



भारत का राजपत्र The Gazette of India

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प्राधिकार से प्रकाशित
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सं. 46] नई दिल्ली, नवम्बर 23—नवम्बर 29, 2025, शनिवार/ अग्रहायण 2—अग्रहायण 8, 1947
No. 46] NEW DELHI, NOVEMBER 23—NOVEMBER 29, 2025, SATURDAY/ AGRAHAYANA 2—AGRAHAYANA 8, 1947

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

विदेश मन्त्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2011.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार, नवंबर 18, 2025 से कांसुलर सेवाएं के निर्वहन करने के लिए विदेश में भारतीय मिशन/पोस्टों में सहायक कांसुलर अधिकारियों के रूप में इस मंत्रालय के नीचे उल्लिखित अधिकारियों की नियुक्ति करता है:

क्रम सं.	अधिकारी का नाम और पद	मिशन / पोस्ट जिसमें सहायक कांसुलर अधिकारी के रूप में नियुक्त किया गया है
1	श्री जितेन्द्र कुमार, कनिष्ठ सचिवालय सहायक	भारतीय दूतावास, बहरीन
2	श्री रवि सैनी, सहायक अनुभाग अधिकारी	भारतीय दूतावास, हेलसिंकी

[फा. सं. टी. 4330/01/2025(38)]

आशिक करतिल, ओएसडी (सीपीवी)

MINISTRY OF EXTERNAL AFFAIRS**(CPV Division)**

New Delhi, the 18th November, 2025

S.O. 2011.—Statutory Order in pursuance of clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints the below mentioned officials of this Ministry, as Assistant Consular Officers in Indian Missions/Posts abroad to perform Consular services with effect from November 18, 2025:

S. No	Name & Rank of the Officer	Mission/Post wherein appointed as Assistant Consular Officer
1	Mr. Jitander Kumar, Junior Secretariat Assistant	Embassy of India, Bahrain
2	Mr. Ravi Saini, Assistant Section Officer	Embassy of India, Helsinki

[F. No. T. 4330/01/2025 (38)]

ASHIQUE KARATTIL, OSD (CPV)

कार्मिक, लोक शिकायत और पेंशन मंत्रालय**(कार्मिक और प्रशिक्षण विभाग)**

नई दिल्ली, 4 नवम्बर, 2025

का.आ. 2012.—केंद्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना सं. जी.ओ.एमएस.सं.108, दिनांक 18.09.2025, गृह (विशेष) विभाग और शुद्धिपत्र अधिसूचना सं. जी.ओ.एमएस.सं.113, दिनांक 27.09.2025, गृह (विशेष) विभाग के माध्यम से जारी तेलंगाना राज्य सरकार की सम्मति से भारतीय स्टेट बैंक को दिनांक 31.03.2023 तक हुए 533.64 करोड़ रुपए का सद्दोष हानि कारित करने के लिए मेसर्स नीता केमिकल्स (इंडिया) प्राइवेट लिमिटेड; श्री भूपेंद्र बी. त्रिवेदी, प्रबंध निदेशक; श्री दिनेश बी. त्रिवेदी, अध्यक्ष; श्री एस. राजासेखर, कार्यकारी निदेशक, श्रीमती मेघना बी. त्रिवेदी, निदेशक; श्रीमती भावना त्रिवेदी, निदेशक, श्रीमती एस लोकिता, निदेशक, श्री हितेश वेद, अपर निदेशक; श्री तपिंदर सुरेन्द्रजीत टकर, अपर निदेशक; श्री उरा संपत राव, गारंटीकर्ता; श्री बी. अशोक कुमार, गारंटीकर्ता और अन्य अज्ञात लोक सेवकों एवं अज्ञात गैर सरकारी व्यक्तियों के विरुद्ध भारतीय दंड संहिता, 1860 की धारा 120- बी सपठित धाराएं 420, 409, 468, 471 और 477-ए तथा भ्रष्टाचार निवारण अधिनियम, 1988 की धारा 13(2) सपठित धारा 13(1)(डी) के अंतर्गत पंजीकृत किए जाने वाले अपराध एवं दिनांक 18.04.2025 की शिकायत के आधार पर उक्त मामले के अन्वेषण के दौरान सामने आने वाले किसी अन्य अपराध सहित ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र और/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध(धों) का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त तेलंगाना राज्य में करती

[फा. सं. 228/87/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department of Personnel and Training)**

New Delhi, the 4th November, 2025

S.O. 2012.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification No. G.O.Ms.No.108, dated 18.09.2025, Home (Special)

Department and Errata Notification No. G.O.Ms.No.113 dated 27.09.2025, Home (Special) Department, hereby extends the powers and jurisdiction of the Members of Delhi Special Police Establishment in the Telangana State for investigation in respect of the crime to be registered under section 120-B read with sections 420, 409, 468, 471 and 477-A of Indian Penal Code, 1860 and section 13(2) read with section 13(1)(d) of the Prevention of Corruption Act, 1988 and any other offence that may come to light during investigation of the said case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any other offence(s) committed in the course of the same transaction or arising out of the same facts on the basis of complaint dated 18.04.2023 against M/s Neeta Chemicals (India) Pvt. Limited; Shri Bhupendra B. Trivedi, Managing Director; Shri Dinesh B. Trivedi, Chairman; Shri S. Rajasekhar, Executive Director, Smt. Meghna B. Trivedi, Director; Smt. Bhavana Trivedi, Director; Smt. S. Logitha, Director; Shri Hitesh Ved, Additional Director; Shri Tapinder Surendrajit Tucker, Additional Director; Shri Oora Sampath Rao, Guarantor; Shri V. Ashok Kumar, Guarantor and unknown public servants and unknown private persons for causing wrongful loss of Rs.533.64 crores as on 31.03.2023 to State Bank of India.

[F. No. 228/87/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 6 नवम्बर, 2025

का.आ. 2013.—केंद्रीय सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम सं. 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आदेश सं. 20/04/2025-3 एचजी-1, दिनांक 22.10.2025, गृह विभाग के माध्यम से जारी हरियाणा राज्य सरकार की सम्मति से, थाना, मनसा देवी परिसर, जिला पंचकुला में भारतीय न्याय संहिता (बीएनएस), 2023 की धाराएँ 103 (1) और 61 के तहत प्राथमिकी सं. 131, दिनांक 20.10.2025 द्वारा दर्ज मामला और अन्य कोई अपराध(धों), यदि कोई हो, अर्थात् उक्त मामलों से जुड़े या उससे संबद्ध आत्म हत्या का दुष्प्रेरण या हत्या के लिए दुष्प्रयास, दुष्प्रेरण और षड्यंत्र तथा साथ ही उक्त मामले के क्रम में कारित किसी अन्य अपराध या अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त हरियाणा राज्य में करती है।

[फा. सं. 228/89/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 6th November, 2025

S.O. 2013.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act No. 25 of 1946), the Central Government with the consent of the State Government of Haryana, issued vide Order No. 20/04/2025-3HG-I dated 22.10.2025, Home Department, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of State of Haryana for investigation of case registered at Police Station, Mansa Devi Complex, District Panchkula, vide FIR No. 131 dated 20.10.2025 under sections 103(1) and 61 of the Bharatiya Nyaya Sanhita (BNS) 2023 and any other offence (s), if any i.e. attempts, abetments, conspiracies for abetment to suicide or murder in relation to or in connection with above mentioned offences as well as for commission of any other offence or offences committed in the course of aforesaid case.

[F. No. 228/89/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 11 नवम्बर, 2025

का.आ. 2014.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम संख्या 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अपराधों को विनिर्दिष्ट करती है जिनका अन्वेषण भी दिल्ली विशेष पुलिस स्थापन के सदस्यों द्वारा किया जाना है, नामतः –

- (क) “ओडिशा लोक परीक्षा (अनुचित साधनों की रोकथाम) अधिनियम, 2024” के तहत दंडनीय अपराधों।
- (ख) उल्लिखित अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरण और/अथवा षड्यंत्र, और/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न कोई अन्य अपराध(धों)।

[फा. सं. 228/90(1)/2025]

राजीव कुमार खरे, अवर सचिव

New Delhi, the 11th November, 2025

S.O. 2014.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences which are also to be investigated by the members of the Delhi Special Police Establishment, namely :-

- (a) Offences punishable under the “The Odisha Public Examinations (Prevention of Unfair Means) Act, 2024”.
- (b) Any attempt, abetment and/or conspiracy, in relation to or in connection with above mentioned offence(s) and/or for any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/90(1)/2025]

RAJEEV KUMAR KHARE, Under Secy.

नई दिल्ली, 11 नवम्बर, 2025

का.आ. 2015.—केन्द्रीय सरकार, एतद्वारा दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम सं. 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, अधिसूचना सं. 37152, दिनांक 31.10.2025, सामान्य प्रशासन और लोक शिकायत विभाग के माध्यम से जारी ओडिशा राज्य सरकार की सम्मति से, संयुक्त पुलिस सेवा परीक्षा (सीपीएसई) 2024 परीक्षा जो 5 और 6 अक्टूबर 2025 को आयोजित की जानी थी, में अनियमितताओं के संबंध में सीआईडीसीबी थाना, कटक में भारतीय न्याय संहिता (बीएनएस), 2023 की धाराएँ 319(2)/ 318(4)/ 338/336 (3)/340(2)/111/61(2)/3(5) सपठित ओडिशा लोक परीक्षा (अनुचित साधनों की रोकथाम) अधिनियम-2024 की धारा 11(1)/12(1) के तहत पंजीकृत प्राथमिकी सं.सीआईडी सीबी पीएस मामला सं. 7/2025, दिनांक 1 अक्टूबर, 2025 में अन्वेषण/ पर्यवेक्षण तथा अन्य अपेक्षित कार्रवाई करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त ओडिशा राज्य में करती है। इसके साथ-साथ उक्त मामलों से जुड़े या उस से संबद्ध किसी दुष्प्रयास, दुष्प्रेरण और षड्यंत्र तथा समान संव्यवहार में या उन्हीं तथ्यों से उत्पन्न कारित किसी अन्य अपराधों का अन्वेषण करने के लिए भी सम्मति प्रदान की जाती है।

[फा. सं. 228/90(2)/2025]

राजीव कुमार खरे, अवर सचिव

New Delhi, the 11th November, 2025

S.O. 2015.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946, the Central Government with the consent of the State Government of Odisha, issued vide Notification No. 37152, dated 31.10.2025, General Administration and Public Grievance Department, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment over the entire State of Odisha for investigation/supervision and other required action in the FIR No. CID CB PS vide case No. 07/2025 / dated 1st October 2025 registered at CID CB Police Station, Cuttack under sections 319(2)/318(4)/338 /336(3)/340(2) /111/61(2) /3(5) BNS-2023, read with Sec 11(1)/12(1) of The Odisha Public Examinations (Prevention of Unfair Means) Act-2024 relating to irregularities in the Combined Police Service Examination (CPSE) 2024 examination which was scheduled to be held on 5th & 6th October, 2025. The consent is also accorded for investigation of attempts, abetments and conspiracies in relation to or in connection with the offences in the said case and any other offences committed in the course of same transaction arising out of the same facts.

[F. No. 228/90(2)/2025]

RAJEEV KUMAR KHARE, Under Secy.

नई दिल्ली, 12 नवम्बर, 2025

का.आ. 2016.—केंद्रीय सरकार एतद् द्वारा दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना सं. जी.ओ.(एमस.) सं. 59/2025/गृह, दिनांक 23.03.2025, गृह (एम), विभाग तिरुवनंतपुरम (एस.आर.ओ.सं. 315/2025) और शुद्धिपत्र अधिसूचना सं. जी.ओ.(एमएस.) सं. 175/2025/गृह, दिनांक 19.09.2025, गृह (एम) विभाग, तिरुवनंतपुरम (एस.आर.ओ. सं. 1089/2025) के माध्यम से जारी केरल राज्य सरकार की सम्मति से श्री महफूस एम.डी और अन्य अज्ञात लोक सेवकों एवं अन्य, यदि कोई हो, के विरुद्ध भारतीय दंड संहिता, 1860 (1860 का केन्द्रीय अधिनियम 45) की धारा 120 बी सपठित धाराएं 420, 468, 471 और 406 तथा भ्रष्टाचार निवारण अधिनियम, 1988 (1988 का केन्द्रीय अधिनियम 49) (2018 का यथा संशोधित अधिनियम 16) की धारा 13 की उप धारा (2) सपठित उप धारा (1) का खंड (ए) के अंतर्गत दंडनीय अपराधों एवं उक्त अधिनियमों के अंतर्गत कारित दंडनीय अपराधों और सम्पूर्ण केरल राज्य में इस मामले के संबंध में उन्हीं तथ्यों से उत्पन्न संव्यवहार के क्रम में कारित किन्हीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त केरल राज्य में करती है।

[फा. सं. 228/88/2025-एवीडी-II]

राजीव कुमार खरे, अवर सचिव

New Delhi, the 12th November, 2025

S.O. 2016.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Kerala, issued vide Notification No. G.O.(Ms.) No. 59/2025/HOME, dated 23.03.2025, Home (M) Department, Thiruvananthapuram (S.R.O.No. 315/2025) and Erratum Notification No. G.O.(Ms.) No. 175/2025/HOME, dated 19.09.2025, Home (M) Department, Thiruvananthapuram (S.R.O.No. 1089/2025), hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole state of Kerala for the investigation of offences punishable under sections 120 B read with sections 420, 468, 471 and 406 of the Indian Penal Code, 1860 (Central Act 45 of 1860) and sub section (2) read with clause (a) of sub section (1) of section 13 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) (as amended Act 16 of 2018) against Shri Mahfoose M.D, and unknown public servants and others, if any, for commission of offences punishable under the said Acts and any other offences committed in the course of transaction arising out of the same fact, in regard to this case, within the whole State of Kerala.

[F. No. 228/88/2025-AVD-II]

RAJEEV KUMAR KHARE, Under Secy.

