BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM – LABOUR COURT NO. II, NEW DELHI

I.D. No. 52/2014

Sh. S.K. Oberai vs. Punjab National Bank

Shri S.K. Oberai,
R/o-B-3/241, Raghuvir Nagar,
New Delhi-110027.

…Applicant/Claimant

Versus

Punjab National Bank,
Circle Office, Muzaffarnagar,
68 KambalalWalaBagh, New Mandi,
Muzaffarnagar-251001.

…Management/respondent

Counsels:
For Applicant/ Claimant*:*
Sh. Ashok Sabharwal, Ld. AR.

For Management/ Respondent*:*
Sh. RajatArora and Sh. Niraj Kumar, Ld. ARs.

Award
16.06.2026

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India, through the Ministry of Labour and Employment, vide its Order NO-L-12012/36/2014-IR (B-II) dated 01.07.2014, has been pleased to refer the following dispute between and for adjudication by this Tribunal in the following terms:

> ***"Whether the action of management of Punjab National Bank through its Dy. General Manager, PNB Bank, Muzaffarnagar, UP in dismissing the services of the disputant Shri S.K. Oberai vide its order dated***

29.01.2011 is fair and just. What relief the disputant is entitled to and from which date?"

The case of the Workman is that he was employed with Punjab National Bank as a SWOPR A at its SadholiKadeem Branch, Saharanpur, and his service conditions were controlled by the Industry Level Bipartite Settlements and circulars of the Bank. The Workman submits that during the course of his employment, an unfortunate incident took place in the month of November, 2010. He was arrested by the police on the night of 29.11.2010/30.11.2010 in connection with alleged shortage of cash at the branch. Consequent to his arrest and custody, the Bank suspended him by order dated 30.11.2010. On the same date, one Vijender Singh, a local resident, allegedly lodged a complaint before the Branch Manager of the Bank claiming that on 04.11.2010 he had deposited a sum of ₹3,00,000/-, for which the Workman had given him a receipt, but the said sum was not credited into his account. According to the Workman, this complaint was concocted, false, and motivated, and it was used by the Management to frame charges against him.

The Workman states that despite his being in judicial custody, the Chief Manager, Circle Office, Muzaffarnagar, acting allegedly as Disciplinary Authority, issued a charge-sheet to him on 14.01.2011 alleging misconduct in relation to the said complaint. It is his case that the said Chief Manager was not competent to initiate disciplinary proceedings against staff, in view of the Bank's HRD Circular No. 86 dated 05.06.2002, which prescribed that only the Assistant General Manager or higher authority was vested with the powers of disciplinary authority in respect of such staff. Therefore, the very initiation of disciplinary proceedings is without jurisdiction and makes the entire process *voidab-initio.*

The Workman further submits that even without giving him any chance of defence, the Management acted with undue haste. On 19.01.2011, i.e. just five days after issuance of the charge-sheet, the said Chief Manager appointed an Enquiry Officer and Presenting Officer. The enquiry was fixed for 24.01.2011, and on the following day, 25.01.2011, the enquiry was actually conducted inside the jail premises where the Workman was detained. The Workman refers to the fact that such arbitrary proceedings was conducted while he was in judicial custody and without the presence of a defence representative of his choice, which amount to violation of principles of natural justice. He submits that the Enquiry Officer examined management's witnesses and took on record certain documents, including another complaint dated 18.01.2011 allegedly made by Sh. Vijender Singh. Thelatter complaint was never provided to him in advance or noted in the Charge-sheet, but was used against him in the enquiry.

According to the Workman, the enquiry was not only initiated but also completed in a single day in the most mechanical manner. On the same day, the Presenting Officer submitted his written brief, the Enquiry Officer prepared and submitted his report, and the Disciplinary Authority supplied a copy of the said report to the Workman with a call to submit his reply by 28.01.2011. The Workman asserts that it was humanly impossible for him, being in custody and without the legal assistance, to effectively prepare and file a reply within such short period of time. However, on 29.01.2011, without waiting for any meaningful defence from him, the Disciplinary Authority passed an order dismissing him from service.

