

ORDER SHEET

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
JABALPUR (M.P.)

| Date of Order of Proceeding | Order Of Proceeding with Signature of Judicial Member | Remark |
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Case No. CGIT/LC/R/27/2024
Ashoka Mandal v/s N.C.L., Singrauli

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| 25.11.2025 | <p>Matter taken up.</p> <p>Learned Counsel Mr. Shailesh Mishra, present for Workman, Mr. Amit Jaiswal, Learned Counsel, present for management, heard arguments from both the sides on preliminary issue, which is as follows:-</p> <p><i>Whether the departmental enquiry conducted is legal and proper?</i></p> <p>The case of workman is that he was not given full opportunity to defend himself and cross-examined any witnesses. It has been submitted by Learned Counsel for workman that some documents which formed the basis of findings with respect to misconduct alleged in the enquiry report were filed by the management representative during the enquiry, no witness was examined by management, authenticating these documents.</p> <p>Learned Counsel for management has submitted that these documents relied upon by the enquiry officer in his findings was filed by the management representative during the enquiry proceedings. These were the reports and letters issued and signed by public authorities after due enquiry. The</p> | |
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| | <p>contention of the workman side is corroborated from the enquiry records specially the enquiry proceedings which show that management representative simply filed the documents which were taken on record by the enquiry officer.</p> <p>In the case, <i>State of Punjab v/s Dewan Chunni Lal, AIR 1970 SC 2086</i>, when the police officer was dismissed from services on the charge of inefficiency and dishonesty based on adverse reports of superior officers and such officers were not examined during the enquiry to enable the delinquent to cross-examine them, it was held by Hon'ble Apex Court that this amounts to denial of reasonable opportunity to the delinquent vitiating the departmental enquiry and punishment.</p> <p>In another case, <i>Nirmala J. Jhala v/s State of Gujarat & Ors., AIR 2013 SC 1513</i>, it was held that the evidence recorded in the preliminary enquiry could not be used in departmental enquiry, if the opportunity to cross-examine the persons examined during the enquiry is not given.</p> <p>Learned Counsel for the workman has relied on the <i>Single Bench Judgment of Hon'ble High Court of M.P. at Jabalpur in W.P. No. 7622/2005</i>, in this case also the same view has been taken.</p> | |

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| | <p>In light of above discussion, the departmental enquiry is held vitiated in law. The management is granted an opportunity to prove the charges before this Tribunal.</p> <p>List the matter on 07.01.2026 for evidence of management on charges.</p> <p>Upload this order.</p> <div><p>Judicial Member</p></div> | |