नई दिल्ली, 12 नवम्बर, 2025

का.आ. 2017.—केंद्रीय सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना ज्ञापन सं. जी.ओ.एमएस.सं.93, दिनांक 14.08.2025, गृह (विशेष) विभाग के माध्यम से जारी तेलंगाना राज्य सरकार की सम्मति से (i) श्री गोल्ला दुर्गा प्रसाद, परियोजना निदेशक, पीआईयू, भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, वारंगल; (ii) श्री वेणु यादव, मालिक, मेसर्स किंग्स होटल, गुड्डर टोल प्लाजा, हैदराबाद - वारंगल हाईवे, बीबी नगर, तेलंगाना और अज्ञात अन्य लोक सेवकों तथा अज्ञात गैर सरकारी व्यक्तियों के विरुद्ध भ्रष्टाचार निवारण (पीसी) अधिनियम, 1988 (1988 का केन्द्रीय अधिनियम सं. 49) (2018 के अधिनियम 16 द्वारा यथासंशोधित), की धारा 7 एवं 7 ए, भारतीय न्याय संहिता (बीएनएस), 2023 की धारा 61(2) के तहत दंडनीय अपराधों के संबंध में दिनांक 19.08.2025 को पंजीकृत आरसी 11(A)/2025 में, अन्य संचयी अपराधों एवं उक्त मामले के अन्वेषण के दौरान प्रकाश में आने वाले अन्य

अपराध(धों) तथा ऐसे एक या उससे अधिक अपराधों से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और षड्यंत्र एवं/अथवा उसी संव्यवहार में कारित या उन्हीं तथ्यों से उत्पन्न किन्हीं अन्य अपराध तथा दिनांक 08.08.2025 की शिकायत के आधार पर किन्हीं अन्य अपराध(धों) के पंजीकरण एवं अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (कार्योत्तर प्रभाव से दिनांक 19.08.2025 से) समस्त तेलंगाना राज्य में करती है।

[फा. सं. 228/72/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 12th November, 2025

S.O. 2017.— In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act 25 of 1946), the Central Government with the consent of the State Government of Telangana, issued vide Notification No. G.O.Ms.No.93,Dated 14.08.2025, Home(Special) Department, hereby extends the powers and jurisdiction of the members of Delhi Special Police Establishment in the whole of the State of Telangana (ex post fact w.e.f. 19.08.2025) for registration and investigation in RC 11(A)/2025 registered on 19.08.2025 against (i) Shri Golla Durga Prasad, Project Director, PIU, National Highways Authority of India, Warangal; (ii) Shri Venu Yadav, Owner, M/s Kings Hotel, Gudur Toll Plaza, Hyderabad- Warangal Highway, Bibi Nagar, Telangana and unknown other public servants and unknown private persons for the offences punishable under section 7 & 7 A of PC Act, 1988 (Central Act No. 49 of 1988) (as amended by Act 16 of 2018), 61(2) of BNS, 2023, other cumulative offences and any other offence(s) that may come to light during the investigation of the said case including any attempt, abetment and conspiracy in relation to or in connection with one or more such offences and/or any offence committed in the course of such transaction or arising out of the same facts and any other offence(s) on the basis of complaint dated 08.08.2025.

[F. No. 228/72/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 17 नवम्बर, 2025

का.आ. 2018.—केंद्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री एस.वी.राजू , भारत के एडिशनल सॉलिसिटर जनरल, को माननीय दिल्ली उच्च न्यायालय के समक्ष रिट याचिका (सिविल) 1384/2024 में, दिल्ली विशेष पुलिस स्थापन (केंद्रीय अन्वेषण ब्यूरो) की ओर से मामले का और विधि द्वारा स्थापित अपील या पुनरीक्षण न्यायालयों में, उस मामले से उद्भूत, अपील, पुनरीक्षण और अन्य मामलों का संचालन करने हेतु, मामले का निपटान होने तक या अगले आदेश तक, इनमें से जो भी पूर्वतर हो, विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[फा. सं. 225/21/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 17th November, 2025

S.O. 2018.—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby appoints Shri S. V Raju, Additional Solicitor-General of India as Special Public Prosecutor for conducting the case in W.P.(C) 1384/2024 on behalf of Delhi Special Police Establishment (Central Bureau of Investigation) before the High Court of Delhi and any appeal, revision or other matters arising therefrom, in any appellate or revisional Court established by law for the time being in force, till such case is disposed of or until further orders, whichever is earlier.

[F. No. 225/21/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 19 नवम्बर, 2025

का.आ. 2019.—केंद्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) में संख्यांक का.आ. 731, तारीख 20 दिसंबर, 2023 द्वारा प्रकाशित भारत सरकार के कार्मिक, लोक शिकायत और पेंशन मंत्रालय की अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात्:-

उक्त अधिसूचना की सारणी में,-

- (क) श्री बिश्वजीत बसु से संबंधित क्रम संख्यांक 6 और उससे संबंधित प्रविष्टियों का लोप किया जाएगा और तारीख 10 मार्च, 2025 से लोप किया गया समझा जाएगा।
- (ख) श्री प्रसून चक्रवर्ती से संबंधित क्रम संख्यांक 8 और उससे संबंधित प्रविष्टियों का लोप किया जाएगा और तारीख 1 मई, 2025 से लोप किया गया समझा जाएगा।

[फा. सं. 225/02/2023-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 19th November, 2025

S.O. 2019.—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Personnel Public Grievances and Pensions, published in the Gazette of India, Part II, Section 3, Sub-section (ii), vide number S.O. 731, dated the 20th December, 2023, namely:-

In the said notification, in the Table, -

- (a) serial number 6 relating to Shri Biswajit Basu and the entries relating thereto, shall be omitted and shall be deemed to be omitted with effect from 10th March, 2025;
- (b) serial number 8 relating to Shri Prosun Chakraborty and the entries relating thereto, shall be omitted and shall be deemed to be omitted with effect from 1st May, 2025.

[F. No. 225/02/2023-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 19 नवम्बर, 2025

का.आ. 2020.—केंद्रीय सरकार, भारतीय नागरिक सुरक्षा संहिता, 2023 (2023 का 46) की धारा 18 की उपधारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत के राजपत्र, भाग II, खंड 3, उपखंड (ii) में संख्यांक का.आ. 728, तारीख 14 दिसंबर, 2023 द्वारा प्रकाशित भारत सरकार के कार्मिक, लोक शिकायत और पेंशन मंत्रालय की अधिसूचना में निम्नलिखित संशोधन करती है, अर्थात्:-

उक्त अधिसूचना में, “(i) श्री दीपक सब्बरवाल.” कोष्ठक, संख्या और शब्दों का, 10 अप्रैल, 2025 से, लोप किया जाएगा।

[फा. सं. 225/05/2023-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 19th November, 2025

S.O. 2020.—In exercise of the powers conferred by sub-section (8) of section 18 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (46 of 2023), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Personnel, Public Grievances and Pensions, published in the Gazette of India, Part II, Section 3, Sub-section (ii), vide number S.O. 728, dated the 14th December, 2023, namely: -

In the said notification, the brackets, figure, letters and words “(i) Sh. Deepak Sabherwal,” shall be omitted and shall be deemed to be omitted with effect from 10th April, 2025.

[F. No. 225/05/2023-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

कोयला मंत्रालय

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2021.—केन्द्रीय सरकार कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम 1957 (1957 का 20) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, भारत सरकार के कोयला मंत्रालय की अधिसूचना, जो भारत के राजपत्र, असाधारण, भाग II खंड 3, उप-खंड (ii), तारीख 16 सितंबर, 2025 में का.आ. 4181 (अ), तारीख 16 सितंबर, 2025 के तहत प्रकाशित हुई थी, में निम्नलिखित संशोधन करती है, अर्थात्: -

उक्त अधिसूचना में, अनुसूची के स्थान पर, निम्नलिखित अनुसूची रखी जाएगी, अर्थात्:

अनुसूची

क्रम स.	सक्षम प्राधिकारी के रूप में नियुक्त व्यक्ति का पदनाम	आधिकारिक पता	सक्षम प्राधिकारियों द्वारा निष्पादित किए जाने वाले कार्यों के संबंध में धाराओं के उपबंध
1	2	3	4
1.	1. मुख्य अभियंता – फ्यूल 2. अधीक्षण अभियंता-फ्यूल या अधीक्षण अभियंता-माइनिंग 3. कार्यकारी अभियंता-फ्यूल या कार्यकारी अभियंता-माइनिंग 4. सहायक कार्यकारी अभियंता-फ्यूल या सहायक कार्यकारी अभियंता-माइनिंग	हरियाणा पॉवर जनरेशन कारपोरेशन लिमिटेड, सी-7, ऊर्जा भवन, सेक्टर-6, पंचकूला	धारा 4 की उप-धारा (3)
2.	1. मुख्य अभियंता – फ्यूल 2. अधीक्षण अभियंता-फ्यूल या अधीक्षण अभियंता-माइनिंग 3. कार्यकारी अभियंता-फ्यूल या कार्यकारी अभियंता-माइनिंग 4. सहायक कार्यकारी अभियंता-फ्यूल या सहायक कार्यकारी अभियंता-माइनिंग	हरियाणा पॉवर जनरेशन कारपोरेशन लिमिटेड, सी-7, ऊर्जा भवन, सेक्टर-6, पंचकूला	धारा 6
3.	कोयला नियंत्रक	कोयला नियंत्रक का कार्यालय, कौंसिल हाउस स्ट्रीट, कोलकाता-700001	धारा 8 की उप-धारा (2)

4.	1. मुख्य अभियंता – फ्यूल	हरियाणा पॉवर जनरेशन कारपोरेशन लिमिटेड, सी-7, ऊर्जा भवन, सेक्टर-6, पंचकूला	धारा 12
	2. अधीक्षण अभियंता-फ्यूल या अधीक्षण अभियंता-माइनिंग		धारा 13 की उप-धारा (6)
	3. कार्यकारी अभियंता-फ्यूल या कार्यकारी अभियंता-माइनिंग		धारा 14 की उप-धारा (1)
	4. सहायक कार्यकारी अभियंता-फ्यूल या सहायक कार्यकारी अभियंता-माइनिंग		धारा 14 की उप-धारा (4)
			धारा 16
			धारा 17
			धारा 19
			धारा 20 की उप-धारा (3)
			धारा 21
5.	1. मुख्य अभियंता – फ्यूल	हरियाणा पॉवर जनरेशन कारपोरेशन लिमिटेड, सी-7, ऊर्जा भवन, सेक्टर-6, पंचकूला	धारा 22
	2. अधीक्षण अभियंता-फ्यूल या अधीक्षण अभियंता-माइनिंग		
	3. कार्यकारी अभियंता-फ्यूल या कार्यकारी अभियंता-माइनिंग		
	4. सहायक कार्यकारी अभियंता-फ्यूल या सहायक कार्यकारी अभियंता-माइनिंग		

[फा. सं. 43015/12/2025-एलएआईआर]

दर्शन कुमार सोलंकी, निदेशक

टिप्पण : मूल अधिसूचना भारत के राजपत्र, असाधारण, भाग II, खंड 3, उपखंड (ii), दिनांक 16 सितंबर, 2025 में संख्या का.आ. 4181 (अ), तारीख 16 सितंबर, 2025 द्वारा प्रकाशित की गई थी।

MINISTRY OF COAL

New Delhi, the 18th November, 2025

S.O. 2021.—In exercise of the powers conferred by section 3 of the Coal Bearing Areas (Acquisition and Development) Act 1957 (20 of 1957), the Central Government hereby makes the following amendments in the notification of the Government of India in the Ministry of Coal, published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 16th September, 2025 vide number S.O.4181 (E), dated the 16th September, 2025, namely: –

In the said notification, for the Schedule, the following Schedule shall be substituted, namely: –

SCHEDULE

Serial number	Designation of the person appointed as competent authority	Official address	Provision of sections in respect of the functions to be performed by the competent authorities
(1)	(2)	(3)	(4)
1.	1. Chief Engineer-Fuel 2. Superintending Engineer-Fuel or Superintending Engineer-Mining 3. Executive Engineer-Fuel or Executive Engineer-Mining 4. Assistant Executive Engineer-Fuel or Assistant Executive Engineer-Mining	Haryana Power Generation Corporation Limited, C-7, Urja Bhawan, Sector-6, Panchkula	Sub-section (3) of section 4
2.	1. Chief Engineer-Fuel 2. Superintending Engineer-Fuel or Superintending Engineer-Mining 3. Executive Engineer-Fuel or Executive Engineer-Mining 4. Assistant Executive Engineer-Fuel or Assistant Executive Engineer-Mining	Haryana Power Generation Corporation Limited, C-7, Urja Bhawan, Sector-6, Panchkula	Section 6
3.	Coal Controller	Office of the Coal Controller, 1, Council House Street, Kolkata-700001	Sub-section (2) of section 8
4.	1. Chief Engineer-Fuel 2. Superintending Engineer-Fuel or Superintending Engineer-Mining 3. Executive Engineer-Fuel or Executive Engineer-Mining 4. Assistant Executive Engineer-Fuel or Assistant Executive Engineer-Mining	Haryana Power Generation Corporation Limited, C-7, Urja Bhawan, Sector-6, Panchkula	Section 12
			Sub-section (6) of section 13
			Sub-section (1) of section 14
			Sub-section (4) of section 14
			Section 16
			Section 17
			Section 19
			Sub-section (3) of section 20
			Section 21
5.	1. Chief Engineer-Fuel 2. Superintending Engineer-Fuel or Superintending Engineer-Mining 3. Executive Engineer-Fuel or Executive Engineer-Mining 4. Assistant Executive Engineer-Fuel or Assistant Executive Engineer-Mining	Haryana Power Generation Corporation Limited, C-7, Urja Bhawan, Sector-6, Panchkula	Section 22”.

[F. No. 43015/12/2025-LAIR]

DARSHAN KUMAR SOLANI, Director

Note : The principal notification was published in the Gazette of India, Extraordinary, Part II, Section 3, Sub-section (ii), dated the 16th September, 2025 *vide* number S.O. 4181 (E), dated the 16th September, 2025.

वाणिज्य एवं उद्योग मंत्रालय**(वाणिज्य विभाग)**

नई दिल्ली, 17 नवम्बर, 2025

का.आ. 2022.—केन्द्रीय सरकार, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) के साथ पठित निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) नियम, 1964 के नियम 12, के उपनियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मेसर्स मिनरल्स लैब सर्विसेज प्राइवेट लिमिटेड, चौथी मंजिल, कर्मा पेस एवेन्यू, एफ. एल. गोम्स रोड, वास्को-द-गामा, गोवा – 403802 (जिसे एतदपश्चात् उक्त अभिकरण कहा जाएगा) को इस अधिसूचना के शासकीय राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए, वाणिज्य मंत्रालय, भारत सरकार की शासकीय राजपत्र में प्रकाशित भारत सरकार की अधिसूचना के साथ अनुसूची में निर्दिष्ट दिनांक 20 दिसम्बर, 1965 की अधिसूचना सं० का.आ. 3975 के तहत प्रकाशित अधिसूचना में उपाबद्ध अनुसूचियों में विनिर्दिष्ट खनिज और अयस्क समूह-1, अर्थात् लौह अयस्क और बाक्साइट के निर्यात से पूर्व निम्नलिखित शर्तों के अधीन मोरमुगाओ पत्तन और पंजिम पत्तन में उक्त खनिज और अयस्क का निरीक्षण और मेसर्स मिनरल्स लैब सर्विसेज प्राइवेट लिमिटेड प्रयोगशाला मेसर्स मिनरल्स लैब सर्विसेज प्राइवेट लिमिटेड, चौथी मंजिल, कर्मा पेस एवेन्यू, एफ.एल. गोम्स रोड, वास्को द गामा, गोवा-403802 में उक्त खनिजों और अयस्कों का परीक्षण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात्:

- (i) यह अभिकरण, खनिज और अयस्क समूह-1 का निर्यात (निरीक्षण) नियम, 1965 के नियम 4 के अधीन निरीक्षण की पद्धति की जाँच करने के लिये निर्यात निरीक्षण परिषद् द्वारा नामित अधिकारियों को पर्याप्त सहयोग और सहायता प्रदान करेगी; और
- (ii) यह अभिकरण, इस अधिसूचना में यथा विनिर्दिष्ट अपने कार्यों का निष्पादन करने के लिए, निदेशक (निरीक्षण और गुणवत्ता नियंत्रण) निर्यात निरीक्षण परिषद् द्वारा समय-समय पर लिखित रूप में दिए गए निर्देशों से आबद्ध होंगी।

[फा. सं. के-16014/11/2025- निर्यात निरीक्षण]

सिद्धार्थ महाजन, संयुक्त सचिव

MINISTRY OF COMMERCE AND INDUSTRY**(Department Of Commerce)**

New Delhi, the 17th November, 2025

S.O. 2022.—In exercise of the powers conferred by the sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognizes M/s Minerals Lab Services Pvt. Ltd., 4th Floor, Karma Paes Avenue, F. L. Gomes Road, Vasco-da-Gama, Goa - 403802, (hereinafter referred to as said agency), as an agency for a period of three years with effect from the date of publication of this notification in the Official Gazette, for the inspection of Minerals and Ores Group-I, namely Iron Ore and Bauxite as specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce, published in the Official Gazette vide number S.O. 3975 dated 20th December, 1965, and testing of said Minerals and Ores at M/s Minerals Lab Services Pvt. Ltd. Laboratory M/s. Minerals Lab services Private Limited, 4th floor, Karma Paes Avenue, F.L. Gomes Road, Vasco da Gama, Goa-403802, prior to export of the said Minerals and Ores at Mormugao Port and Panjim Port, subject to the following conditions, namely: -

- (i) the said agency shall extend adequate cooperation and assistance to the officers nominated by the Export Inspection Council in this behalf to carry out the inspection specified under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965; and
- (ii) the said agency, in performance of their function as specified in this notification shall be bound by such directions, as the Director (Inspection and Quality Control), Export Inspection Council, may give in writing from time to time.