After his release from jail on 26.10.2012, the Workman preferred a statutory departmental appeal, placing on record elaborate submissions, including documentary evidence in support of his innocence. However, the Appellate Authority, by order dated 02.04.2013, dismissed the appeal in the most mechanical manner, without considering the points raised. He argues that the Appellate Authority did not apply its mind, failed to address the grounds raised, and thus failed in its duty of giving a fair and independent consideration. Thus, according to him, the appellate order is liable to be vitiated by non-application of mind and prejudice. It is further submitted that the entire action of the Management is liable to be set aside on several grounds. Firstly, the charge-sheet itself is invalid as it was issued by an authority not competent under the relevant service rules and circulars. Secondly, the charges are based solely on the complaint of Vijender Singh which, according to the Workman, is false and contradictory. He stated that in the appellate proceedings before the Consumer Forum, the Bank itself admitted that there was no deposit of ₹3,00,000/- in the account of Vijender Singh on 04.11.2010. The statement of account also contradicts the allegation of such deposit. Therefore, the very foundation of the charge stands nil.Thirdly, the Workman asserts that the enquiry proceedings was a gross violation of natural justice. He was not supplied with the list of documents or their copies along with the charge-sheet. Additional documents, including the second complaint of

Vijender Singh, were added in the middle and were used without providing him an opportunity to challenge the same. The proceedings were held in jail, in English language, although he had specifically requested that the proceedings be conducted in Hindi and he be provided with the facility of a defence representative. His request was arbitrarily denied. The enquiry was completed in one sitting, without providing him with sufficient time to cross-examine witnesses or to present his own defence. The management's witnesses were either interested officials or coached, and their evidence is unreliable. Importantly, Vijender Singh, the complainant himself, was never examined, thus denying him of the opportunity to prove the validity of the allegations.

The Workman also urges that the alleged receipt for ₹3,00,000/- is without his signature, and he never issued any such receipt. The reliance placed on CCTV footage is misplaced, as the footage did not capture Vijender Singh visiting the branch on 04.11.2010. The enquiry officer still proceeded on assumptionsinstead of going on legal evidence. The Disciplinary Authorityreliednot only on the enquiry report but also on extraneous matters such as a separate FIR related to an alleged shortage of ₹16.50 lakhs and a notice from the Consumer Forum. According to the Workman, these matters had no connection with the charge itself.

Based on these premises, the Workman submits that the entire disciplinary proceedings, starting from the charge-sheet to the dismissal order and the appellate order, are illegal, void, and unsustainable in law. He asserts that the action of the Management is held to be vitiated by lack of jurisdiction, violation of principles of natural justice, non-application of mind, reliance on extraneous material, and disproportionality of punishment. He accordingly prays that the charge-sheet, enquiry report, dismissal order, and appellate order be dismissed, and he be reinstated in service with full back wages, continuity of service, and all consequential benefits.

In response, the Management filed its written statement stating that the action of dismissal taken against the Workman was entirely lawful, justified and in accordance with the relevant Bipartite Settlement and service regulations of the Bank. The Management asserts that the Workman was employed as a Single Window Operator "A" at the Sadoli Kadeem Branch, Saharanpur, and his duties were to accept deposits, issue receipts and proper accounting of transactions in the branch books. It is submitted that on 14.01.2011 the Workman was served with a charge-sheet for gross misconduct in terms of Clause 5(j) of the Bipartite Settlement dated 10.04.2002, which states that any act damaging the interest of the Bank or likely to cause loss to its reputation will be termed as misconduct. The charge-sheet states that on 04.11.2010 the Workman accepted a cash deposit of ₹3,00,000/- from one customer, ShriVijender Singh, issued him a counterfoil acknowledging the deposit, but failed to account for the amount either in the Cashier's Long Book, the Bank's Cash Book or in the customer's account. The counterfoil issued by him bore the Bank's stamp but not the signature of the Branch Officer, which itself was a grave procedural violation. According to the Management, this conduct amounted to misappropriation of funds, dishonesty in connection with Bank's business and gross misconduct.

It is further the case of the Management that around the same period, the Workman was involved in a serious incident of shortage of cash at the branch and was arrested by the police on 29.11.2010. In view of his arrest and detention, he was immediately placed under suspension on 30.11.2010. An FIR No. 392/2011 under sections 420, 409, 467, 468, 471, 120B IPC was also registered against him in respect of the shortage of cash.ShriVijender Singh lodged a complaint separately regarding non-deposit of the sum of ₹3,00,000/-, which complaint was taken on record during the enquiry as management exhibit ME-1. In continuation of his complaint, ShriVijender Singh also gave a subsequent letter dated 18.01.2011, clarifying the circumstances in which he had deposited the money. These documents formed the foundation of the charge-sheet along with the relevant account statements.

