regarding inquiry which is Exhibit M1 to M11.

The Main objection raised by the workman side was on the legality of inquiry, that the Inquiry Officer proceeded even when the application to postpone the inquiry was pending before the Disciplinary Authority. According to the learned counsel for the workman, this was arbitrary on the part of the inquiry officer, thus prejudicing the defense of the workman. ON the other hand, learned counsel for the management as submitted that since there was no issue of Disciplinary Authority staying the inquiry proceedings, the Inquiry Officer was not under obligation to postpone the inquiry. In my considered view, the Inquiry Officer cannot be held justified in law to postpone the inquiry and wait the order of Disciplinary Authority regarding postponal prayer made by the workman to the Disciplinary Authority. The workman sided has failed to show as to what prejudice was caused by this action of inquiry officer when the basis of holding the workman guilty of mis-conduct is the admission of charge by the workman. In the light of these facts and circumstances, the inquiry cannot be held to be against law. Accordingly, holding the departmental inquiry legal and proper the Issue No.1 is decided accordingly.

The case is an old one and requires to be disposed of expeditiously. Parties are directed to file their evidence in the form of documents/affidavit on remaining issues on or before the date fixed after giving copy to the opposite side and produce their witness for cross-examination. List the case on 24-8-22 for hearing on remaining issues.

  
PRESIDING OFFICER