[F. No. K-16014/11/2025- Export Inspection]

SIDDHARTH MAHAJAN, Jt. Secy.

नई दिल्ली, 17 नवम्बर, 2025

का.आ. 2023.—केन्द्रीय सरकार, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) के साथ पठित निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) नियम, 1964 के नियम 12, के उपनियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मैसर्स मित्रा एस. के. प्राइवेट लिमिटेड, होल्डिंग नंबर 22/107, वार्ड नंबर - 9, पी.ओ. खंजनचक, हल्दिया, जिला- पूर्व मेदिनीपुर, पिन- 721602, पश्चिम बंगाल (जिसे एतदपश्चात् उक्त अभिकरण कहा जाएगा) को इस अधिसूचना के शासकीय राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए, वाणिज्य मंत्रालय, भारत सरकार की शासकीय राजपत्र में प्रकाशित भारत सरकार की अधिसूचना के साथ अनुसूची में निर्दिष्ट दिनांक 20 दिसम्बर, 1965 की अधिसूचना सं. का.आ. 3975 तथा दिनांक 20 दिसम्बर, 1965 की अधिसूचना सं. का.आ. 3978 के तहत प्रकाशित अधिसूचना में उपाबद्ध अनुसूचियों में विनिर्दिष्ट खनिज और अयस्क समूह-I, अर्थात् लौह अयस्क, फेरोमैंगनीज सहित फेरोमैंगनीज स्लैग और समूह-II, अर्थात् क्रोम अयस्क सहित क्रोम कॉन्संट्रेट के निर्यात से पूर्व निम्नलिखित शर्तों के अधीन हल्दिया पत्तन, कोलकाता पत्तन और सागर एंकरेज पत्तन में उक्त खनिज और अयस्क का निरीक्षण और उक्त खनिजों और अयस्कों का परीक्षण मैसर्स मित्रा एस.के. प्राइवेट लिमिटेड प्रयोगशाला, होल्डिंग संख्या ई 5-138/157, वार्ड संख्या 23, गंगारामपुर रोड, फेज-2 आर.एच.एस., बेहाला, बनर्जीपारा, डाकघर-रायपुर, थाना महेशतला, दक्षिण 24 परगना, पश्चिम बंगाल में करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात् :

- (i) यह अभिकरण, खनिज और अयस्कों के निर्यात - समूह I (निरीक्षण) नियम, 1965 और खनिज और अयस्कों के निर्यात - समूह II (निरीक्षण) नियम, 1965 के नियम 4 के तहत निर्दिष्ट निरीक्षण करने के लिए निर्यात निरीक्षण परिषद द्वारा नामित अधिकारियों को पर्याप्त सहयोग और सहायता प्रदान करेगी; और
- (ii) यह अभिकरण, इस अधिसूचना में यथा विनिर्दिष्ट अपने कार्यों का निष्पादन करने के लिए, निदेशक (निरीक्षण और गुणवत्ता नियंत्रण) निर्यात निरीक्षण परिषद द्वारा समय-समय पर लिखित रूप में दिए गए निर्देशों से आबद्ध होंगी।

[फा. सं. के-16014/9/2025- निर्यात निरीक्षण]

सिद्धार्थ महाजन, संयुक्त सचिव

New Delhi, the 17th November, 2025

S.O. 2023.—In exercise of the powers conferred by the sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises M/s Mitra S.K. Private Limited, Holding No. 22/107, Ward No.- 9, P.O. Khanjanchak, Haldia, Dist.- Purba Medinipur, Pin- 721602, West Bengal, (hereinafter referred to as said agency), as an agency for a period of three years with effect from the date of publication of this notification in the Official Gazette, for the inspection of Minerals and Ores Group-I, namely Iron Ore, Ferromanganese including Ferromanganese slag and Group-II, namely, Chrome Ore including Chrome Concentrate as specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce, published in the Official Gazette *vide* number S.O. 3975 dated 20th December, 1965 and S.O. 3978 dated 20th December, 1965 respectively and testing of said minerals and ores at M/s Mitra S.K. Private Limited Laboratory, Holding No. E 5-138/157, Ward no.23, Gangarampur Road. Phase-2 R.H.S. to Behala, Banerjee para, P.O.-Raipur, P.S. Mahesatala, South 24 Parganas, West Bengal, prior to export of the said Minerals and Ores at Haldia Port, Kolkata Port and Sagar Anchorage Port subject to the following conditions, namely: -

- (i) the said agency shall extend adequate cooperation and assistance to the officers nominated by the Export Inspection Council in this behalf to carry out the inspection specified under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965 and the Export of Minerals and Ores - Group II (Inspection) Rules, 1965; and
- (ii) the said agency, in performance of their function as specified in this notification shall be bound by such directions, as the Director (Inspection and Quality Control), Export Inspection Council, may give in writing from time to time.

[F. No. K-16014/9/2025- Export Inspection]

SIDDHARTH MAHAJAN, Jt. Secy.

नई दिल्ली, 17 नवम्बर, 2025

का.आ. 2024.—केन्द्रीय सरकार, निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) के साथ पठित निर्यात (गुणवत्ता नियंत्रण एवं निरीक्षण) नियम, 1964 के नियम 12, के उपनियम (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मेसर्स टीसीआरसी इंस्पेक्शन्स प्राइवेट लिमिटेड, द्वार नंबर 24-1-4, पहला और दूसरा माला, रेट्रोफिट हाउस, थॉम्पसन स्ट्रीट, गोदारी वार्ड गांव, महारानीपेटा मंडल, विशाखापट्टनम जिला, पिन कोड - 530001 (जिसे एतदपश्चात् उक्त अभिकरण कहा जाएगा) को इस अधिसूचना के शासकीय राजपत्र में प्रकाशन की तारीख से तीन वर्ष की अवधि के लिए, वाणिज्य मंत्रालय, भारत सरकार की शासकीय राजपत्र में प्रकाशित भारत सरकार की अधिसूचना के साथ अनुसूची में निर्दिष्ट दिनांक 20 दिसम्बर, 1965 की अधिसूचना सं० का.आ. 3975 तथा दिनांक 20 दिसम्बर, 1965 की अधिसूचना सं० का.आ. 3978 के तहत प्रकाशित अधिसूचना में उपाबद्ध अनुसूचियों में विनिर्दिष्ट खनिज और अयस्क समूह-I, अर्थात् लौह अयस्क, मैंगनीज अयस्क तथा बॉक्साइट और समूह-II, अर्थात् बैराइट्स के निर्यात से पूर्व निम्नलिखित शर्तों के अधीन विशाखापट्टनम पत्तन, गंगावरम पत्तन और कृष्णापट्टनम पत्तन में उक्त खनिज और अयस्क का निरीक्षण मेसर्स टीसीआरसी इंस्पेक्शन प्राइवेट लिमिटेड प्रयोगशाला, द्वार संख्या 24-1-4, प्रथम और द्वितीय तल, रेट्रोफिट हाउस, थॉम्पसन स्ट्रीट, गोदारी वार्ड ग्राम महारानीपेटा मंडल, विशाखापत्तनम जिला पिनकोड-530001 में उक्त खनिज और अयस्कों का परीक्षण करने के लिए एक अभिकरण के रूप में मान्यता देती है, अर्थात् :

- i. यह अभिकरण, खनिज और अयस्कों के निर्यात - समूह I (निरीक्षण) नियम, 1965 और खनिज और अयस्कों के निर्यात - समूह II (निरीक्षण) नियम, 1965 के नियम 4 के तहत निर्दिष्ट निरीक्षण करने के लिए निर्यात निरीक्षण परिषद द्वारा नामित अधिकारियों को पर्याप्त सहयोग और सहायता प्रदान करेगी; और
- ii. यह अभिकरण, इस अधिसूचना में यथा विनिर्दिष्ट अपने कार्यों का निष्पादन करने के लिए, निदेशक (निरीक्षण और गुणवत्ता नियंत्रण) निर्यात निरीक्षण परिषद द्वारा समय-समय पर लिखित रूप में दिए गए निर्देशों से आबद्ध होंगी।

[फा. सं. के-16014/10/2025- निर्यात निरीक्षण]

सिद्धार्थ महाजन, संयुक्त सचिव

New Delhi, the 17th November, 2025

S.O. 2024.—In exercise of the powers conferred by the sub-section (1) of section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), read with sub-rule (2) of rule 12 of the Export (Quality Control and Inspection) Rules, 1964, the Central Government hereby recognises TCRC Inspections Private Limited, Door No. 24-1-4, 1st and 2nd Floor, Retrofit House, Thompsons Street, Godari Ward Village, Maharanipeta Mandal, Visakhapatnam District, Pincode - 530001, (hereinafter referred to as said agency), as an agency for a period of three years with effect from the date of publication of this notification in the Official Gazette, for the inspection of Minerals and Ores Group-I, namely Iron Ore, Manganese Ore and Bauxite and Group-II, namely, Barytes as specified in the Schedule annexed to the notification of the Government of India in the Ministry of Commerce, published in the Official Gazette vide number S.O. 3975 dated 20th December, 1965 and S.O. 3978 dated 20th December, 1965 respectively and testing of said mineral and ores at M/s TCRC Inspections Private Limited Laboratory, Door No. 24-1-4, 1 and 2nd Floor, Retrofit House, Thompsons Street, Godari Ward Village Maharanipeta Mandal, Visakhapatnam District Pincode-530001, prior to export of the said Minerals and Ores at Visakhapatnam Port, Gangavaram Port and Krishnapatnam Port, subject to the following conditions, namely: -

- (i) the said agency shall extend adequate cooperation and assistance to the officers nominated by the Export Inspection Council in this behalf to carry out the inspection specified under rule 4 of the Export of Minerals and Ores - Group I (Inspection) Rules, 1965 and the Export of Minerals and Ores - Group II (Inspection) Rules, 1965; and
- (ii) the said agency, in performance of their function as specified in this notification shall be bound by such directions, as the Director (Inspection and Quality Control), Export Inspection Council, may give in writing from time to time.

[F. No. K-16014/10/2025- Export Inspection]

SIDDHARTH MAHAJAN, Jt. Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2025.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नर्मदा झाबुआ ग्रामीण बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (85/2015) प्रकाशित करती है।

[सं. एल-12011/48/2015-आईआर(बी-1)]

सलोनी, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 18th November, 2025

S.O. 2025.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 85/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Narmada Jhabua Gramin Bank and their workmen.

[No. L-12011/48/2015- IR(B-I)]

SALONI, Dy. Director

ANNEXURE**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR****1. NO. CGIT/LC/ R/85/2015****Present: P.K.Srivastava****H.J.S.(Retd.)**

The General Secretary,
Rashtriyakruth Bank Karmachari Sangthan,
F-1, Tripti Vihar,
Opp. Engineering College,
Ujjain (M.P.)

Workman**Vs**

The Directorate,
Narmada Jhabua Gramin Bank,
Head Office, 201, Silver Arcade, 56 Dukan,
New Palasia, Indore (M.P.)

Management**WITH****2. NO. CGIT/LC/ RC/05/2015**

The General Secretary,
Rashtriyakruth Bank Karmachari Sangthan,
F-1, Tripti Vihar,
Opp. Engineering College,
Ujjain (M.P.)

Workman

Vs

The Directorate,
Narmada Jhabua Gramin Bank,
Head Office, 201, Silver Arcade, 56 Dukan,
New Palasia, Indore (M.P.)

Management

(JUDGMENT)**(Passed on this 6th day of October, 2025)**

As per letter dated 07/09/2015 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under **Section-10 of Industrial Disputes Act, 1947** (in short the '*Act*') as per Notification **No.L-12011/48/2015-(IR(B-I))** dt. 07/09/2015. The dispute under reference relates to:-

"Whether the action of the management of Narmada Jhabua Gramin Bank in terminating the service of workman Shri Shankar Singh Bamaniya w.e.f. 07.10.2014 is justified? If not, what relief the workman entitled to?"

After registering the case on the basis of reference, notices were issued to the parties. They appeared and filed their respective statement of claim in defense.

Facts connected in brief are that the departmental enquiry has been conducted against rules and procedure he was not given sufficient opportunity to defend his case. No principle of natural justice is followed in the enquiry. The charges were wrongly held proved and punishment is disproportionate to the charges proved.

According to management, the workman was issued the charge sheet dated 22/03/2013 with an allegation that while being posted at the Manawar Branch and Ganpur Branch within the period 15/06/2009 to 17/06/2011 in Ganpur Branch and 18/06/2011 to 27/12/2011, he misappropriated Rs 3.84 lakhs from the accounts of various account holders. After finding his reply to the charge sheet unsatisfactory the department decided to conduct departmental enquiry the enquiry was conducted as per rules and principle of natural justice, given full opportunity to the workman to defend his case. The Enquiry Officer submitted his report on 30/07/2024 holding all the charges proved. Agreeing with the findings in the enquiry, the disciplinary authority issued show cause notice to the workman with the copy of enquiry report and after considering the reply of the workman, punishment of removal of the workman from the service of the management bank was passed by the disciplinary authority on 19/09/2014. Also recovery of the amount of Rs. 3.84 Lakh, suffered by the bank was directed to be realized from gratuity. Appeal against this order was also dismissed by the appellate authority. The charges are proved and punishment is also not disproportionate to the charges. RC/05/2015 has been registered on the basis of petition of the workman, filed by him under section 2-A (2&3) of the Act against his termination with same allegations.