The Management further contests the plea of the Workman that the charge-sheet was without jurisdiction or issued by an incompetent authority. It is submitted that under the then prevailing PAD Circular No.15 dated 10.01.2011, the Chief Manager, Circle Office, Muzaffarnagar, was duly authorised and competent to act as disciplinary authority in respect of award staff, including the category of the Workman. The objection raised on the basis of HRD Circular No. 86 dated 05.06.2002 is misconceived and untenable, since the said circular was modified and superseded by later instructions. Accordingly, the charge-sheet dated 14.01.2011 and the subsequent disciplinary action were fully valid and binding.

The Management further submits that a proper domestic enquiry was conducted strictly in accordance with the rules of natural justice and the procedure laid down in the Settlement. It is explained that the enquiry commenced on 24.01.2011, but due to the Workman being in judicial custody, the same was adjourned. On 25.01.2011, the Enquiry Officer, along with the Presenting Officer, visited District Jail, Saharanpur, and conducted the proceedings in the presence of the Workman. The management witnesses were examined in detail and were subjected to cross-examination by the Workman. The Workman was specifically asked to adduce any evidence in his defence, either oral or documentary, but he declined to avail of such opportunity. It is asserted that all documents relied upon by the Management were supplied to the Workman in advance, and he was given full opportunity to participate in the proceedings. The Presenting Officer filed his brief on 25.01.2011 and the Enquiry Officer submitted his report holding the charges as proved after carefully considering the material. The said report was duly furnished to the Workman, with an opportunity to respond. Thereafter, upon considering the entire record and the reply, the Disciplinary Authority passed the order dated 29.01.2011 dismissing the Workman from service under Clause 6(a) of the Settlement.

The Management denies that the enquiry was conducted in undue haste or with any predetermined mind. It is stated that since the Workman was about to reach the age of superannuation on 31.01.2011, it became imperative to conclude the proceedings expeditiously, otherwise the disciplinary process would have been rendered infructuous. The Management submits that expeditious conclusion of proceedings does not amount to violation of fairness, particularly when the Workman was present, heard, and given the chance to defend himself. The contention that the enquiry was conducted in English despite request for Hindi is also denied as the workman never raised any such grievance before the Enquiry Officer during the proceedings, and no prejudice can be claimed subsequently.

The Management contends that the evidence adduced during enquiry was cogent and sufficient to establish the misconduct. The account statement of ShriVijender Singh clearly shows that no entry of ₹3,00,000/- was made on 04.11.2010, despite the counterfoil being issued by the workman. The said counterfoil was produced in the enquiry but it was not signed by any Branch Officer, which shows the irregularity. The contention that the receipt did not bear the Workman's signature is not valid as the workman was responsible for issuance of the same. The grievance ofShriVijender Singh was not fabricated and was supported by documentary evidence. The argument that the complainant was not examined in the enquiry is justified on the ground that the workman did not press for his summoning, and the documentary evidence already on record was sufficient.

The Management further submits that the Workman's dismissal cannot be said to have been influenced by extraneous matters. It is true that an FIR regarding shortage of ₹16.50 lakhs and a consumer forum notice were on record, but the decision of the Disciplinary Authority was based squarely on the charges proved in the domestic enquiry.

As far as departmental appeal is concerned, the management states that the Workman preferred the same only on 24.01.2013, almost two years after the dismissal order dated 29.01.2011. Despite such belated filing, the Appellate Authority entertained the appeal, gave a personal hearing to the workman, duly considered his written submissions, and thereafter rejected the appeal by order dated 13.03.2013, which was communicated to him on 02.04.2013. The allegation that the appeal was disposed of mechanically or without application of mind is strongly denied. The Management asserts that the Appellate Authority passed a speaking order after considering all relevant materials on record, and no mala fides can be attributed.

On the question of punishment, the Management submits that dismissal is the only appropriate penalty for the misconduct proved. The charges involved misappropriation of customer's funds, which goes to the root of the trust and confidence placed in a bank employee. Any leniency in such cases would undermine the discipline of the institution and the confidence of the public. The punishment imposed is neither excessive nor arbitrary but proportional to the seriousness of the misconduct.

Lastly, the Management submits that the enquiry was fair, proper andlegal, the findings are supported by evidence and both the Disciplinary Authority and Appellate Authority exercised due application of mind. The Workman's allegations of procedural irregularities, mala fides or violation of natural justice are baseless and liable to be rejected. The Management prays that the present reference be answered against the Workman and in its favour, maintaining the dismissal order.

