

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL – Cum – LABOUR COURT,
JABALPUR (M.P.)

Date of Order of Proceeding	Order Or Proceeding with Signature of Presiding Officer	Remark
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Case No. CGIT/LC/RC/14/2018
Jugal Kishore V/S Bhilai Steel Plant

28.11.2024	<p><u>ORDER ON PRELIMINARY ISSUE</u></p> <p>The Preliminary Issue is as follows :-</p> <p><i>Whether, the departmental inquiry conducted against the workman is legal and proper ?</i></p> <p>Facts connected in brief are that, the workman was charged with misconduct by way of habitually as well wilfully and unauthorizedly absenting himself from duty for the period 22.01.2014 to 31.07.2014 i.e, for 72 days without getting any leave sanctioned and without sufficient reason.</p> <p>In his statement of claim, the workman has alleged that the management conducted a departmental inquiry, which was a mere formality. The inquiry was conducted illegally without following principles of natural justice and without giving the workman opportunity to cross examine management witnesses, examined during the inquiry. It is also alleged that the Inquiry Officer acted with partiality while conducting inquiry and acted like a prosecutor, he did not grant adequate opportunity to the workman to defend himself during the inquiry, the workman was not given opportunity to lead evidence in his defence by way of examining himself or his witnesses.</p> <p>The case of management, on this issue is that, there is no procedural illegality or material irregularity in conducting the inquiry, the workman was issued a charge-sheet of misconduct. Before that, a show cause notice was issued against the workman with respect to the allegations and the workman had submitted his reply suppressing the material facts. It was after that the charge-sheet levelling charges of misconduct was issued against the workman. The workman was given full opportunity to defend himself during the inquiry. The workman pleaded not guilty.</p> <p>Both the sides have filed affidavits as examination in</p>	
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	<p>chief. They have been cross examined by their adversary. Management has filed the original inquiry papers also.</p> <p>I have heard argument of Shri Laxmikant Joshi learned Counsel for workman and learned Counsel Shri R.C. Shrivastava. I have gone through the record as well.</p> <p>It is submitted that no opportunity of cross examination, examined by management, during the inquiry was given to the workman. Also that, the workman was not given opportunity to produce evidence on his behalf during the inquiry and without giving this opportunity, the inquiry was abruptly closed, resulting in prejudice to him.</p> <p>On the other hand, learned Counsel for management submits that, records will show that the inquiry was conducted according to the rules and procedure. There is no such material irregularity or illegality in the departmental inquiry, resulting into prejudice to the workman. The workman was given full opportunity to defend himself and cross examine the witnesses.</p> <p>On perusal of record it comes out that, the workman submitted reply to the charge sheet which was found unsatisfactory sufficient notice was given with respect to dates and inquiry, which was duly served on him. The workman did appear in the inquiry and different dates and has been irregular in participating in the inquiry inspite of notice. Opportunity of cross examination of management witness was given to the workman which he did not avail. Also it comes out that the copy of the inquiry record and show cause notice on basis of inquiry report by the Disciplinary Authority was served on the workman and punishment order was passed thereafter. Hence, I find no illegality or material irregularity in substance or procedure in the inquiry proceedings and charge. Accordingly, holding the departmental inquiry legal and proper, preliminary issue is answered accordingly.</p> <p>Following additional issues are framed :-</p>	

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	<p><i>1. Whether, finding of the Inquiry Officer and concurrence by the Disciplinary Authority with the findings of Inquiry Officer with respect to the charges is correct in law ?</i></p> <p><i>2. Whether, the punishment awarded is proportionate to the misconduct proved ?</i></p> <p>Parties are given opportunity to lead evidence on additional issues till or before date fixed.</p> <p>List on _____ for hearing on additional issues/final arguments.</p> <p>Upload this order.</p> <p style="text-align: right;">Presiding Officer</p>	