These two cases have been consolidated and RC/05/2015 has been merged in the reference case R/85/2015, because the parties, dispute and the pleadings were the same.

Following preliminary issue was framed on the basis of pleadings-

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

On the basis of evidence on record, this preliminary issue was decided vide order dated 29.09.2024 holding the departmental enquiry legal and proper, this order is part of this judgment and award.

Following Additional Issues were framed, thereafter:-

- (A) *Whether the charges are proved on the basis of enquiry?***
- (B) *Whether the punishment is proportionate to the charges proved?***
- (C) *Whether the workmen are entitled for permanent status or not?***

The parties did not file any evidence on these issues.

I have heard argument of Learned Counsel for workman Mr. Arun Patel and Mr. Aviral Vinayak Jarolia, Learned Counsel for the management side. I have gone through the record as well.

Additional Issue No.1.

Charges against the workman are total nine, served on him vide show cause notices dated 28.12.2011, 10.07.2012 and 20.01.2012, charges list dated 28.12.2011 enumerates the following charges. Firstly, while being posted as Cashier in the Manawar Branch of the Bank within the period 17.06.2011 to 27.12.2011, he received Rs. 25,000/- from the Account Holder, Badrilal to be deposited in the account of account holder on 28.10.2011, he

made entry of this receipt in the passbook of account holder but did not deposit it with the bank and did not make any entry in the bank register. Secondly, on 06.09.2011, he received Rs. 23,000/- from Account Holder, Rakesh to be deposited in the account of account holder. He made an entry of this deposit in the passbook of the account holder but did not deposit it with the bank nor did he make any entry in the bank records in this respect. Thirdly, on 16.09.2011, he received Rs. 25,000/- from Account Holder, Shrikrishna to be deposited in his account. He made an entry of this deposit in the passbook of the account holder but did not deposit it with the bank and did not make entry in this respect. Vide show cause notice dated 10.07.2012 three charges were leveled against him related to the period between 15.06.2009 to 17.06.2011 which were firstly, he withdrew Rs. 1 Lac/- from the account of Account Holder, Radheshyam on 03.06.2010 by preparing a withdrawal form and forged signature of the account holder on the withdrawal form. Secondly, he received Rs. 6,011/- from the Account Holder, Radheshyam to be deposited in his account and made entry in this respect in the passbook of the account holder but did not deposit it with the bank and also did not make entry of this deposit in the bank register. Thirdly, on 07.05.2011, he received Rs. 1 Lac/- from Account Holder, Kailash to be deposited in his account, this time also he made entry of this deposit in the passbook of the account holder but did not deposit it with the bank nor did he made any entry of this deposit in the bank records. Vide show cause notice dated 20.01.2012, he misappropriated amount of Rs. 45,000/- on 10.10.2011, Rs. 40,000/- on 05.09.2011 and Rs. 20,000/- on 12.10.2011 from Account Holders, Sitaram, Harishing and Sanjay to be deposited in their accounts, he made entry of these deposits in their passbooks but kept the amount with him and did not make entry of these deposits in the bank records.

Learned Counsel for the workman has stated that two criminal trials proceeded on the basis of very same charges which resulted into acquittal of the workman and this acquittal was affirmed by Hon'ble Session Court in appeal. Judgments on record.

He further submits that the same set of witnesses were examined during the criminal trial also, hence, the report of the enquiry officer, holding the charges proved cannot be held correct in law. Learned Counsel has further referred to in the present case only one charge sheet dated 22.03.2013 was issued to the workman for two charges and no additional charge sheet was issued to him, whereas the enquiry report dated 30.07.2014 submitted by the enquiry officer had finding with respect to seven charges the original two charges were not proved, during the enquiry, hence, on this ground also the finding of the enquiry officer is not correct.

Learned Counsel has referred to judgment of Hon'ble Supreme Court in the case of **State of U.P. vs. Saroj Kumar Sinha, (2010) 2 SCC 772**, wherein it has been held that the enquiry officer acts as a Quasi-Judicial Authority. Learned Counsel for workman has further referred to another judgment of Hon'ble Supreme Court in the case of **Roop Singh Negi vs. Punjab National Bank, (2009) 2 SCC 570**, in this case also same principle has been laid down. In another case, **Union of India vs. Vishwanath Chatarjee, Civil Appeal No. 5258/2009**, has also been referred to by the workman side, in this respect.

As regards, the first contention of the Learned Counsel for workman that originally two charges were levelled and other charges were added later on. I see no illegality in this respect, the department is within its rights to add, amend or alter charges on the basis of evidence which surface during course of time.

There can be no quarrel with the proposition that a departmental enquiry is a quasi-judicial proceeding and the enquiry officer is not expected to work as a representative of department rather he has to work independently.

Further, the settled proposition of law, with respect to proof of charges in a departmental enquiry is different from that in a criminal trial.

Following judgments are being referred to in this respect.

Scope of disciplinary proceedings and scope of criminal proceedings are quite distinct, exclusive and independent of each other. Standards of proof in the two proceedings are also different. Ref. T.N.C.S. Corpn. Ltd. vs. K. Meerabai, (2006) 2 SCC 255.

*Standard of proof in a departmental enquiry which is quasicriminal/quasi-judicial in nature: Disciplinary proceedings, however, being quasi-criminal in nature, **there should be some evidence to prove the charge.** Although the charges in a departmental proceedings are not required to be proved like a criminal trial i.e. beyond all reasonable doubts, we cannot lose sight of the fact that the enquiry officer performs a quasijudicial function, who upon analyzing the documents must arrive at a conclusion that there had been a preponderance of probability to prove the charges on the basis of materials on record. While doing so, he cannot take into consideration any irrelevant fact. He cannot refuse to consider the relevant facts. He cannot shift the burden of proof. He cannot reject the relevant testimony of the witnesses only on the basis of surmises and conjectures. Ref: (i) **Nirmala J. Jhala Vs. State of Gujarat & Another, AIR 2013 SC 1513 (paras 10, 11, 12 & 13).** (ii) **M.V. Bijlani Vs. Union of India, (2006) 5 SCC 88 (Para 25)***

*In the cases of (i) **NOIDA Entrepreneurs Association Vs NOIDA & others, AIR 2007 SC 1161** (i4i) **State Bank of India Vs. R.B. Sharma, (2004) 7 SCC 27** (iii) **Kendriya Vidyalaya Sangathan Vs. T. Srinivas, (2004) 7 SCC 442** (iv) **Depot Manager, APSRTC Vs. Mohd. Yousuf Miya, (1997) 2 SCC 699** (v)*

Captain M. Paul Anthony Vs. Bharat Gold Mines Limited (1999) 3 SCC 679 and (vi) State of Rajasthan Vs. B.K. Meena, (1996) 6 SCC 417 (vi) Pratap Singh Vs. State of Punjab, AIR 1964 SC 72 (vii) Jang Bahadur Singh Vs. Baij Nath, AIR 1969 SC 30, it has been laid down by the Hon'ble Supreme Court that "the purpose of departmental enquiry and of prosecution are two different and distinct aspects. Departmental Enquiry is to maintain discipline in the service and efficiency of public service. Crime is an act of commission in violation of law or of omission of public duty. The enquiry in a departmental proceeding relates to the conduct or breach of duty by the delinquent officer to punish him for his misconduct defined under the relevant statutory rules or law. It is the settled legal position that the strict standard of proof or applicability of the Evidence Act stands excluded in a departmental proceeding. Criminal Proceedings and the departmental proceeding under enquiry can go on simultaneously."

In the case of **T.N.C.S. Corporation Ltd. Vs. K. Meerabai, (2006) 2 SCC 255**, it has been held by the Hon'ble Supreme Court that the scopes of the disciplinary proceedings and of criminal proceedings are quite distinct, exclusive and independent of each other. Standards of proof in the two proceedings are also different.

In the cases of **Mohd. Saleem Siddiqui Vs. State of UP & others, (2011) 2 UPLBEC 1575 (Allahabad High Court) and Ajeet Kumar Naag Vs. General Manager Indian Oil Corporation Ltd. Haldia, JT 2005 (8) SC 425**, the distinction between departmental enquiry and criminal proceedings has been drawn as under: "The two proceedings i.e. criminal and departmental are entirely different. They operate in different fields and have different objectives. The object of criminal proceedings is to inflict appropriate punishment on offender and the purpose of enquiry proceedings is to deal with the delinquent departmentally and to impose penalty in accordance service rules the rule relating to appreciation of evidence in the two proceedings is also not similar. In criminal law burden of proof is on the prosecution and unless the prosecution is able to prove the guilt of accused beyond reasonable doubts, he cannot be convicted by a court of law. In departmental enquiry, on the other hand, penalty can be imposed on the delinquent officer on a finding recorded on the basis of preponderance of probability. Procedure with respect to standard of proof in criminal case and departmental enquiry are different. In the case of departmental enquiry the technical rules of evidence have no application and the doctrine of "proof beyond doubt" has also no application in the departmental enquiry. Criminal prosecution is launched for an offence for violation of a duty the offender owes to the society or for breach of which law has provided that the offender shall make satisfaction to the public. So crime is an act of commission in violation of law or of omission of public duty. The departmental enquiry is to maintain discipline in the service and efficiency of public service. There would be no bar to proceed simultaneously with departmental enquiry and trial of criminal case. "

Now looking into the evidence on record and enquiry report, the statements of the account holders, corroborating the charges, documents in form of deposit slips, further corroborating the statements of the depositors, the absence of entries with respect to deposit in the bank records also corroborating the charges, in some of the charges in which forging of signature has been alleged, in using the instruments for withdrawal of money, the handwriting has not been examined. Hence, it may be taken that these charges are not proved but remaining charges in which there are allegations that the workman received amounts from account holders for deposit in their accounts but did not deposit these amounts in the respective accounts of the account holders are held proved and finding of the enquiry officer as well concurrence by the competent authority with respect to proof of charges in this respect cannot be faulted with. With these findings, **additional issue No. 1 is answered accordingly.**

Additional Issue No. 2,

It has been submitted on behalf of workman that many workmen namely, Sanjay Satale, Ganesh Sharma, Shiv Ram Khade, Dilip Patil, Mahendra Kumar Sahu, Satya Narayan who were involved in similar kinds of misconducts involving in amounts greater than what is alleged against the workman were awarded lesser punishment by appellate authority. Hence, the present workman deserves parity.

It is further the case of the workman that these workmen were also dismissed from services by competent authority but their punishment was changed from dismissal to compulsory retirement by the appellate authority.

Learned Counsel for Bank has opposed this argument. No doubt, the charges proved are acts of moral turpitude, they relates to lack of honesty and integrity on the part of workman, award of punishment is within the domain of the appointing authority and appellate authority and until and unless it is shown that punishment is shockingly disproportionate to the charges proved, there is no occasion for this Tribunal to interfere.

Following cases have been referred to in this respect.

Hon'ble Apex Court in **B.C. Chaturvedi v. Union of India, (1995) 6 SCC 749** while discussing about the scope of judicial review, in disciplinary matters, has observed as under:

"The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the

disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mold the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, imposed appropriate punishment with cogent reasons in support thereof.”

In *DG, RPF vs. Sai Babu (2003) 4 SCC 331*, Hon’ble Apex Court has observed that:

“6..... Normally, the punishment imposed by a disciplinary authority should not be disturbed by the High Court or a tribunal except in appropriate cases that too only after reaching a conclusion that the punishment imposed is grossly or shockingly disproportionate, after examining all the relevant factors including the nature of charges proved against, the past conduct, penalty imposed earlier, the nature of duties assigned having due regard to their sensitiveness, exactness expected of an discipline required to be maintained, and the department/establishment which the delinquent person concerned works.”

In *United Commercial Bank vs. P.C. Kakkar (2003) 4 SCC 364* Hon’ble Apex Court on review of a long line of cases and the principles of judicial review of administrative action under English law summarized the legal position in the following words:

“11. The common thread running through in all these decisions is that the court should not interfere with the administrators’ decision unless it was illogical or suffers from procedural impropriety or was shocking to the conscience of the court, in the sense that it was in defiance of logic or moral standards. In view of what has been stated in Wednesbury case the court would not go into the correctness of the choice made by the administrator open to him and the court should not substitute its decision to that of the administrator. The scope of judicial review is judicial review is limited to the deficiency in decision-making process and not the decision.

12. To put it differently, unless the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the court/tribunal, there is no scope for interference. Further, to shorten litigation it may, in exceptional and rare cases, impose appropriate punishment by recording cogent reasons in support thereof.”

In *Union of India vs. S.S. Ahluwalia (2007) 7 SCC 257* Hon’ble Supreme Court reiterated the legal position as follows:

“8. The scope of judicial review in the matter of imposition of penalty as a result of disciplinary proceedings is very limited. The court can interfere with the punishment only if it finds the same to be shockingly disproportionate to the charges found to be proved.”

In *State of Meghalaya v. Mecken Singh N. Marak (2008) 7 SCC 580* Hon’ble Supreme Court stated that:

“The punishment imposed by the disciplinary authority or the appellate authority unless shocking to the conscience of the court, cannot be subjected to judicial review.

Hon’ble Apex Court in *Administrator, Union Territory of Dadra and Nagar Haveli vs. Gulbhia M. Lad (2010) 2 SCC (L&S) 101* has observed that

“The legal position is fairly well settled that while exercising the power of judicial review, the High Court or a Tribunal cannot interfere with the discretion exercised by the disciplinary authority, and/or on appeal the appellate authority with regard to the imposition of punishment unless such discretion suffers from illegality or material procedural irregularity or that would shock the conscience of the court/tribunal. The exercise of discretion in imposition of punishment by the disciplinary authority or appellate authority is dependent on host of factors such as gravity of misconduct, past conduct, the nature of duties assigned to the delinquent, responsibility of the position that the delinquent holds, previous penalty, if any, and the discipline required to be maintained in the department or establishment he works. Ordinarily the court or the tribunal would not substitute its opinion on reappraisal of facts.

This extract is taken from *State Bank of Bikaner & Jaipur v. Nemi Chand Nalwaya, (2011) 4 SCC 584 : (2011) 1 SCC (L&S) 721 : 2011 SCC OnLine SC 416* at page 587

7. It is now well settled that the courts will not act as an appellate court and reassess the evidence led in the domestic enquiry, nor interfere on the ground that another view is possible on the material on record. If the enquiry has been fairly and properly held and the findings are based on evidence, the question of adequacy of the evidence or the reliable nature of the evidence will not be grounds for interfering with the findings in departmental enquiries. Therefore, courts will not interfere with findings of fact recorded in departmental enquiries, except where such findings are based on no evidence or where they are clearly perverse. The test to find out perversity is to see whether a tribunal acting reasonably

could have arrived at such conclusion or finding, on the material on record. The courts will however interfere with the findings in disciplinary matters, if principles of natural justice or statutory regulations have been violated or if the order is found to be arbitrary, capricious, mala fide or based on extraneous considerations. (Vide B.C. Chaturvedi v. Union of India [(1995) 6 SCC 749 : 1996 SCC (L&S) 80 : (1996) 32 ATC 44] , Union of India v. G. Ganayutham [(1997) 7 SCC 463 : 1997 SCC (L&S) 1806] , Bank of India v. Degala Suryanarayana [(1999) 5 SCC 762 : 1999 SCC (L&S) 1036] and High Court of Judicature at Bombay v. Shashikant S. Patil [(2000) 1 SCC 416 : 2000 SCC (L&S) 144] .)