Rejoinder had been filed by the claimant where he denied the averment made by the Management in its written statement and affirmed the averments in his claim statement.

On completion of pleadings, the following issues were framed for adjudication:

1. Whether inquiry conducted against Sh. S.K. Oberai by management is just, proper, fair and legal? If so its effect?
2. Whether the action of management of Punjab National Bank through its Dy. General Manager PNB Bank, Muzaffarnagar, UP in dismissing the services of the disputant Sh. S.K. Oberai vide its order 29.01.2011 is fair and just? If so its effect?
3. To what relief the workman/claimant is entitled to and from what date?

Issue no.- 1 was treated as a preliminary issue. After considering the evidence and arguments of both parties, the domestic enquiry conducted against the workman was held to be vitiated by the Tribunal on 18.07.2019.

It is also important to mention here that after the preliminary issue was decided in his favor, the claimant moved an application seeking directions to the management for releasing provisional pension. That application was also allowed by this Tribunal vide order dated 24.03.2020, whereby the management was directed to release the provisional pension of the workman as admissible according to his last drawn salary from the date he would have superannuated had the order of dismissal not been passed against him. Subsequently, the management had challenged the said order before the Hon'ble High Court of Delhiin W.P. (C) no. 12198 of 2021. The Hon'ble High Court vide its order dated 28.10.2021, directed that the management shall pay a sum of Rs. 200,000/- to the claimant within four weeks subject to the condition that the claimant shall file an undertaking to the effect that he will abide by the orders of this Tribunal for adjustment/refund of the said amount. The said amount was subsequently received by the claimant.

To prove the charges on merits, the management examined MW-2 Sh. Daljeet Singh Kalra, who deposed that he had appeared as a witness in the departmental enquiry conducted against the workman.

According to MW-2, the workman was served with a charge-sheet dated 14.01.2011 alleging that on 04.11.2010 he accepted a cash deposit of Rs.3,00,000/- from customer Sh. Vijender Singh in Savings Account No. 3118000100175133 and issued a stamped counterfoil receipt acknowledging receipt of the cash. However, the amount was neither entered in the Cashier's Long Book nor in the Branch Cash Book, and was not credited to the customer's account. It was further stated that the workman gave the cash receipt to the customer, Sh. Vijender Singh without first getting it signed by the authorized bank officer, which was against the interests of the Bank.

MW-2 further deposed that Sh. Vijender Singh submitted a complaint dated 30.11.2010 stating that he had deposited Rs.3,00,000/- in the Branch on 04.11.2010. However, when he checked his account later, he noticed that no such credit entry had been recorded.

The witness identified the signatures of the workman on the counterfoil receipt dated 04.11.2010. He stated that during the course of his service he had seen various vouchers and documents signed by the workman and was familiar with his signatures. According to him, the signatures appearing on the counterfoil receipt matched the signatures of the workman.

MW-2 further stated that neither the Cashier's Long Book dated 04.11.2010 nor the Branch Cash Book contained any entry of deposit of Rs.3,00,000/-. Also, the statement of account of Sh. Vijender Singh for the relevant period did not reflect any credit of the said amount.

The witness deposed that although the workman had received Rs.3,00,000/- from the customer, the amount did not reflect in the records of the Bank and no entry was found except the counterfoil receipt allegedly signed by the workman. According to the management, this amounted to misappropriation of the customer's money by the workman.

MW-2 also stated that the management was unable to produce the complainant/customer, Sh. Vijender Singh, as a witness because he had expired. He further stated that a criminal case arising out of the same incident had been registered against the workman and was pending before the criminal court.

MW-2 further deposed that the customer had also initiated proceedings before the Consumer Forum. According to him, the complaint was allowed in favour of the customer and the appeal preferred by the Bank before the State Consumer Disputes Redressal Commission was dismissed on 17.08.2017. He stated that the State Commission observed that the workman, being the cashier, had accepted Rs.3,00,000/- from the customer and had issued the receipt acknowledging the deposit. He further deposed that the Bank ultimately paid the amount of Rs.3,00,000/- along with interest to the customer in compliance with the consumer forum proceedings.

Lastly, MW-2 stated that conduct of the workman amounted to misconduct including breach of trust and confidence expected from a bank employee who handles public money.

