

# 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/08/2019

Virendra Singh Chandel V/S. Bank of India, Ujjain

06.08.2025	<p style="text-align: center;"><b><u>Order on Preliminary Issue</u></b></p> <p>The preliminary issue, framed vide order dated 24.08.2021 is as follows:-</p> <p style="text-align: center;"><b><i>Whether the departmental enquiry conducted against the workman is just legal and proper?</i></b></p> <p>The case of the workman on this issue is mainly that the principles of natural justice were not followed in the enquiry. The management has taken a case that while the workman was working as Head Cashier in the Kaytha Branch at Ujjain, surprise verification of cash was done by the then branch manager on 27.06.2016 and the cash on the counter was found short by Rs. 62,000/- (Sixty Thousand). It was found that the workman who was at the cash counter being a head cashier had misappropriated this amount. A preliminary enquiry was conducted and it was found that he had borrowed money from the bank customer, Mr. Pawan Patidar who had a current account with the branch, this money was demanded back by the account holder, hence the workman paid him the amount from the cash of the branch.</p> <p>A regular departmental enquiry was conducted against him. The workman was given full opportunity to defend himself. He cross-examined the witness; he was offered opportunity to lead his evidence. Copy of the enquiry</p>	
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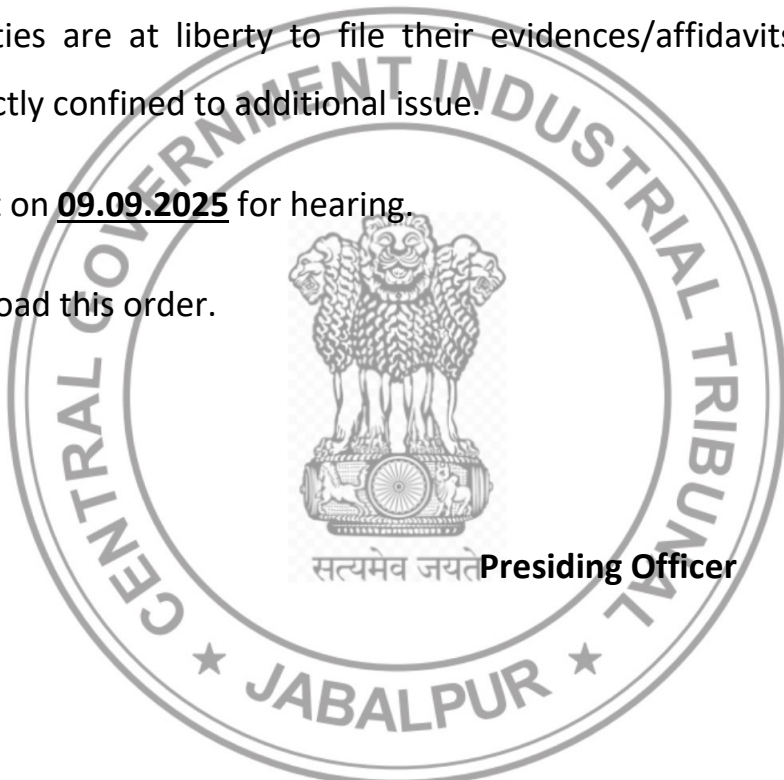
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	<p>report was served on him with a show cause notice and thereafter punishment order was passed. Hence there is no illegality or material irregularity in the departmental enquiry.</p> <p>The workman has filed his affidavit as his examination-in-chief. He has been examined by management. The management has also filed affidavit of its witnesses as his examination-in-chief, he has also been examined by workman side.</p> <p>Enquiry papers have been filed.</p> <p>I have heard Learned Counsel for the workman, Mr. Arun Patel and Mr. Neeraj Kewat for the management. I have gone through the records as well.</p> <p>In his cross-examination, the workman has admitted that charge sheet was served on him; he also admitted that he participated in the enquiry with his defense assistant, though he has denied that documents were given to him but this is not corroborated from the record of the enquiry. There is nothing in his cross-examination to support his case on this preliminary issue. On the other hand, the departmental enquiry is found perfectly just and proper from the perusal of enquiry records.</p> <p>Hence holding the departmental enquiry conducted just and proper the preliminary issue is answered accordingly.</p>	

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	<p>Following additional issues are framed:-</p> <p>(i) <i>Whether finding of the enquiry officer and concurrence by the competent authority on the proof of the misconduct is perverse?</i></p> <p>(ii) <i>Whether the punishment order is proportionate to the misconduct proved?</i></p> <p>Parties are at liberty to file their evidences/affidavits strictly confined to additional issue.</p> <p>List on <u>09.09.2025</u> for hearing.</p> <p>Upload this order.</p> <div></div> <p>Presiding Officer</p>	