

# 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/R/57/2018**  
**Shri Gopiram V/S SECL**

**16.10.2024** **Order on preliminary issue.**

The preliminary issue, framed vide order dated 21.07.2022 is as follows :-

**Whether the enquiry conducted against the workman is just proper and legal ?**

**According to the workman,** Navratan Sahu was working with the management. He had two sons Dhansai and Kewaldas who were working with the same management and were residing separately from their father. Navratan Sahu had adopted one Savitri Devi daughter of Hinsaram and Srimati Fulmat on 23.03.1980 and since then Savitri Devi used to live with Navratan Sahu as his adopted daughter. She was married with the applicant workman Gopiram on 15.05.1985 and after marriage, she and her husband the applicant Gopiram used to live with Navratan Sahu and were his dependant. The Navratan Sahu become medically unfit hence on his application, employment was given by management to the applicant workman Gopiram being his dependant son-in-law on 26.10.1989. It is further the case of the applicant workman that after completing 26 years in service of management, he was issued a charge sheet on the basis of complaint alleging misconduct by way of furnishing wrong information about him and misrepresenting the management about him in getting employment under management as dependant son-in-law of the medically unfit workman Navratan. A departmental enquiry was conducted in perfunctory manner; copy of enquiry report was not given to the applicant and was dismissed illegally on the basis of such an enquiry which is illegal, arbitrary and unjust. The applicant workman has further prayed that, holding the actions of management in dismissing him vide order dated 03.06.2016 is illegal and unjust, he be held entitled to reinstate with all consequential

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	<p>benefits and back wages from the date of his dismissal.</p> <p><b>The case of management</b> is mainly that Navratan Sahu was employed with management, he was declared medically unfit for further employment as per provisions of NCWA, one dependant of an employee who has been declared medically unfit for employment is entitled to compassionate appointment. The applicant workman claimed himself to be son-in-law of Navratan Sahu being married with Savitri, the adopted daughter and had submitted certain documents in supply in support of his claim. Believing on his claim, he was issued an appointment offer on 05.10.1989 as dependant of Navratan. Savitribai made complain to SECL headquarter that she is daughter of Dhansai, son of Navratan and was married with Chunnilal of Village Pauni, PS-Bilaigarh, Dist. Balauda Bazar, Chattisgarh, and not with applicant workman Gopiram S/o Setram Village Sukhri Pali, PO- Jayram Nagar, Police Station Masturi, District Bilashpur, Chattisgarh. It is further the case of management that on receipt of this complain, a letter was sent to SP Bilaspur with a request to investigate the complain with photograph applicant workman. SP Bilaspur sent his enquiry report dated 28.09.2016. A charge sheet was issued against the workman on 02.09.2015. Required departmental enquiry was conducted, the Enquiry Officer submitted his enquiry report dated 05.05.2016 holding the charges proved. The applicant workman was issued a show cause notice with the copy of enquiry report on 07.05.2016, he submitted his representation on 09.05.2016 and taking all the relevant facts into consideration, the disciplinary authority passed the impugned order of punishment of dismissal from service against the applicant workman on 16.06.2016. An appeal filed by the applicant workman against dismissal order was also dismissed on 16/18.01.2017. According to management, it was found during the enquiry that in fact the workman Navratan had two sons only Dhansai and Kewaldas, he did not have any</p>	

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	<p>daughter. He never adopted any Savitribai and the applicant workman got employed as dependant on the basis of false documents and wrong information produce by him before management. The adoption deed was found not legal hence the charges were rightly held proved by the Enquiry Officer the punishment awarded is not disproportionate to the charges. Accordingly, management has prayed that the reference be answered against the applicant workman.</p> <p>The applicant workman filed rejoinder wherein he mainly retreated his allegations as taken his statement of claim.</p> <p>In evidence, the workman did not filed his affidavit. Management filed the affidavit of its witness and also filed the complete enquiry papers collectively marked as Exhibit M-I. The workman filed copy of appointment letter, copy of charge sheet, copy of dismissal order which have not been disputed by management. Though the case is fixed for final award but, on perusal of record it comes out that a preliminary issue was framed vide order dated 21.07.2022 which is as follows.</p> <p style="text-align: center;"><b>“Whether the inquiry conducted against the workman is just legal and proper.”</b></p> <p>This preliminary issue has not been decided hence with holding the award the preliminary issued is being decided.</p> <p>Burden to proof this issue is on the applicant workman he has not filed any evidence nor has filed his affidavit. He has not cross examined the management witness on his affidavit filed as his examination in chief. On the other side management witness has corroborated the case of management on this preliminary issue in his affidavit. The enquiry papers also go to show that there is not any illegality of any type or material irregularities which could precise the workman, hence holding the departmental enquiry just legal and proper, the preliminary issue is answered against the workman.</p>	

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	<p>Following additional issue are framed on the basis of pleadings.</p> <p><b>(1) Whether the findings of Enquiry Officer with the charges are proved is perverse.</b></p> <p><b>(2) Whether the punishment awarded is proportionate to the charges proved.</b></p> <p>Parties have directed to lead their evidence in form of affidavits and documents without any on additional issue.</p> <p>List on ..... for evidence/ hearing on additional issue/ final arguments.</p> <p>Upload the Order.</p> <p style="text-align: right;"><b>Presiding Officer</b></p>	