

# ORDER SHEET

DATE OF ORDER OF PROCEEDING	ORDER OR PROCEEDING WITH SIGNATURE OF PRESIDING OFFICER	REMARK
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CASE No. CGIT/LC/R/99/2017

13.02.2024

Order on preliminary issue-

The preliminary issue, framed, is as follows-  
**Whether the departmental enquiry conducted by management is just legal and proper?.**

**The case of the applicant Workman** on this issue is mainly that the management conducted the departmental enquiry against him in which he was not given adequate and sufficient opportunity to defend his case. The enquiry conducted was in an arbitrary manner against the principles of natural Justice and against the rules as well. No witnesses were produced, who deposed against the Workman in the enquiry. The complainant Satpujan on whose application, the enquiry was initiated, was never summoned by the enquiry officer, no documentary evidence produced from the side of management to prove the charge.

**The case of management** on this issue is mainly that one Suma was employed with management. He was declared medically unfit for further services from 01/12/1989. Hence, the applicant Workman Kalloo who claimed himself to be the dependent, was given compassionate appointment under NCWA. It came to the knowledge of management that the real name of the Workman is Lingaraj Nahak and not Kalloo and also that he was not son of Suma. A letter was sent by management to the Superintendent of Police, who informed wide his letter that the person who was working in the name of Kalloo, was in fact not Kallo rather he is Lingaraj. An enquiry was contemplated against the Workman. He was issued a show cause notice with respect to the charge, supplying him a copy of the charge sheet. He did submit his reply, which was found unsatisfactory and management decided to constitute a departmental enquiry. B. Balakrishna Sr. Manager was appointed enquiry officer and R.C.Sahu Manager (Mines) was appointed presenting officer. The Workman participated fully in the enquiry. He was also granted the services of defence assistant. He cross-examined management witnesses and also examined his witnesses. The enquiry officer submitted the enquiry report, holding the charges against the Workman proved. The Workman was issued a show cause notice with a copy of the enquiry report and on consideration of his reply on the show cause notice, the punishment was awarded to him.

Though the initial burden to prove this issue is on the Workman, he did not produce any evidence to discharge his this burden. He filed and photocopy enquiry papers which where are admitted by management. Management has also filed, the copy of the enquiry papers, and admitted by workman. These documents have been marked Exhibits, to be referred to as and when required. Management filed an affidavit of the enquiry officer who was cross-examined by Workman side.





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I have heard argument of the union representative for the applicant Workman and the learned counsel for management. I have gone through the record as well.

Perusal of the record goes to show that **the charges against the Workman, were of misconduct under clause 26.24 and 26.30 of the certified standing orders.** Management witness has stated on oath that before conducting enquiry, the Workman was given a show cause notice with the copy of the chargesheet and after his reply to the chargesheet was found unsatisfactory, management took a decision to Institute regular enquiry. The enquiry proceedings filed and proved go to prove that the Workman appeared on the first date of the inquiry. The charges were read over to him. He denied the charges and on his request, services of the defence assistant was granted to him. Thereafter, the enquiry and continued for six dates. In these dates, management examined its witnesses who were cross-examined by Workman side. The Workman also add used in evidence in his defence, and it is after that, the enquiry officer prepared his report, holding the charges are proved. This is also established that before awarding punishment, the Workman was issued a show cause notice with copy of the enquiry report and he did submit his representation against the enquiry report. The disciplinary authority, after considering the enquiry report and the representation of the Workman, awarded the punishment.

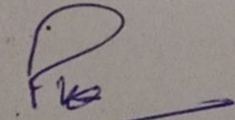
Hence, in the light of these proved facts. There is nothing on record to hold that principles of natural Justice were not followed in the enquiry or to hold that any rule was violated during the enquiry.

**Hence, on the basis of above discussion, the enquiry is held legal and proper and preliminary issue is answered accordingly.**

Following **additional issues** are framed on the basis of pleadings-

- 1-Whether the charges are proved on the basis of enquiry ?.**
- 2-Whether the punishment awarded to the Workman is proportionate to the charges are proved ?.**
- 3-Whether the Workman is entitled to any relief ?.**

Parties are at liberty to lead evidence on these additional issues in form of documents /affidavits. After supply of copy to their adversary. Case be listed for hearing on 15-4-24

  
Presiding Officer