In *Air India Corporation Bombay vs. V.A. Ravellow* 1972 (25) FLR 319 (SC) it has been observed that:

“Once the employer has lost the confidence in the employee and the bona fide loss of confidence is affirmed, the order of punishment must be considered to be immune from challenge, for the reason that discharging the office of trust and confidence requires absolute integrity, and in a case of loss of confidence, reinstatement cannot be directed.”

In *Knhaiyalal Agarwal and others vs. Factory Manager, Gwalior Sugar Co. Ltd.* AIR 2001 SC 3645 Hon'ble Apex Court laid down the test for loss of confidence to find out as to whether there was bona fide loss of confidence in the employee, observing that:

“Loss of confidence cannot be subjective, based upon the mind of the management. Objective facts which would lead to a definite inference of apprehension in the mind of the management, regarding trust worthiness or reliability of the employee, must be alleged and proved.”

The only ground remains now is that of parity, in my considered view the disciplinary authority took a very lenient way with respect to the workman, these punishments were altered. Only this ground is not sufficient to interfere with the punishment of the workman, in the case in hand, the misconducts proved are series of acts involving lack of integrity and honesty and acts of moral turpitude. I find the punishment not so disproportionate to the charges proved to warrant interference and also not a fit case to grant parity.

Additional issue No. 2 stands answered accordingly.

In light of above discussion and findings, the reference is answered as follows.-

AWARD

Holding the action of the management of Narmada Jhabua Gramin Bank in terminating the service of workman Shri Shankar Singh Bamaniya w.e.f. 07.10.2014, is legal, proper and justified, he is held entitled to no relief.”

“RC/05/2015 is dismissed.”

No order as to cost.

DATE:- 06-10-2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2026.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (73/2015) प्रकाशित करती है।

[सं. एल-12011/41/2015-आईआर(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 18th November, 2025

S.O. 2026.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 73/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12011/41/2015- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/73/2015

Present: P.K.Srivastava

H.J.S.(Retd.)

The General Secretary,
Dainik Vetan Bhogi Bank
Karmchari Sangathan,
F-1, Karmchari Tripti Vihar,
Opp. Engg. College, Ujjain (M.P.)

Workman

Versues

The Chief General Manager,
State Bank of India,
Zonal Office, L.H.O.,
Hoshangabad Road,
Bhopal (M.P.)

Management

(JUDGMENT)(Passed on this 01st day of October - 2025)

As per letter dated 01/09/2015 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-12011/41/2015-(IR(B-I)) dt. 01/09/2015. The dispute under reference relates to:

“क्या श्रमसंघ राष्ट्रीयकृत बैंक कर्मचारी संगठन द्वारा श्री बलवंत सिंह गौड़ की स्टेट बैंक ऑफ़ इंडिया द्वारा दिनांक 30.04.10 को की गई बर्खास्तगी के बाद, बैंक के हिस्से की भविष्य निधि के अंश को ब्याज सहित मांगना न्यायोचित है? यदि हां तो प्रार्थी किस अनुतोष का भागी है?”

Notices were issued to both the parties. They appeared and filed their respective statement of claim and defense.

The undisputed facts are mainly that, the workman Balwant Singh Gaud was dismissed by the Bank for misconduct which was found proved against him after a departmental enquiry. This dismissal was effective from 03.04.2010. The Workman raised a dispute in this respect. A reference case No. R/103/2012 proceeded before this Tribunal and is pending disposal according to the Management. The workman alleges that after dismissal, the Management did not pay him the employer's contribution which the Management contributed towards his Provident Fund which is unjust, illegal and arbitrary on the part of the Management.

The case of the Management is that according to the Circular No. PA/CIR/27 dated 11.02.1985 and Circular No. PA/CIR/137 dated 23.09.1986 when an employee is dismissed from the service the Bank's Contribution to his provident fund shall not be payable to him. Bank has also pleaded that, payment of employees contribution shall be subject to the final order in the reference case which is against dismissal of the Workman.

The Workman side has filed photocopy documents admitted by Management which are Exhibit W-1 to W-6 to be referred to as and when require.

I have heard argument of Learned Counsel Mr. Arun Patel for Workman. Learned Counsel for Management was not available. I have gone through the record.

In the light of the aforesaid circular which provides that Banks contribution to Provident Fund of an Employee will not be paid to him on his dismissal, **the Management of Bank is held justified in not paying the Banks Contribution to the Provident Fund amount of the Workman till his dismissal is set-aside by a Competent Forum.**

The reference stands answered accordingly.

No order as to cost.

DATE:- 01/10/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2027.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (103/2017) प्रकाशित करती है।

[सं. एल-12012/73/2016-आईआर(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 18th November, 2025

S.O. 2027.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 103/2017) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/73/2016- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R103/2017Present: P.K. SrivastavaH.J.S.(Retd.)

General Secretary,

Dainik Vetan Bhogi Bank

Karamchari Sangathan,

F-I, Tripti Vihar, Opp. Engg. College,

Ujjain (M.P.)

Workman

Versues

1. Assistant General Manager,
SBI, Region-II, RBO-V,
Y.N. Road,
Indore (M.P.)
2. Branch Manager,
SBI, 5, Y.N. Road,
Indore (M.P.)

Management

(JUDGMENT)(Passed on this 29th day of September - 2025)

As per letter dated 09/08/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. L-12012/73/2016 (IR(B-I))** dt. 09/08/2017. The dispute under reference relates to:

"Whether the action of the management of Asstt. General Manager, State Bank of India, Region-II, Indore & Branch Manager, State Bank of India, Y.N. Road, Indore in terminating the services of Sh. Kamlesh Ankoliya, Peon/Messenger w.e.f. 16.08.2012 is legal & or justified? If not, to what relief the workman concerned is entitled to?"

Notices were issued to both the parties. They appeared and filed their respective statement of claim and defense.

Case of the Workman is mainly that, he was engage by the State Bank of Indore through the Branch Manager on 01.05.2000 as a Peon on daily basis and worked till 16.08.2012 when he was disengaged by the Bank without any notice or compensation which is in violation of Section 25F and 25G of the Act. Hence, unjust, illegal and arbitrary. It has been requested that holding his termination as unjust and illegal, he be held entitled to be reinstated with back wages and benefit.

Case of Management is mainly that, the workman was never appointed against any sanctioned vacancy, following recruitment process. He never worked continuously for 240 days in any year. The State Bank of Indore was taken over by State Bank of India vide notification effective from 29.11.2010. Accordingly, it has been prayed that, the reference be answered against the Workman.

The Workman has filed photocopy documents which are not admitted by Management. He did not care to prove these documents. He did not even file his affidavit or affidavit of any witness from his side in support of his case. Management has also not filed any affidavit of its witness.

None appeared for the parties at the time of argument. No written arguments were filed. I have gone through the record. The reference itself is the issued for determination in the case in hand.

The initial burden to prove his case is on the Workman in which he has failed, **hence holding his case not proved the reference stands answered against the Workman.**

No order as to cost.

DATE:- 29/09/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2028.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सीमेंट कॉर्पोरेशन ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और सीमेंट मज़दूर यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स न.- 50/2014, 02/2016, 16/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.11.2025 को प्राप्त हुआ था।

[सं. एल-29012/2/2014-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 18th November, 2025

S.O. 2028.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 50/2014, 02/2016, 16/2019**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Cement Corporation of India** and **Cement Mazdoor Union** which was received along with soft copy of the award by the Central Government on 18.11.2025.

[No. L-29012/2/2014-IR(M)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

1. NO. CGIT/LC/R/50/2014

Present: P.K.Srivastava

H.J.S.(Retd.)

The President,

Cement Mazdoor Union,

Saifi Villa, Opp. State Bank of Bikaner & Jaipur,

Veer Park Road, Neemuch (M.P.)

Workmen

Vs

The General Manager,

Cement Corporation of India,

Nayagaon Cement Factory,

Nayagaon, Distt. Neemuch (M.P.)

Management

WITH2. NO. CGIT/LC/A/02/2016Present: P.K.SrivastavaH.J.S..(Retd)

The President,

Cement Mazdoor Union,

Saifi Villa, Opp. State Bank of Bikaner & Jaipur,

Veer Park Road, Neemuch (M.P.)

Workmen

Vs

The General Manager,

Cement Corporation of India,

Nayagaon Cement Factory,

Nayagaon, Distt. Neemuch (M.P.)

Management

&3. NO. CGIT/LC/A/16/2019Present: P.K.SrivastavaH.J.S..(Retd)

The President,

Cement Mazdoor Union,

Saifi Villa, Opp. State Bank of Bikaner & Jaipur,

Veer Park Road, Neemuch (M.P.)

Workmen

Vs

The General Manager,

Cement Corporation of India,

Nayagaon Cement Factory,

Nayagaon, Distt. Neemuch (M.P.)

Management

(JUDGMENT)(Passed on this 19th day of September- 2025)In case R/50/2014, the Central Government:

As per letter dated 16/05/2014 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under **Section-10 of Industrial Disputes Act, 1947** (in short the '*Act*') as per Notification No. L-29012/2/2014 (IR(M)) dt. 16/05/2014. The dispute under reference relates to:

"Whether the action of the management of Cement Corporation of India, Nayagaon Cement Factory, Neemuch in not regularizing the service of Shri Gheesalal Sharma S/o Ramnivas Sharma & 39 others even after completing 240 days in a calendar year is justified. If not, what relief these workmen are entitled for?"

In the case A-02/2016:

The Workman through their Union, have filed an Application under section 33-A of the Act seeking protection against their dismissal from service by the management on the ground that the management has made preparations for terminating their services after they have raised a dispute above noted, pending before this Tribunal.

They be restrained from doing so during pendency of the dispute before this Tribunal in light of Section 33-A of the Act.

In the case A-16/2019:

The Workman Union has again filed an Application under section 33-A of the Act, with a case that the management has proposed to transfer the assets of the company to another company for which they have issued advertisement there, this act is in violation of Section 33-A of the Act. The Workman Union has sought protection against this action of management.

Since all the disputes are interrelated and parties are same, they have been consolidated vide order of this Tribunal and case R-50/2014 has been made leading case, all the proceedings have been recorded in this case.

The case of the Workman Union with respect to the reference, above referred, is mainly that the members of Union are 40 in number are working as security guards in the establishment of Management Corporation since last so many years with all sincerity and honesty. The Management Corporation has been deducting their provident fund contributions and is depositing with its contribution in the Provident Fund Trust created by the Corporation, treating them as their employees. These workmen have been shown in records of the management as employees engaged and paid by the contractors, supplied by these contractors at the site of Management Corporation, to work as guard. The management has directly paid them salary also from December, 2011 to May, 2012 from their account. The management has appointed 51 of their employees as guards and the applicant/workman as well 61 other guards have been shown to be appointed through contractors as contract employees for the similar nature of post and job.

It is further the case of the Workman Union that the applicant/workmen have been regularly discharging their duties as 'Guard' at the sites of Management Corporation like their regular employees (security guards) for more than 240 days in every year. The management has now started preparations and is threatening to retrench the applicant/workmen when they raised the dispute with respect to their regularization and other benefits. Thereafter the Union, raised a dispute in this respect before Assistant Labour Commissioner (Central) Bhopal, after failure of conciliation, the reference was made by the Central Government to this Tribunal.

According, to the Workman/Union, this action of Management Corporation in not regularizing the applicant/workman and not granting him permanent status inspite of his continuous service is illegal, arbitrary and unjust and unlawful. The Union has thus prayed, holding the action of management illegal and arbitrary, the applicant/workman be held entitled to benefits admissible to permanent and regular employees, at par with regularly appointed security guards with all back wages and benefits.

The case of the Management Corporation is that firstly, the reference is not maintainable before this Tribunal because there is no Employer-Employee relation between the applicant/workmen and the Management Corporation, they have never been appointed by the Management Corporation. The management was out of function since 1997 and was referred to *Board of Industrial and Financial Reconstruction (BIFR)*. No business activity was ever conducted by the Corporation since 1997, they have granted voluntary retirement to their employees. Their factory site has also been closed w.e.f. 31.10.2008. In such premise, there is no employment left with the corporation nor is there any future scope for employment.

It is further the case of Corporation that for the safety of Plant and Machinery as well and their Assets of the Corporation, service of security agencies were taken, hence the Corporation outsourced a security work to external agencies. These applicant/workmen are the security guards supplied and deputed by the outsourcing agency to the Corporation as contract workers, hence their regularization, as such is not permissible in law, regarding deposit of Provident Fund by the Corporation in their Provident Fund Trust, the Corporation has pleaded that, it was done because the outsourcing agencies were not regular in depositing the Provident Fund dues and the direct payments for some months as mentioned by Workman Union were made to the security guards (outsourced) because the Contractor did not pay them the wages for that period, hence, this payment was also made as per employer.

The management has accordingly prayed that the reference be answered against the Workman Union and the Petitions under section 33-A also be dismissed.

In evidence, the Workman Union has filed the affidavit of Shri Gheesalal Sharma and Shailendra Singh Thakur, both are applicant/workmen. The workman, Shailendra Singh Thakur who is the President of Union also has been cross-examined by management on his affidavit.

Management Corporation filed affidavit of its witness Mr. Jayant Vishwas, he has been cross-examined by the Workman Union.

Both the sides have filed bunch of documents which are photocopy, Annual Report of the Corporation for 2011-2012, Order of Hon'ble High Court of Delhi in WP(C) No. 6998/2007. Management has filed documents which are mainly related to the Work Agreements with different outsourcing agencies in different years for the supply of security guards, the Registration Certificates of the Management Corporation as per employment and the outsourcing agency, documents related to payments made by the Corporation, the statement with respect to Provident Fund

deposits of the workmen firstly, by the Management corporation in their Provident Fund Trust and thereafter by the outsourcing agencies since 2021 till 2024. The Management has also filed the Regulation with respect to their Provident Fund Trust, the documents will be referred to as and when required.

I have **heard argument of** Learned Counsel for the workman Union Mr. Subodh Agrawal and Mr. Amit Khatri, Learned Counsel for the Management Corporation. Management has filed written arguments also which is part of record.

The main submission from the side of Workman Union is that the applicant/workmen are working as security guards to look after the security at different sites of the Management Corporation and have been discharging duties like the regular security guards appointed by the management, their work is of permanent and perennial nature, which is itself evident from the fact, that they have been continuously working with the management on their sites following instruction of management since 1999 till date, only the contractors have been changing in these years and not the applicant/workmen, all these facts show that all these work contracts were sham contracts and camouflage, just to deny the applicant/workmen the benefits admissible to them as regular and permanent employee. Learned Counsel has further submits that this Tribunal is not without power to lift the veil.

