

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

**NO. CGIT/LC/RC/01/2019**

**Present: P.K.Srivastava**

**H.J.S..( Retd)**

1. Sajjad Hussain ,  
S/o Lt. Sheikh Tazabbul Hussain,  
R/o Gram Chingetola, Post Podi,  
District Singrauli (MP)- 486879

Petitioner/Workman

Versus

1. Chairman cum Managing Director/Review Officer,  
Northern Coalfields Limited (Mineral Company)  
Post Singrauli Colliery,  
District Singrauli (M.P.) Pin-486879
2. Director (Personnel)/Appellate Authority,  
Northern Coalfields Limited (Mineral Company)  
Post Singrauli Colliery,  
District Singrauli (M.P.) Pin-486879
3. Disciplinary Officer/Deputy General Manager (Mines)  
Mahodra, Kharia Project Northern Coalfields Limited  
(Mineral Company) Post Singrauli Colliery,  
Singrauli (M.P.) Pin-486879

Respondents/Management

**A W A R D**

**(Passed on this 04<sup>th</sup> day of February, 2026)**

The workman has filed this petition *u/s 2-A (2&3)* of the *Industrial Disputes Act, 1947* as amended by *Amendment Act of 2010* (in short '*The Act*') against the management seeking setting aside of his alleged illegal termination from service by the management.

**The facts connected** are mainly that he was issued a charge-sheet by management with an allegation of misconduct by absenting himself from work without any sufficient cause and without any intimation to

management as well without getting any leave sanctioned. He submitted a reply on 24.01.2015 in which he stated that he could not attend his duties due to death of his father, sickness of his mother, construction of his house and his personal problems and requested the management to give him a chance assuring the management that this mistake will not be repeated, the management permitted him to join on 24.01.2015. He was served an order of management dated 15.04.2017 by which his services were terminated by management without any enquiry and without giving him opportunity to defend. He preferred a departmental appeal against the termination order which was wrongly dismissed. Enquiry Officer wrongly held the charges proved and punishment sought was disproportionate to the charges.

The workman has prayed for setting aside of his termination from service by management, he be reinstated with all back wages and benefits.

**The case of the management** is that the workman Sajjad Hussain was appointed on compassionate basis as a dependant son of his deceased father Sheikh Tazabbul Hussain, who was an employee of management. He was a habitual absentee, who did not improve himself inspite of warnings. Thereafter, he was issued a charge-sheet on 12.12.2014 with an allegation of misconduct by habitually and unauthorizedly absenting himself from workplace without intimation to management or without getting any leave sanctioned, which is misconduct under Clause 26.30 and 26.22 of the Certified Standing Orders. He submitted a reply and was permitted to resume duty subject to disciplinary proceedings. He did not resume duty and continued to remain absent from workplace. He was issued again a second charge-sheet dated 24.07.2015 with the same misconduct allegations. He did not submit any reply to the charge-sheet, hence management decided to conduct an enquiry. He participated in the enquiry but absented later on in the enquiry. The enquiry was conducted and the Enquiry Officer submitted his enquiry report dated 27.06.2016 holding the misconduct proved. He was issued a show-cause notice with copy of enquiry report, which was served on him but did not submit any reply. Hence, the Disciplinary Authority passed the impugned punishment. He preferred departmental appeal against the punishment which was dismissed after hearing, the charges

were rightly held proved and punishment is also proportionate to the charges proved.

Following preliminary issue was framed on the basis of pleadings.

***Whether the enquiry conducted against the workman is just, legal and proper?***

**In evidence**, on the basis of preliminary issue, the workman and management filed affidavits of their witnesses as their Examination-in-chief, these witnesses were cross-examined. Management also filed and proved enquiry documents.

Preliminary issue was decided after hearing, vide order dated 05.03.2025 holding the departmental enquiry just, legal and proper. This order is part of this Judgment and Award.

Following Additional issues were framed thereafter:-

- 1. Whether the charges are proved?***
- 2. Whether the punishment is proportionate to the charges proved?***
- 3. Whether the workman is entitled to any relief?***

Parties were given opportunity to lead evidence on these additional issues, no evidence was adduced.

**I have heard argument** of Learned Counsel Mr. Praveen Yadav for petitioner/workman, and Mr. Neeraj Kewat for Management. I have gone through the records as well.

The charges against the workman are following;

- ***Clause 26.30- absenting from workplace without any sufficient reason and without getting leave sanctioned/over staying on leave.***
- ***Clause 26.22- voluntarily doing an act which is against discipline and is prejudicial to the company.***

Case of the management on this point is that the workman absented himself since 19.03.2004 without getting any leave sanctioned and without informing the management for which he was issued a charge sheet on 12.12.2014, he was asked to join from 27.01.2015 but he did not joined and absented himself unauthorizedly and willfully from workplace for which another charge sheet dated 24.07.2015 was issued.

On perusal of enquiry proceedings reveals that the workman took defense of his illness as an excuse of his continuous absence from 19.03.2014 till date of second charge sheet as mentioned above.

It also comes out that, he stated before Enquiry Officer that he was in personal difficulty as his father had died on 10.11.2011, he was busy in getting his house in his ancestral village constructed, and thereafter he became busy in getting his ancestral property partitioned and so on, his mother also fell ill during this period. He could not substantiate these grounds during the enquiry by way of evidence in form of medical certificate or any other documents. Moreover, sickness of the workman may be an excuse for absence, the other grounds as mentioned above do not permit any workman to remain absent without prior information to management and without getting any leave sanctioned.

The settled proposition of law with respect to proof of charges in departmental proceedings is that the charges need not be proved beyond reasonable doubt.

Testing the evidence in an enquiry as mentioned above, on the settled parameters as stated above, **the finding of the Enquiry Officer and concurrence by Disciplinary Authority that the charges against the workman are proved is held just and proper.**

***Additional issue No. 1 is answered accordingly.***

**Additional Issue No. 2;**

The misconduct proved is long, unauthorized and willful absence. This is also un-rebutted that previously also the workman absented himself from workplace. Hence, in light of these facts, the punishment

cannot be held to be excessive or harsh with respect to charges proved, holding the punishment proportionate to the charges proved.

***Additional issue No. 2 is answered accordingly.***

**Additional Issue No. 3;**

In the light of findings recorded above, the petitioner/workman is held entitled to no relief.

***Additional issue No. 3 is answered accordingly.***

**No other point was pressed.**

On the basis of above discussion and findings, the petition lacks merit and is liable to be dismissed.

**ORDER**

**Petition dismissed.**

**No order as to cost.**

**DATE: 04-02-2026**



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