

ORDER SHEET

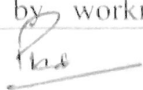
CENTRAL GOVT.INDUSTRIAL TRIBUNAL CUM LABOUR COURT,

JABALPUR(MP)

CASE NO. CGIT/LC/R-23-2012

(Shri Arshad Hussain Vs.SECL)

Date of order of proceeding	Order or proceeding with signature of Presiding Officer	Signature of parties or pleaders where necessary
23-9-22	<p style="text-align: center;"><b><u>ORDER OF PRELIMINARY ISSUE No.1</u></b> (Passed on this 23-9-2022)</p> <p>The preliminary Issue No.1 is as follows:-</p> <p><b>“Whether the departmental inquiry conducted is legal and proper.?”</b></p> <ol style="list-style-type: none"><li>1. According to workman, he had been in continuous service of the Management since last 25 years before the charge sheet was issued against him. He worked to the satisfaction of the superiors. His case on this issue is that he was not given proper opportunity of defending himself during the inquiry. No statement of any witness was recorded by the Inquiry Officer. The workman was not given opportunity to cross-examine any witness or to produce witness in his defence. He was not heard before passing of punishment order. The Appellate authority also did not decide his appeal in proper perspective.</li><li>2. All these allegations regarding legality of inquiry as mentioned above has been denied by the management in its written statement of defense with a pleading that the workman is a habitual absentee. The management has mentioned his earlier misconducts regarding willful and unauthorized absence and punishments awarded to him in para-8 of the written statement of defense. According to the management, the inquiry was legal and proper.</li><li>3. The workman examined himself as a witness. He did not appear for cross-examination by Management. The management examined its witness on oath . He was cross-examined by workman learned counsel.</li></ol>	



Management has proved inquiry documents Exhibits M1 to M-34.

4. I have heard arguments of learned counsel for both the sides and have gone through the records.
5. The initial burden to prove that the inquiry was not legal and proper is on workman. He filed his affidavit as his Examination-in-Chief, but he never turned up for cross-examination, hence his affidavit cannot be read in his support. Thus it is established that the workman has not discharged his initial burden to prove that the inquiry is not legal and is improper.
6. On the other hand the management witness has stated on oath that the charges were read to the workman during the inquiry. He denied the charges. The Inquiry Officer advised the workman to take services of co-worker to defend him. The workman was present on some dates during the inquiry. Thereafter he absented himself. He refused to seek services of defence assistant. He was issued a copy of inquiry report with show cause notice before imposing punishment. His this statement is corroborated from the inquiry papers. There is nothing in his cross-examination to disbelieve this witness on this point. Accordingly the Inquiry is held legal and proper and **Preliminary Issue No.1 is answered accordingly.**
7. The following additional issues are framed on the basis of pleadings:-  
**"1.Whether the charges are proved on the basis of inquiry report?."**  
**"2.Whether the punishment is disproportionate to the charges proved?."**  
**"3.Relief to which the workman is entitled?."**
8. List on 24/11/22 for hearing on additional issues. Parties are at liberty to lead evidence on these issues in the form of affidavit after giving a copy of the same to the opposite counsel within 30 days from today and produce their witness for cross-examination on the date fixed.

  
PRESIDING OFFICER