Learned Counsel for Management has submitted that the Corporation is sick unit and has manpower through security agencies thus, to look after their Plants, Machinery and Assets at different places. There is no prohibition in the *Contract Labour (Regulation & Abolition) Act* to do so simply by working on the site of the management under directions of Management Authorities and deposit of Provident Fund dues by management in their Provident Fund Trust or payment of wages by management for some months as claimed by the Workman Union will not make them employees of the Management Corporation. Since, there is no Employer-Employee relation between the applicant/workmen and Management Corporation, they cannot claim regularization.

Facts in this case are almost not disputed. It is not disputed that the applicant/workmen have been supplied by different outsourcing agencies as contract workers. This is also not disputed that they have been working at the site of Management Corporation under the directions of the Management Corporation and performing duties done by the regularly appointed security guards right since 1999 till date.

Case of the management is that they are within their powers to employ contract workers through, outsourcing agencies which they have done. Section 2 (ra) which defines Unfair Labour Practice, Section 25-T & 25-U, Prohibition of Unfair Labour Practice, Schedule 5 provides a list of Acts, which are Unfair Labour Practice by Management.

Section 2 (ra) which defines *Unfair Labour Practice* is being reproduced as follows:-

“(ra) “unfair labour practice” means any of the practices specified in the Fifth Schedule;”

Schedule 5 of the Act which enumerates unfair labour practice is

also being reproduced as follows:-

THE FIFTH SCHEDULE

See section 2(ra) UNFAIR LABOUR PRACTICES

I.—On the part of employers and trade unions of employers

1. To interfere with, restrain from, or coerce, workmen in the exercise of their right to organise, form, join or assist a trade union or to engage in concerted activities for the purposes of collective bargaining or other mutual aid or protection, that is to say:—
 - (a) threatening workmen with discharge or dismissal, if they join a trade union;
 - (b) threatening a lock-out or closure, if a trade union is organised;
 - (c) granting wage increase to workmen at crucial periods of trade union organisation, with a view to undermining the efforts of the trade union organisation.
2. To dominate, interfere with or contribute support, financial or otherwise, to any trade union, that is to say:—
 - (a) an employer taking an active interest in organising a trade union of his workmen; and
 - (b) an employer showing partiality or granting favour to one of several trade unions attempting to organise his workmen or to its members, where such a trade union is not a recognised trade union.
3. To establish employer sponsored trade unions of workmen.
4. To encourage or discourage membership in any trade union by discriminating against any workman, that is to say:—
 - (a) discharging or punishing a workman, because he urged other workmen to join or organise a trade union;

- (b) discharging or dismissing a workman for taking part in any strike (not being as trike which is deemed to be an illegal strike under this Act);
 - (c) changing seniority rating of workmen because of trade union activities;
 - (d) refusing to promote workmen to higher posts on account of their trade union activities;
 - (e) giving unmerited promotions to certain workmen with a view to creating discord amongst other workmen, or to undermine the strength of their trade union;
 - (f) discharging office-bearers or active members of the trade union on account of their trade union activities.
5. To discharge or dismiss workmen—
- (a) by way of victimisation;
 - (b) not in good faith, but in the colourable exercise of the employer's rights;
 - (c) by falsely implicating a workman in a criminal case on false evidence or on concocted evidence;
 - (d) for patently false reasons;
 - (e) on untrue or trumped up allegation of absence without leave;
 - (f) in utter disregard of the principles of natural justice in the conduct of domestic enquiry or with undue haste;
 - (g) for misconduct of a minor or technical character, without having any regard to the nature of the particular misconduct or the past record or service of the workman, thereby leading to a disproportionate punishment.
6. To abolish the work of a regular nature being done by workmen, and to give such work to contractors as a measure of breaking a strike.
7. To transfer a workman mala fide from one place to another, under the guise of following management policy.
8. To insist upon individual workmen, who are on a legal strike to sign a good conduct bond, as a pre-condition to allowing them to resume work.
9. To show favouritism or partiality to one set of workers regardless of merit.
10. ***To employ workmen as “badlis”, casuals or temporaries and to continue them as such for years, with the object of depriving them of the status and privileges of permanent workmen.***
11. To discharge or discriminate against any workman for filing charges or testifying against an employer in any enquiry or proceeding relating to any industrial dispute.
12. To recruit workmen during a strike which is not an illegal strike.
13. Failure to implement award, settlement or agreement.
14. To indulge in acts of force or violence.
15. To refuse to bargain collectively, in good faith with the recognised trade unions.
16. Proposing or continuing a lock-out deemed to be illegal under this Act.”

Section 25 (T & U) of the Act is reproduced as follows:-

25T. Prohibition of unfair labour practice.—No employer or workman or a trade union, whether registered under the Trade Unions Act, 1926 (18 of 1926), or not, shall commit any unfair labour practice.

25U. Penalty for committing unfair labour practices.—Any person who commits any unfair labour practice shall be punishable with imprisonment for a term which may extend to six months or with fine which may extend to one thousand rupees or with both.

From perusal of Schedule and provisions mentioned above, Act of engaging contract labours, casual or temporaries and to continue them as such for years with the object of depriving them of status, privileges of permanent workman is unfair labour practice adopted by management which have been prohibited under section 25-T of the Act, section 25-U of the Act provides penal consequences for such an unfair labour practice too.

The Act may have civil and penal consequences both. Same is the case with unfair labour practice, the penal consequences of unfair labour practice is provided in the Act but civil consequences are not provided. This fact does not denude the Courts and Tribunals under the Act to undo the effects of such Act like unfair labour practice which is prohibited by the Act.

Established facts are that these workmen continuously work with management from the year 1999 till date which shows that the work itself is of permanent and perennial nature, contract labour with respect to work of permanent and perennial nature is prohibited in the *Contract Labour (Regulation & Abolition) Act, 1970*. The striking feature of the case in hand is that though, the out sourcing agency changed but these employees continue to work at the site of Corporation as employees of different out sourcing agency who were awarded contract of supply of manpower by the management in different years.

Learned Counsel for management has referred to judgment of *Hon'ble Supreme Court in the case of Joint Secretary, Central Board of Secondary Education v/s Raj Kumar Mishra & Ors. 2025 Live Law (SC) 343*, wherein it has been held that if there is no employer-employee relation between the parties, no claim regarding permanency or regularization will be added in this bill.

Learned counsel as further referred to following paragraphs of the judgment referred *Sudarshan Rajpoot v/s U.P. State Road Transport Corporation (2015) II, SCC 317* which are being reproduced as follows:-

11. It has been contended by the learned counsel for the appellant workman that the High Court has erred in placing reliance upon the decision of this Court in *Umadevi (3) case [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753]*, which was distinguished inasmuch as the said case is not applicable to the case on hand for the reason that the appellant workman is a "workman" as defined under Section 2(z) of the UPID Act and the respondent is the statutory corporation which is an undertaking of the State Government and therefore, as it is an instrumentality of the State Government, it will come within the definition of "industry" as defined under Section 2(k) of the UPID Act. Therefore, the said provisions of the UPID Act are applicable to the appellant workman as he is a "workman" as defined under Section 2(z) of the UPID Act and Section 2(s) of the ID Act, 1947.

12. Further, it is contended that the High Court has failed to consider the "unfair labour practice" as defined under Section 2(ra) of the ID Act, 1947 read with Sections 25-T and 25-U and Schedule V of the ID Act. Item 10 of Schedule V of the ID Act prohibits the employer to employ workmen as badlis, casuals or temporaries and to continue them as such for years in the Corporation, with the object of depriving them of the status and privileges of permanent workmen is prohibited. It is further contended that the respondent Corporation is liable for penal action under the provisions of Section 25-U of the ID Act. In support of the above contention, reliance was placed on the three-Judge Bench decision of this Court in *Chief Conservator of Forests v. Jagannath Maruti Kondhare [Chief Conservator of Forests v. Jagannath Maruti Kondhare, (1996) 2 SCC 293 : 1996 SCC (L&S) 500]*.

13. On the other hand, the learned counsel appearing on behalf of the respondent Corporation sought to justify the correctness of the finding and reasons recorded by the High Court in the impugned judgment [*U.P. SRTC v. Sudarshan Rajpoot, Writ-C No. 21553 of 2005, order dated 5-3-2008 (All)*]. Alternatively, it is contended that even if the order of termination is bad in law, the workman who is working on the contract basis is not entitled for reinstatement with full back wages as per the view taken by this Court in several decisions. Therefore, the learned counsel for the respondent Corporation submits that the impugned judgment [*U.P. SRTC v. Sudarshan Rajpoot, Writ-C No. 21553 of 2005, order dated 5-3-2008 (All)*] and order need not be interfered with by this Court in exercise of its appellate jurisdiction.

14. With reference to the abovesaid rival legal contentions the following substantial questions would arise for our consideration:

14.1. (i) Whether the High Court is justified in passing the impugned judgment [*U.P. SRTC v. Sudarshan Rajpoot, Writ-C No. 21553 of 2005, order dated 5-3-2008 (All)*], order and reversing the award passed by the Labour Court?

14.2. (ii) Whether the order of termination passed against the appellant workman amounts to retrenchment as defined under Section 2(s) of the UPID Act, 1947?

14.3. (iii) Whether non-compliance with the statutory provisions under Sections 6-N and 6-Q of the UPID Act which are analogous with Sections 25-F and 25-H, respectively, of the ID Act, 1947 renders the order of termination void ab initio in law?

14.4. (iv) What relief is the appellant workman entitled to?

15. To answer the above substantial questions of law it is necessary for this Court to extract the order of termination passed by the Assistant Regional Manager of the Corporation, which reads thus:

"OFFICE OF ASSISTANT REGIONAL MANAGER,

U.P. TRANSPORT CORPORATION, AZAD NAGAR DEPOT

Letter No. ARM/A. Ngr/Bus Accident 0582/2000/3591 dated 29-7-2000

OFFICE ORDER

On 7-6-1999 vehicle bearing No. 8582 which had met with an accident which was being driven on 7-6-1999

by Shri Sudarshan Rajpoot, contractual driver and conductor Shri Kamta Prasad on Deoria to Kanpur route and accident occurred on the way at 1.30 a.m. in the night at Village Palhari, Barabanki near Police Station Safdarganj and due to negligent driving of the driver, department suffered heavy loss.

Hence, in order to meet departmental loss, forfeiting security of driver Shri Sudarshan Rajpoot, I pass the order to strike off his name from the contract roll with an immediate effect. His name be struck off from contract roll.

sd/-

(Illegible)

(Sad Sayed)

Assistant Regional Manager,

Azad Nagar, Depot”

(emphasis supplied)

In the aforesaid order of termination it is specially mentioned that the appellant workman was appointed as a driver on contractual basis. It has been further stated that the accident occurred on 7-6-1999 due to the negligent driving of the appellant workman resulting in heavy loss to the Department of the respondent Corporation. In order to meet the departmental loss, security amount of driver was forfeited and Assistant Regional Manager had struck off the name of the appellant workman from the contract employees roll with immediate effect.

16. The respondent Corporation has neither produced documentary evidence nor showed before the Labour Court that the appellant workman was appointed on contract basis. The fact that he deposited Rs 2000 towards security amount with the respondent Corporation indicates that he was working as a driver on a permanent basis. In view of Schedule V, Item 10 of the ID Act, 1947 the respondent Corporation is prohibited from engaging the appellant workman as a badli, casual or temporary workman to work on permanent basis. The fact that he had been continuously working for more than 3 years and he had rendered more than 240 days of service as the driver in a calendar year until his termination order and yet he is being engaged on a contractual basis in the respondent Corporation is statutorily prohibited. The same amounts to an unfair labour practice as defined under Section 2(ra) read with Section 25-T, which action of the Corporation is punishable under Section 25-U of the ID Act. This legal position is settled by this Court in Chief Conservator of Forests case [Chief Conservator of Forests v. Jagannath Maruti Kondhare, (1996) 2 SCC 293 : 1996 SCC (L&S) 500] wherein it was held as under : (SCC pp. 302-03, para 22)

“22. ... In our opinion, it would be permissible on facts of a particular case to draw the inference mentioned in the second part of the item, if badlis, casuals or temporaries are continued as such for years. We further state that the present was such a case inasmuch as from the materials on record we are satisfied that the 25 workmen who went to the Industrial Court of Pune (and 15 to the Industrial Court, Ahmednagar) had been kept as casuals for long years with the primary object of depriving them of the status of permanent employees inasmuch as giving of this status would have required the employer to pay the workmen at a rate higher than the one fixed under the Minimum Wages Act. We can think of no other possible object as, it may be remembered, that the Pachgaon Parwati Scheme was intended to cater to the recreational and educational aspirations also of the populace, which are not ephemeral objects, but par excellence permanent. We would say the same about environment-pollution-care work of Ahmednagar, whose need is on the increase because of increase in pollution. Permanency is thus writ large on the face of both the types of work. If, even in such projects, persons are kept in jobs on casual basis for years the object manifests itself; no scrutiny is required. We, therefore, answer the second question also against the appellants.”

25. This Court in the later judgment in Hari Nandan Prasad v. Food Corporation of India [Hari Nandan Prasad v. Food Corporation of India, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408] , after advertng to the law laid down in U.P. Power Corpn. Ltd. v. Bijli Mazdoor Sangh [(2007) 5 SCC 755 : (2007) 2 SCC (L&S) 258] and Maharashtra SRTC [Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchari Sanghatana, (2009) 8 SCC 556 : (2009) 2 SCC (L&S) 513] wherein Umadevi (3) case [State of Karnataka v. Umadevi (3), (2006) 4 SCC 1 : 2006 SCC (L&S) 753] is adverted to in both the cases, held that on a harmonious reading of the two judgments, even when there are posts available, in the absence of any unfair labour practice the Labour Court cannot give direction for regularisation only because a worker has continued as daily-wage worker/ad hoc/temporary worker for number of years. Further, such a direction cannot be given when the worker concerned does not meet the eligibility requirement of the post in question as per the recruitment rules:

25.1. It was held at para 32 in Hari Nandan Prasad case [Hari Nandan Prasad v. Food Corporation of India, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408] as under : (SCC p. 211)

“32. However, the Court in Maharashtra SRTC case [Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchhari Sanghatana, (2009) 8 SCC 556 : (2009) 2 SCC (L&S) 513] found that the factual position was different in the case before it. Here the post of cleaners in the establishment were in existence. Further, there was a finding of fact recorded that the Corporation had indulged in unfair labour practice by engaging these workers on temporary/casual/daily-wage basis and paying them paltry amount even when they were discharging duties of eight hours a day and performing the same duties as that of regular employees.”

25.2. Further, Hari Nandan Prasad [Hari Nandan Prasad v. Food Corporation of India, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408] referred at para 36, LIC v. D.J. Bahadur [(1981) 1 SCC 315 : 1981 SCC (L&S) 111 : (1981) 1 SCR 1083] in which the relevant para 22 of LIC case [(1981) 1 SCC 315 : 1981 SCC (L&S) 111 : (1981) 1 SCR 1083] is extracted as under : (Hari Nandan Prasad case [Hari Nandan Prasad v. Food Corporation of India, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408] , SCC p. 213)

“36. ... ‘22. The Industrial Disputes Act is a benign measure which seeks to pre-empt industrial tensions, provide the mechanics of dispute resolutions and set up the necessary infrastructure, so that the energies of the partners in production may not be dissipated in counterproductive battles and the assurance of industrial justice may create a climate of goodwill.’ (D.J. Bahadur case [(1981) 1 SCC 315 : 1981 SCC (L&S) 111 : (1981) 1 SCR 1083] , SCC p. 334, per Krishna Iyer, J.)

