

ORDER SHEET

CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM LABOUR COURT,

JABALPUR(MP)

CASE NO. CGIT/LC/RC-3/2012

(Shri Gajanand Meratwal Vs. State Bank of India

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
5-4-2022	<p style="text-align: center;"><u>ORDER ON PRELIMINARY ISSUE No.1</u> (Passed on this 5-4-2022)</p> <p>Preliminary Issue No.1 is as follows:-</p> <p style="text-align: center;">“ Whether the Departmental inquiry conducted against the workman is legal and proper?”</p> <p>The case of the workman on preliminary issue No.1 is mainly that he was charged with certain alleged irregularities vide charge sheet dated 29-3-2006 enumerating five allegations of misconduct. He submitted a detailed para wise reply with respect to the charges on 17-4-2006 duly supported by documents. The department decided to conduct a formal departmental inquiry ignoring the dictates of reasonable opportunity and all principles of natural justice and in gross violation of law. The Disciplinary Authority issued a show cause notice on the basis of inquiry Report dated 14-11-2007, proposing the punishment of ‘dismissal from service’ which was replied by workman dated 22-11-2007. The workman also submitted certified true copy of order dated 6-7-2007 passed by the District Programme Officer (Women & Child Development), District, Jabua, holding after due investigation regarding the same complaint with same allegations and found the charges not proved. This</p>	



investigation was done under the orders of Collector Jhabua but the Disciplinary Authority passed the impugned order of punishment without going into the representation on show cause. According to the workman the departmental inquiry was also vitiated on the ground of denial of proper opportunity to the workman to defend his case, also due to breach of Clause 12A of Memorandum of settlement dated 10-4-2002.

The Case of the Management on preliminary Issue No.1 is mainly that the charge sheet was issued to the workman on 29-3-2006. He submitted his reply on 17-4-2006, denying the charges. The Department decided to conduct a departmental inquiry. Mr. M.K.Sharma, Branch Manager, Commercial Branch Ratlam was appointed as Inquiry Officer and Shri Satish Joshi, Branch Manager, Ranapur Branch was appointed as the Presiding Officer. The inquiry was conducted strictly in accordance with the principles of natural justice and the workman was given full opportunity to defend himself which he did avail. The Inquiry officer submitted his report holding some of the charges proved with respect of Charge No.1(17) and Charge No.5 and also held the rest of the charges not proved. The Disciplinary Authority after concurring with the findings of the Inquiry Officer, forwarded the copy of the inquiry Report with the show cause notice to workman to explain him regarding the finding and punishment proposed. The punishment order was passed after considering the explanation of the workman dated 26-9-2007 and 11-10-2007, hence according to the management, the Inquiry conducted was legal and proper.

The Workman examined himself on oath and has been cross-examined. The Management has produced the

Inquiry Officer who has deposed about the inquiry. The inquiry papers have also been proved which shall be referred to as and when required.

None was present at the time of argument on preliminary issue no.1. No written arguments has been filed by any of the parties. I have gone through the record.

From the perusal of the statements of the workman and the Management witness, it is established that before instituting a formal departmental inquiry, the workman was issued a charge sheet on 29-3-2006 and was asked to submit his reply. He availed this opportunity and submitted his detailed reply on 17-4-2006 supported by all documents. He also submitted that he participated during the inquiry. The workman nowhere states that he was deprived from cross-examining any witness in support of the charge. It is not the case that his any prayer of being defended by a defense assistant or examining any witness in his defense or filing any document in his defense was refused by the Inquiry Officer. This is also established that he was issued a show cause notice before awarding punishment and also that the punishment order was passed taking into consideration his representation on show cause notice.

Hence on the basis of the above discussion, I find no illegality or irregularity of any type in the departmental proceedings, resulting into prejudice to the workman. Accordingly, the departmental inquiry conducted is held legal and proper and preliminary Issue No.1 is decided accordingly.

Following Additional Issues are framed on the basis of pleadings. -

2. Whether the charges are proved from the inquiry.?

3. Whether the punishment is disproportionate to the charge.?

4. Relief to which the workman is entitled.?

Parties are directed to lead their evidence in the form of documents/affidavit on remaining issues within two weeks from today after giving copy to the opposite side.

List the case on 11-8-22
~~9-6-22~~ for hearing on remaining issues.


PRESIDING OFFICER