The witness relied upon the following documents:

1. Complaint dated 30.11.2010 made by Sh. Vijender Singh regarding non-credit of Rs. 3,00,000/- in his account. (Ex. MW2/1)
2. Counterfoil receipt dated 04.11.2010 for Rs. 3,00,000/- allegedly issued in favour of Sh. Vijender Singh. (Ex. MW2/2)
3. Copy of the Cashier's Long Book dated 04.11.2010. (Ex. MW2/3)
4. Copy of the Cash Book of Branch SadholiKadeem dated 04.11.2010. (Ex. MW2/4)
5. Statement of account of Sh. Vijender Singh bearing Account No. 3118000100175133 for the period from 01.04.2010 to 31.12.2010. (Ex. MW2/5)
6. Complaint dated 18.01.2011 submitted by Sh. Vijender Singh reiterating his earlier grievance. (Ex. MW2/6)
7. Copy of the order dated 17.08.2017 passed by the State Consumer Disputes Redressal Commission, Uttar Pradesh. (Ex. MW2/7)

During cross-examination, MW-2 Sh. Daljeet Singh Kalra admitted that although he had worked in the concerned branch during the period 2010 to 2012, the claimant had never worked under his supervision. Thus, he had no direct supervisory role over the claimant and could not state anything regarding the claimant's day-to-day functioning from personal knowledge.

The witness said he recognized the signatures on Ex. MW2/2 by comparing them with the claimant's signatures kept in the Bank's records. But during his testimony, he admitted he couldn't actually show any of those genuine signatures because the Bank had the records. So, no original signature was presented to the Tribunal to check whether the disputed signature actually matched.

MW-2 also admitted that he himself had acted as the Presenting Officer in the domestic enquiry conducted against the claimant.The witness further admitted that Ex. MW2/2 (Counter-foil issued to the customer Sh. Vijender Singh), which is foundation of the management's case, does not contain the serial number of the voucher allegedly relating to the deposit. Although the witness stated that the claimant intentionally not mentioned the serial number, but he gave no proof for this. It was also admitted by MW-2 that the enquiry proceedings were finished in just two days, and at that time, the claimant was in jail. The detail is important when considering whether the claimant was really given a fair chance to defend himself during the disciplinary proceedings.

The witness further admitted that Ex. MW2/2 is merely the counterfoil issued to the customer and that it does not contain details regarding the denomination of the currency notes allegedly deposited. Thus, the document itself does not provide complete particulars of the alleged cash transaction.

In rebuttal, the claimant examined WW-2 Sh. BudhPrakashKundu, a former colleague of the claimant. The witness deposed that he had joined New Bank of India on 17.10.1973 and had worked with the claimant for a long period, namely from 1975 to 1993 and again from 1996 to 2009, in the same bank and at the same branches.

WW-2 stated that while working with the claimant, he found him to be cooperative, sincere and honest in doing his job and in dealing with both colleagues and customers. He further stated that during the years they worked together, he never saw or heard of any complaint or allegation against the claimant. He further stated that he had known the claimant and his family since 1975 and knew them as honest and respectable persons.

During cross-examination, WW-2 admitted that he knew that an FIR bearing No. 392/2011 had been registered against the claimant at Police Station Behat, District Saharanpur. However, he stated that he did not know what the allegations were, nor did he have any knowledge regarding the progress or outcome of the criminal proceedings. He only knew that the claimant had spent some time in judicial custody in connection to the said FIR.

Whole of the arguments of the claimant is centredaround the fact that the management has failed to prove the misconduct on the part of the claimant. Therefore, the dismissal order dated 29.01.2011 is liable to be set aside. The domestic enquiry had already been vitiated by this Tribunal on account of violation of principles of natural justice and denial of opportunity of hearing to the claimant. The claimant drew the attention of this Tribunal towards the testimony of MW-2 Sh. Daljeet Singh Kalra, who admitted that the claimant had never worked under his supervision. Further, he was unable to produce any admitted signature of the claimant for comparison with the disputed signature appearing on Ex. MW2/2 (counterfoil issued to the customer Sh. Vijender Singh), though he had stated that the signature on the said document was similar to the admitted signatures of the claimant. Further, he submitted that even assuming for the sake of arguments that the signature appearing on Ex. MW2/2 belonged to the claimant, even then it does not appear to be his signature if compared with the admitted signatures of the claimant appearing on the claim statement as well as the enquiry proceedings, which was signed by the claimant in presence of the enquiry officer and the presenting officer. It was further stated by the claimant that the witness Sh.Vijender Singh, the complainant, was not produced before the Tribunal and the management's case rested only on assumptions and disputed documents. He submitted that as the management failed to prove the misconduct, the dismissal order be set aside and he be granted all consequential benefits to which he is entitled.