In order to achieve the aforesaid objectives, the Labour Courts/Industrial Tribunals are given wide powers not only to enforce the rights but even to create new rights, with the underlying objective to achieve social justice. Way back in the year 1950 i.e. immediately after the enactment of the Industrial Disputes Act, in one of its first and celebrated judgment in Bharat Bank Ltd. v. Employees [1950 SCC 470 : AIR 1950 SC 188 : 1950 LLJ 921 at p. 948] this aspect was highlighted by the Court observing as under : (AIR p. 209, para 61)

‘61. ... In settling the disputes between the employers and the workmen, the function of the Tribunal is not confined to administration of justice in accordance with law. It can confer rights and privileges on either party which it considers reasonable and proper, though they may not be within the terms of any existing agreement. It has not merely to interpret or give effect to the contractual rights and obligations of the parties. It can create new rights and obligations between them which it considers essential for keeping industrial peace.’”

25.3. And again at para 37, observing that the aforesaid sweeping power conferred upon the Tribunal is not unbridled and is circumscribed by this Court in New Maneck Chowk Spg. & Wvg. Co. Ltd. v. Textile Labour Assn. [AIR 1961 SC 867] , the relevant para 6 of which is extracted as under : (Hari Nandan Prasad case [Hari Nandan Prasad v. Food Corporation of India, (2014) 7 SCC 190 : (2014) 2 SCC (L&S) 408] , SCC p. 213, paras 37-38)

“37. ... ‘6. ... This, however, does not mean that an Industrial Court can do anything and everything when dealing with an industrial dispute. This power is conditioned by the subject-matter with which it is dealing and also by the existing industrial law and it would not be open to it while dealing with a particular matter before it to overlook the industrial law relating to that matter as laid down by the legislature or by this Court.’ (Textile Labour Assn. case [AIR 1961 SC 867] , AIR p. 870)

38. It is, thus, this fine balancing which is required to be achieved while adjudicating a particular dispute, keeping in mind that the industrial disputes are settled by industrial adjudication on principle of fair play and justice.”

26. In view of the aforesaid statement of law laid down by this Court after adverting to the powers of the Industrial Tribunal and the Labour Court as interpreted by this Court in the earlier decisions referred to supra, the said principle is aptly applicable to the fact situation of the case on hand, for the reason that the Labour Court recorded a finding of fact in favour of the workman that the termination of services of the appellant herein is not legal and valid and further reaffirmed the said finding and also clearly held that the plea taken in the order of termination that he was appointed on contract basis as a driver is not proved by producing cogent evidence. Further, we hold that even if the plea of the employer is accepted, extracting work though of permanent nature continuously for more than three years, the alleged employment on contract basis is wholly impermissible. Therefore, we have held that it amounts to an unfair labour practice as defined under Section 2(ra) of the ID Act, 1947 read with Section 25-T which is prohibited under Section 25-U, Chapter V-C of the ID Act, 1947. We have to hold that the judgment of the High Court in reversing the award is not legal and the same is set aside by us.

21. In the order of termination, it is alleged that on account of negligent driving of the bus by the appellant workman the accident of the vehicle happened, the said allegation was neither proved in the inquiry required to be conducted nor producing evidence before the Labour Court by the respondent Corporation. Therefore, the High Court has failed to examine the above vital aspects of the case on hand and erroneously interfered with the award passed by the Labour Court in exercise of its extraordinary and supervisory jurisdiction under Articles 226 and 227 of the Constitution of India. This exercise of power is contrary to the law laid down by this Court in Harjinder

Singh v. Punjab State Warehousing Corpn. [(2010) 3 SCC 192 : (2010) 1 SCC (L&S) 1146] , wherein this Court held thus : (SCC p. 205, para 21)

“21. Before concluding, we consider it necessary to observe that while exercising jurisdiction under Articles 226 and/or 227 of the Constitution in matters like the present one, the High Courts are duty-bound to keep in mind that the Industrial Disputes Act and other similar legislative instruments are social welfare legislations and the same are required to be interpreted keeping in view the goals set out in the Preamble of the Constitution and the provisions contained in Part IV thereof in general and Articles 38, 39(a) to (e), 43 and 43-A in particular, which mandate that the State should secure a social order for the promotion of welfare of the people, ensure equality between men and women and equitable distribution of material resources of the community to subserve the common good and also ensure that the workers get their dues. More than 41 years ago, Gajendragadkar, J. opined that:

‘10. ... the concept of social and economic justice is a living concept of revolutionary import; it gives sustenance to the rule of law and meaning and significance to the ideal of welfare State.’

(*State of Mysore v. Workers of Gold Mines* [AIR 1958 SC 923] , AIR p. 928, para 10.)”

24. We are of the opinion that the view taken in *Maharashtra SRTC* [*Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchari Sanghatana*, (2009) 8 SCC 556 : (2009) 2 SCC (L&S) 513] at para 36 after distinguishing *Umadevi (3)* case [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] is the plausible view. Therefore, we have to hold that the finding of the High Court in setting aside the finding of fact recorded by the Labour Court in its award by applying *Umadevi (3)* case [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] is wholly untenable in law. Therefore, the same is set aside by this Court.

23. Further, the reliance placed upon the decision of this Court on *Umadevi (3)* case [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] by the High Court to reverse the finding of fact recorded in the award in favour of the workman in answering the points of dispute in the negative, is not tenable in law in view of the judgment of this Court in *Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchari Sanghatana* [*Maharashtra SRTC v. Casteribe Rajya Parivahan Karmchari Sanghatana*, (2009) 8 SCC 556 : (2009) 2 SCC (L&S) 513] , wherein, this Court after adverting to *Umadevi (3)* case [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] at para 36, has held that the said case does not denude the Industrial and Labour Courts of their statutory power under Section 30 read with Section 32 of the MRTU and PULP Act to order permanency of the workers who have been victims of unfair labour practice on the part of the employer under Item 6 of Schedule IV where the posts on which they have been working exist”. (SCC p. 574)

Further, this Court held that : (SCC p. 574, para 36)

“36. ... *Umadevi (3)* case [*State of Karnataka v. Umadevi (3)*, (2006) 4 SCC 1 : 2006 SCC (L&S) 753] cannot be held to have overridden the powers of the Industrial and Labour Courts in passing appropriate order under Section 30 of the MRTU and PULP Act, once unfair labour practice on the part of the employer under Item 6 of Schedule IV is established.”

It is not disputed that these workmen have been working though the Contractors have changed intermittently every year. It is also not disputed that the job still exists and is being done by these workmen since 1999 till date, which establishes that this job is of permanent and perennial nature.

By not employing workmen on permanent regular basis against the permanent vacancy and engaging contract labours for a work of permanent perennial nature either directly or by outsourcing agencies, the management is held adopting unfair labour practice which is prohibited under the Act.

As mentioned above, engaging Badli or contract workers by management and continue with contract workers for a long time is Unfair Labour Practice. Hence even if, it be taken that the applicant/workers are outsourcing employees, the management in this case is held to have adopted Unfair Labour Practice by engaging them as contract labours since 1999 till date and it will make no difference that whether they have been supplied by the security agencies as outsourced employee or have been directly engaged by the Management Corporation, in both the cases they are contract workers.

It is settled proposition of law that this Tribunal within its power to lift the veil and look into the facts in order to determine the facts whether the contract said to have entered into by the management and outsourcing agencies is sham or camouflage or not.

In light of the establish facts that the applicant/workmen have been working since 1999 till date, hence, the work is of permanent and perennial nature, only the contractors have changed and not the workmen in these years and also that these workmen have been working at a site of Management Corporation under their directions makes its sufficiently clear that infact, the outsourcing contracts are sham and bogus, rather they are a camouflage to deny the applicant/workmen, their legally admissible dues.

In light of the above discussion and finding the question rises as to what relief, workmen are entitled to?

Reference may be taken of judgment of Hon'ble Supreme Court in the case of **Jaggo v/s Union of India reported in (2024) SCC Online SC 3826**, the relevant paragraphs of this judgment are being reproduced as follows:-

"22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, and fair treatment. Such practices have been criticized for exploiting workers and undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed to employees. These practices manifest in several ways:

- **Misuse of "Temporary" Labels:-** Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

- **Arbitrary Termination:-** Temporary employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

- **Lack of Career Progression:-** Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

- **Using Outsourcing as a Shield:-** Institutions increasingly resort to outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

- **Denial of Basic Rights and Benefits:-** Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

The principle laid down in the case of Jaggo (Supra) has been followed by Hon'ble Supreme Court in the case of **Shripal Vs. Nagar Nigam Ghaziabad in Civil Appeal No. 8157/2024 (2025 INSC 144)**. The relevant portion of the said judgment is being reproduced as follows:-

"12. The evidence, including documentary material and undisputed facts, reveals that the Appellant Workmen performed duties integral to the Respondent Employer's municipal functions specifically the upkeep of parks, horticultural tasks, and city beautification efforts. Such work is evidently perennial rather than sporadic or project-based. Reliance on a general "ban on fresh recruitment" cannot be used to deny labor protections to long serving workmen. On the contrary, the acknowledged shortage of Gardeners in the Ghaziabad Nagar Nigam reinforces the notion that these positions are essential and ongoing, not intermittent. By requiring the same tasks (planting, pruning, general upkeep) from the Appellant Workmen as from regular Gardeners but still compensating them inadequately and inconsistently the Respondent Employer has effectively engaged in an unfair labour practice. The principle of "equal pay for equal work," repeatedly emphasized by this Court, cannot be casually disregarded when workers have served for extended periods in roles resembling those of permanent employees. Long-standing assignments under the Employer's direct supervision belie any notion that these were mere short-term casual engagements.

14. The Respondent Employer places reliance on Umadevi (supra) to contend that daily-wage or temporary employees cannot claim permanent absorption in the absence of statutory rules providing such absorption. However, as frequently reiterated, Uma Devi itself distinguishes between appointments that are "illegal" and those that are "irregular," the latter being eligible for regularization if they meet certain conditions. More importantly, Uma Devi cannot serve as a shield to justify exploitative engagements persisting for years without the Employer undertaking legitimate recruitment. Given the record which shows no true contractor based arrangement and a consistent need for permanent horticultural staff the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

15. It is manifest that the Appellant Workmen continuously rendered their services over several years, sometimes spanning more than a decade. Even if certain muster rolls were not produced in full, the Employer's failure to furnish such records—despite directions to do so—allows an adverse inference under well-established labour jurisprudence. Indian labour law strongly disfavors perpetual daily-wage or contractual engagements in circumstances where the work is permanent in nature. Morally and legally, workers who fulfil ongoing municipal requirements year after year cannot be dismissed summarily as dispensable, particularly in the absence of a genuine contractor agreement. At this juncture, it would be appropriate to recall the broader critique of indefinite "temporary" employment practices as done by a recent judgement of this court in Jaggo v. Union of India

16. The High Court did acknowledge the Employer's inability to justify these abrupt terminations. Consequently, it ordered re-engagement on daily wages with some measure of parity in minimum pay. Regrettably, this only perpetuated precariousness: the Appellant Workmen were left in a marginally improved yet still uncertain status. While the High Court recognized the importance of their work and hinted at eventual regularization, it failed to afford them continuity of service or meaningful back wages commensurate with the degree of statutory violation evident on record.

17. In light of these considerations, the Employer's discontinuation of the Appellant Workmen stands in violation of the most basic labour law principles. Once it is established that their services were terminated without adhering to Sections 6E and 6N of the U.P. Industrial Disputes Act, 1947, and that they were engaged in essential, perennial duties, these workers cannot be relegated to perpetual uncertainty. While concerns of municipal budget and compliance with recruitment rules merit consideration, such concerns do not absolve the Employer of statutory obligations or negate equitable entitlements. Indeed, bureaucratic limitations cannot trump the legitimate rights of workmen who have served continuously in de facto regular roles for an extended period. 18. The impugned order of the High Court, to the extent they confine the Appellant Workmen to future daily-wage engagement without continuity or meaningful back wages, is hereby set aside with the following directions:-

I. The discontinuation of the Appellant Workmen's services, effected without compliance with Section 6E and Section 6N of the U.P. Industrial Disputes Act, 1947, is declared illegal. All orders or communications terminating their services are quashed. In consequence, the Appellant Workmen shall be treated as continuing in service from thereof their termination, for all purposes, including seniority and continuity in service.

II. The Respondent Employer shall reinstate the Appellant Workmen in their respective posts (or posts akin to the duties they previously performed) within four weeks from the date of this judgment. Their entire period of absence (from the date of termination until actual reinstatement) shall be counted for continuity of service and all consequential benefits, such as seniority and eligibility for promotions, if any.

III. Considering the length of service, the Appellant Workmen shall be entitled to 50% of the back wages from the date of their discontinuation until their actual reinstatement. The Respondent Employer shall clear the aforesaid dues within three months from the date of their reinstatement.

IV. The Respondent Employer is directed to initiate a fair and transparent process for regularizing the Appellant Workmen within six months from the date of reinstatement, duly considering the fact that they have performed perennial municipal duties akin to permanent posts. In assessing regularization, the Employer shall not impose educational or procedural criteria retroactively if such requirements were never applied to the Appellant Workmen or to similarly situated regular employees in the past. To the extent that sanctioned vacancies for such duties exist or are required, the Respondent Employer shall expedite all necessary administrative processes to ensure these longtime employees are not indefinitely retained on contract labour contrary to statutory and equitable norms."

On the basis of above discussion and findings, the reference deserves to be answered as follows:-

AWARD

Holding the action of the management of Cement Corporation of India, Nayagaon Cement Factory, Neemuch in not regularizing the service of Shri Gheesalal Sharma S/o Ramnivas Sharma & 38 others even after completing 240 days in a calendar year, unjustified in law. The management of Cement Corporation of India is directed to initiate a fair and transparent process for regularizing the Appellant Workmen within six months from the date of publication of award, duly considering the fact that these workmen have performed perennial duties as security guards akin to permanent security guards of the Management Corporation. In assessing regularization, the Employer shall not impose educational or procedural criteria retroactively if such requirements were never applied to the Appellant Workmen or to similarly situated regular employees in the past. To the extent that sanctioned vacancies for such duties exist or are required, the Respondent Employer shall expedite all necessary administrative processes to ensure these longtime employees are not indefinitely retained as contract labour contrary to statutory and equitable norms.

No order as to cost.

DATE:- 19/09/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2029.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार स्टील अथॉरिटी ऑफ इंडिया लिमिटेड, भिलाई स्टील प्लांट के प्रबंधन के संबंध में नियोजकों और श्री गिरधारी साहू के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेंस नं.- 24/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.11.2025 को प्राप्त हुआ था।

[सं. एल-26012/10/2016-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 18th November, 2025

S.O. 2029.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 24/2017**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Steel Authority of India Ltd., Bhilai Steel Plant** and **Shri Girdhari Sahu** which was received along with soft copy of the award by the Central Government on 18.11.2025.

