

# ORDER SHEET

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

Date of Order of Proceeding	Order Of Proceeding with Signature of Presiding Officer	Remark
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Case No. CGIT/LC/RC/02/2024

Shri Hanuman V/S S.E.C.L.

13.02.2026	<u>Order on Preliminary issue.</u>	
	<p>The preliminary issue, framed vide order dated 05.03.2025, which is as follows:-</p> <p><b><i>Whether the departmental enquiry conducted is just, legal and proper?</i></b></p> <p>Parties have adduced their evidence in form of documents and affidavits, the enquiry documents have also been filed and proved, the witnesses have been cross-examined with respect to their affidavits.</p> <p>I have heard argument of the workman in persons and Mr. Raj Kumar Banjare resented for the management. I have gone through the record as well.</p> <p>Case of the applicant workman with respect to departmental enquiry is mainly that he was first appointed with the management as a general mazdoor as a dependant son of land oustee Shri Duhan who was his grandfather and his land was acquired for the company. He worked since then to the satisfaction of the management. He was served a charge sheet on 05.06.2011 by management with an allegation that he falsely represented that he was dependent grandson of land oustee Shri Duhan</p>	

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	<p>and got employment which is misconduct under the certified standing order of the management in form of getting employment by furnishing wrong particulars. 13 other employees were also issued charge sheets with the similar charges, the enquiry was conducted by officer of management, the enquiry officer and concluded on 04.08.2012 the final order was stayed by Hon'ble High Court of Chhattisgarh vide its order dated 07.02.2012 in W.P. No. 4728/2011 though, there was no stay on enquiry. This stay was vacated vide order dated 13.04.2018. The management did not pass any order in the enquiry conducted as specified earlier nor did the enquiry officer submit his enquiry report on the basis of the enquiry conducted, rather the management ordered a new enquiry without any reason which was unjust, illegal and arbitrary on the part of management.</p> <p>It is further the case of applicant workman that he appeared in the second enquiry and opposed it, but it was conducted inspite of his opposition discarding his objection that there has already been enquiry and the workman was terminated from services on the basis of the enquiry report. Hence, since the second enquiry is vitiated in law, the enquiry report and order on the basis of enquiry report in the second enquiry is also vitiated in law.</p>	

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	<p>The case of management is mainly that the charge sheet dated 27.05.2011 was issued by management as detailed by the workman and Prashant Shrivastava was appointed as Enquiry Officer, the Regional Manager (Personnel), Bishrampur informed vide his letter dated 16-19/11/2012 that the enquiry officer had concluded enquiry and was in the process of submitting his enquiry report. On the basis of this letter, the workman and other workman against whom the enquiry was proceeded were allowed to join duty ending their suspension. In the meanwhile, there was an order of Hon'ble High Court of Chhattisgarh in W.P. No. 4728/2011, which directed that no final order would be passed on the basis of enquiry, but enquiry could continue. The enquiry officer was terminated by the management in another matter, he could not submit his enquiry report with respect to the workman, due to stay order and after the stay order was vacated, he was already terminated before vacation of the stay order and the enquiry documents filed were also not traceable. In these circumstances, management conducted a fresh enquiry against the workman in which he was given full opportunity to defend himself. He was also supplied enquiry report with a show cause notice, he did reply to the show cause notice.</p> <p>From the enquiry documents, it is evident that the</p>	

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	<p>workman has participated during the enquiry. <b>There appears no illegality or material irregularity with respect to substance or procedure of the second enquiry, then the only ground remains to be considered is whether it was willful for the management to conduct a fresh enquiry when admittedly the first enquiry was concluded.</b></p> <p>There is no provision in hand certified standing order that the second enquiry or a fresh enquiry cannot be conducted in a case when the first enquiry was conducted on the basis of charges and enquiry report was not filed. Hence, a fresh or second enquiry is not barred in law, as it is in the case but no doubt, there should be cogent reasons for it. In the case in hand, there was a stay of Hon'ble High Court with respect to passing of final order on the basis of enquiry, the enquiry officer was himself terminated on misconduct and the enquiry papers were also not traceable due to frequent transfers. Hence, the second enquiry or fresh enquiry in these circumstances cannot be held to be unjust, arbitrary or malafide. As has been stated earlier, there is no illegality or material irregularity with respect to substance or procedure in the enquiry hence, on the basis of above discussion, holding that the enquiry conducted is just legal and proper, the preliminary issue is</p>	

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	<p>answered accordingly.</p> <p>Following additional issues are framed:-</p> <p><b>(i) Whether the finding of the Enquiry Officer in the enquiry report with respect to prove of charges and concurrence by the disciplinary authority is justified?</b></p> <p><b>(ii) Whether the punishment awarded is proportionate to the charges proved?</b></p> <p>Parties are at liberty to file their respective evidences/affidavits strictly confined to additional issues.</p> <p>List on .....2026 for hearing.</p> <p>Upload this order.</p> <p style="text-align: center;"> सत्यमेव जयते</p> <p style="text-align: center;"><b>PRESIDING OFFICER</b></p>	