On the other hand, the case of the management rests on the premise while the claimant while working with the management had not deposited the amount taken from one Sh. Vijender Singh of Rs. 3,00,000/- in the Long Book as well as the customer account, while he had issued counterfoil for the same. For this, the management relied upon the relevant documents, including the customer's complaints, the counterfoil receipt, the Cashier's Long Book, the Cash Book, the statement of account of the customer, and the orders passed in the consumer proceedings.The management further argued that the claimant failed to lead any effective evidence on the contrary, and he examined Sh. BudhPrakashKundu who only deposed regarding the character and reputation of the claimant and didn't depose anything regarding the charge-sheet. The management also submitted that criminal proceedings arising out of the same incident are pending against the claimant. According to the management, the charges regarding misappropriation of a customer's money establishes a grave act of misconduct involving breach of trust which invites the penalty of dismissal imposed upon the claimant.

I have heard the arguments at bar and perused the record. It is important to mention here that dduring the pendency of the present reference, the claimant was acquitted by the Court of the learned ACJM-II, Saharanpur in Criminal Case arising out of FIR No. 392/2011, P.S. Behat, Saharanpur. The said judgment was placed on record. A perusal of the judgment reveals that despite sufficient opportunities, the prosecution failed to examine even a single witness. Consequently, the prosecution evidence was closed and the Court held that in the absence of any oral evidence, the documentary material on record had no evidentiary value.

Further, a perusal of the order dated 17.08.2017 passed by the State Consumer Disputes Redressal Commission, Uttar Pradesh (Ex. MW2/7) reveals that the defense taken by the management therein was substantially different from the stand taken before this Tribunal. Before the State Consumer Commission, the management had specifically pleaded that no amount of Rs.3,00,000/- was ever deposited by the customer, Sh. Vijender Singh, on 04.11.2010 and that the receipt had been procured through a conspiracy between the customer and others to cause loss to the Bank. On the other hand, before this Tribunal, the management's case is that the claimant accepted Rs.3,00,000/- from Sh. Vijender Singh, issued the counterfoil receipt (Ex. MW2/2), but didn't account for the amount in the Bank records and misappropriated the same. These two stands are totally different from each other and don't match. If the stand of management before the consumer commission is accepted that no deposit of Rs.3,00,000/- was made by the customer Sh. Vijender Singh, then no question arises of any embezzlement or misappropriation which would invite the penalty of dismissal.

Moreover, in the present case, Ex. MW2/2, the counterfoil receipt dated 04.11.2010 for Rs. 3,00,000/- allegedly issued by the claimant in favour of Sh. Vijender Singh, has not been established. From the bare perusal of signature appearing on Ex. MW2/2 and its comparison with the admitted signatures of the claimant appearing on the claim statement as well as the inquiry proceedings, both appear to be substantially different. Moreover, no admitted signature was produced by the management for comparison despite the specific stand taken by MW-2 that the disputed signature matched the admitted signatures of the claimant available in the Bank records.Consequently, the management has failed to establish that the counterfoil receipt (Ex. MW2/2) bore signature of the claimant.

In view of the discussion above, the management has failed to prove any misconduct on part of the claimant. Therefore, the termination of the claimant vide order dated 29.01.2011 is held to be illegal and unjustified. Hence, issue no. 2 is decided in favour of the claimant and against the management.

Relief

Since the claimant reached the age of superannuation on 31.01.2011, reinstatement cannot be granted to him. However, he is entitled to receive all retiral benefits along with other consequential benefits plus a compensation of Rs. 3,00,000/- (Rupees Three Lakhs only) for his illegal termination which cause him harassment for long. The management is directed to release the same within two months from the date of notification of this award,failing which the amount shall carry an interest at the rate of 8 % per annum till realization. Award is passed accordingly. A copy of this award be sent to the appropriate government for notification under section 17 of the Industrial Disputes Act, 1947. The file is consigned to record room.

ATUL KUMAR GARG
Dated 16.06.2026 Presiding Officer
CGIT – cum – Labour Court – II