[No. L-26012/10/2016-IR(M)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/24/2017Present: P.K.SrivastavaH.J.S.(Retd.)

Sh. Girdhari Sahu,

S/o Late Prahlad Sahu,

19/2F, KLC Zone-2, Sector-11,

Bhilai, Distt.- Durg (CG) – 490001.

Workman

Versues

The Chief Executive Director,

M/s Bhilai Steel Plant, SAIL,

PO – Bhilai,

Distt. – Durg (CG) – 490001.

Management

(JUDGMENT)(Passed on this 01st day of October - 2025)

As per letter dated 21/03/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-26012/10/2016-(IR(M)) dt. 21/03/2017. The dispute under reference relates to:

“Whether the action of Management in terminating the services of Shri Girdhari Sahu S/o Late Prahlad Sahu, Ex-Attendant, working in public Health Engg. Department of Bhilai Steel Plant on the ground of absenteeism and communicated through order स्था/PHED/अनु/2015/288 dated 29-01-2015 is legal and justified? If not, what relief the workman is entitled to?”

Notices were issued to both the parties. They appeared and filed their respective statement of claim and defense.

Case of the Workman is that he was initially appointed in 2009 on the post of Attendant in Public Health Engineering Department of Management. He was terminated vide order of Management dated 29.01.2015 for the charge of unauthorized absence from his Workplace since March 2012 to May 2013. According to Workman, no full and proper opportunity was given to defend his case. It is also alleged that the charges have been wrongly held proved and the punishment is disproportionate to the charge.

Case of the Management on this issue is that, the Workman was working as Attendant since 01.11.2009 he was habitual absentee, he had history of unauthorized absenteeism in which he was punished as many as three times but he did not improved. For the present charge, he admitted the charge during the enquiry. He was issued a show-cause notice on Enquiry Report before Awarding punishment.

Management has filed photocopy enquiry papers which have been admitted by Workman.

According to Management the charges have been accordingly held proved and the punishment is also proportionate to the misconduct proved.

Following preliminary issues was framed on the basis of pleadings.

1. Whether the Departmental Enquiry conducted against the Workman is legal?

This issue was decided on the basis of evidence vide order dated 13.02.2025 holding the Departmental Enquiry legal and proper. This order is part of this Judgment.

Following additional issues were framed thereafter –

1. Whether the charges are proved?

2. Whether the punishment is proportionate to the charge?

Parties were given opportunity to lead evidences if any on these issues. No evidences were filed by any of the parties. I have heard argument of Learned Counsel for Workman Mr. Arun Patel and Learned Counsel Mr. R.C. Shrivastava for the Management. I have gone through the record as well.

Additional Issue No. 1 –

The settled preposition of law with respect to proof of charges in Departmental proceeding is that, the charges need not be proved beyond doubt as it is required in Criminal Trials, they are required to be proved to the extent of probability and possibility only. Now looking into the evidences collected during the enquiry, it comes out that, the absence of the Workman is not disputed during the enquiry.

Case of the Workman is that, he was getting treatment on different station for some skin disease hence he could not inform the Management and could not attend his job. There is nothing on record in the enquiry papers to show that any document or any certificate by the Doctor had been produced during the enquiry or even before this Tribunal to show that during the period of absence in the charge sheet, the Workman was confined to bed and was advised bed rest. In absence of such evidence, the enquiry officer and competent authority cannot be held unjustified in recording finding that the absence of the Workman was willful, and unauthorized. Hence, the charges are held proved against the Workman.

Additional Issue No.1 is answered accordingly.

Additional Issue No.2 –

On the basis of evidence during the enquiry, it comes that, workman has been in the habit of willful and unauthorizedly absenting himself from workplace in earlier years also and he was punished for this misconduct earlier also thrice in 2011, and once in 2012 & 2013. Keeping in view the fact that, he is a repeated offender, the punishment ordered is held not so disproportionate to shock the conscious of this Tribunal. Hence, holding the punishment not disproportionate to the charges to warrant interference this additional issue is answered accordingly.

On the basis of above discussion and findings the reference is answered as follows.

AWARD

Holding the action of Management in terminating the services of Shri Girdhari Sahu S/o Late Prahlad Sahu, Ex-Attendant, working in public Health Engg. Department of Bhilai Steel Plant is not against law. He is entitled to no relief.

No order as to cost.

DATE:- 01/10/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2030.—औद्योगिक विवाद अधिनियम, 1975 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार इंडियन ऑयल कॉर्पोरेशन; स्टील अथॉरिटी ऑफ इंडिया लिमिटेड, भिलाई स्टील प्लांट के प्रबंधन के संबद्ध नियोजकों और संयुक्त खानदान मजदूर संघ के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स नं.- 75/2014, 1/2014) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.11.2025 को प्राप्त हुआ था।

[सं. एल-29012/9/2014-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 18th November, 2025

S.O. 2030.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 75/2014, 1/2014**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Indian Oil Corporation; Steel Authority of India Ltd., Bhilai Steel Plant** and **Samyukta Khandan Mazdoor Sangh** which was received along with soft copy of the award by the Central Government on 18.11.2025.

[No. L-29012/9/2014-IR(M)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/75/2014**Present: P.K.Srivastava****H.J.S.(Retd.)**

1. The President,
Samyukta Khandan Mazdoor Sangh,
Main Road, Near Market Dalli-Rajhara,
Distt. Balod (C.G.)

Workman

Vs

1. The Dy. General Manager (Mines),
IOC, Dalli-Rajhara,
Distt. Balod (C.G.)

Management

With**NO. CGIT/LC/A/1/2014**

1. Gowdi Satyam, aged 55 years,
S/o Lt. Gowdi Paiditali,
Assistant Personal No. 990002,
Bhilai Steel Plant, Steel Authority of India Ltd.
Residing in Qtr. No. 3/D, Street No. 36, Zone-02,
Sector-11 Bhilai, post Khusipar,
District Durg (Chhattisgarh) died during proceedings,

Represented by legal representatives-**1/1- Gowdi Appalanarasamma (Wife)****1/2- G Shrinivas Rao****1/3- Gowdi Balram (Both Sons)****Workman****Vs****1. The Dy. General Manager (Mines),****IOC, Dalli-Rajhara,****Distt. Balod (C.G.)****2. The Chief Executive Officer,****Steel Authority of India Ltd.,****Bhilai Steel Plant,****Post-Bhilai, Distt. Durg (C.G.)****Management****(JUDGMENT)****(Passed on this 3rd of October- 2025)**

As per letter dated 11/08/2014 by the Government of India, Ministry of Labour, New Delhi, the reference has been made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-29012/9/2014-IR (M) dt. 11/08/2014. The dispute under reference relates to:

“Whether the action of the management of Bhilai Steel Plant, Iron Ore Complex, Dalli Rajhara, Distt-Balod in not correcting the date of birth of Sh. G. Satyam, Staff Attendant, (Personnel No. 990002) from 05.07.1954 to 27.05.1959 is justified or not? If not, what relief the workman is entitled to?”

After registering the case on the basis of reference, notices were issued to the parties. They appeared and filed their respective statement of claim in defense.

Case of the applicant/Workman is mainly that he was first appointed as Head Cook in the statutory Canteen of the management company from 01.05.1978, his date of birth was recorded as 27.05.1959. On his regularization as Staff Attendant, he was posted as Staff Attendant in the Mines Organization of the management vide order dated 26.11.2009 in the Rajhara Mines, his date of birth was recorded in Form-B maintained by the Mines as 27.05.1959 and was attested by Mines Manager, he had submitted his attestation Form dated 07.11.2009 containing his same date of birth i.e., 27.05.1959, attested by the Deputy General Manager (Mines), he had obtained his school leaving certificate dated 23.04.1966 from the school where he was first admitted. His same date of birth i.e., 27.05.1959 was recorded in the certificate. The management arbitrarily changed his date of birth from 27.05.1959 to 05.07.1954 in their record. He filed written representation on 08.09.2011 requesting the management to correct his date of birth as the mistake was detected by him only in the year 2011 but of no avail. He again filed a detailed representation on 08.05.2013 to the Chief Executive Officer, the General Manager Rajhara Mines and the General Manager (Personnel) through proper channel. This representation was also not heard of and no action was taken. He raised dispute in this respect before the Assistant Labour Commissioner, the Union also raised the dispute in this respect after failure of conciliation, the reference was made to this Tribunal.

In the meanwhile, the management superannuated him on the basis of his incorrect date of birth 05.07.1954. According to the workman, the action of changing date of birth of the workman by the management is unjust, illegal, malafide and arbitrary. Subsequently, the action of management in superannuating him on the basis of his changed date of birth is also arbitrary and illegal. The workman has requested that holding the action of management in unilaterally changing his date of birth from 27.05.1959 to 05.07.1954, unjust, illegal and arbitrary, the action of management in superannuating the workman on the basis of changed date of birth 05.07.1954 be held unjust, illegal and arbitrary. Further, he be held entitled to be reinstated and entitled to all consequential pre as well post retiral benefits, deeming him in service till the date of his superannuation based on his date of birth 27.05.1959.

The case of the management is mainly that, the workman was appointed as Head Cook on 01.05.1978 by Employees New Cooperative Canteen. Subsequently, he was appointed as Attendant in Bhilai Steel Plant in grade S-1 vide offer letter dated 28.10.2009, he joined on 01.11.2009. He was placed in Rajhara Mines on 05.12.2009, in connection with order of Hon'ble High Court of M.P., Jabalpur in L.P.A. No. 208 & 209 of 1995 a detail information was collected from all the cooperative canteens in the year 1996. The President, Coke Oven Cooperative Society

Canteen submitted list of canteen workers working in the Coke Oven Cooperative Canteen in the prescribed format showing the date of birth of the workman as 05.07.1954. On the basis of this list, the canteen workers in the list were subjected to medical examination, the date of birth of the workman was mentioned as 05.07.1954 in the medical examination, based on declaration made by him. The workman submitted declaration Form with respect to dependant family members for free medical treatment in which he had declared his age as 56 years on 17.11.2011 which nears to 1954, he put his signature on that Form.

It is further the case of the management that the workman did not submit any record with respect to his educational qualification/ date of birth, etc. The CPF declaration & nomination submitted before Coke Oven Cooperative Canteen by the workman prior to absorption in the Bhilai Steel Plant shows his date of birth 05.07.1954. The retirement age of employees working in the management is 60 years, the workman was issued retirement notice dated 31.05.2014 and he has been superannuated on the basis of his date of birth 05.07.1954 vide order of management effective from 31.07.1954. Thus according to management, Form-B Register, Service Register, Attestation Form, CPF declaration and nomination Form and Medical Examination Certificate mentions his date of birth as 05.07.1954 which he was very well aware of, he raised the dispute in this respect at fag end of its service, the management has thus requested that the reference be answered against the workman.

The Workman has filed his rejoinder wherein he has stated that the so called list sent by the President does not bear the signature of workman, hence he is not responsible for any entry in the list which was not prepared by him nor was counter signed by him. He has mainly reiterated his allegation taken in his statement of claim.

Case No. A-01/2014 has been filed by the applicant/workman under section 33-A of the Act, challenging the same order of management with regard to his superannuation on the basis of his date of birth 05.07.1954, on the ground that it is in violation of section 33-A of the Act with almost the same allegations. Management has also filed its written reply with almost the same pleadings taken by them in case No. R-75/2014

Since the parties, the facts and dispute in both the cases are similar, hence vide order dated 14.12.2015 passed by my learned predecessor, **both the cases were consolidated and case No. R-75/2014 has been made leading case.**

In evidence, the workman has filed his affidavit as his Examination-in-chief, he has been cross-examined by management.

The President of the Union has also filed his affidavit as his Examination-in-chief. He has also been cross-examined by management.

The workman has filed and proved his original appointment letter dated 01.05.1978, certificate issued by the Manager of canteen dated 05.11.2005 CPF declaration and nomination Form dated 11.06.1999 with respect to Cooperative Canteen, RTI obtained document, attestation Form, Form-B prepared in Rajhara Mines, CPF declaration Form in Rajhara Mines, medical examination record in Rajhara Mines, documents which are representations and replies during conciliation proceedings before Labour Commissioner.

Management has filed affidavit of its witness Rohit Kumar, Personnel Officer as his Examination-in-chief, has also filed and proved letter of Manager, P. Panigrahi canteen dated 17.05.1996, asking the President, Coke Oven Cooperative Society Canteen to furnish information with respect to persons employed in the canteen in compliance of order of Hon'ble High Court, letter of President with list, list of canteen workers for medical examination, declaration with respect to dependants for free treatment, CPF declaration and nomination Form.

It is also worth mention here that, the workman died during the pendency of the proceeding, his legal representatives have been substituted in his place.

I have heard argument of Learned Counsel for the Workman Mr. Arun Patel and Mr. R. C. Shrivastava, Learned Counsel for the Management. I have gone through the record as well.

On perusal of record in light of rival arguments, the reference itself is the issue for determination.

Pleadings of the parties have already been detailed earlier, the workman side has corroborated its case, as stated above, in workman affidavit as his Examination-in-chief, he has stated that he was first appointed as head cook on 01.05.1978 his date of birth was recorded on 27.05.1959 in his service record at the time of his appointment his service were regularized and thereafter he was appointed as Staff Attendant w.e.f., 26.11.2009, the management altered his date of birth in his service record without his consent and changed it from 27.05.1959 to 05.07.1954, which is illegal on the part of management and has superannuated him on the basis of his changed date of birth. He has proved Form-B Ex-W/1 maintained by Rajhara Mines after his confirmation which bears his date of birth 27.05.1959, he has further proved Attestation Form prepared during his first service i.e., Coke Oven Cooperative Society where he was appointed as Head Cook, this form also contains his date of birth 27.05.1959, he has further filed his school leaving certificate and proved it as Ex-W/3 which contain his date of birth 27.05.1959.

He has further filed and proved various communications made by the Labour Commissioner with respect to his representations regarding correction of his date of birth which are Ex-W/5 to Ex-W/11. In his cross-examination he has stated that he studied in school till class Second regarding the document of management which is signed and prepared by the President of the Canteen Society which is list of the canteen workers and CPF declaration and nomination Form Ex-M/1 and Ex-M/2. He has stated that his signatures on these forms have not been done by him.

The President of the workman union has also examined himself by way of filing his affidavit as his Examination-in-chief, he has also been examined by management. His statements corroborate the statement of the workman

The management witness has corroborated the case of the management in his statement on oath as his Examination-in-chief, he has stated that the workman was first appointed as head cook on 01.05.1978 by Employees Cooperative Canteen Cook Oven, he was subsequently appointed as Attendant in Bhilai Steel Plant vide letter dated 28.10.2009, he joined on 01.11.2009 and was posted in Rajhara Mines where he joined on 05.12.2009 under order of Hon'ble High Court, President of the Canteen Union submitted his recommendation containing list of employee workers in the canteen which contained name of the applicant/workman, also his date of birth was mentioned as 05.07.1954 in that list. The workman mentioned his same date of birth i.e., 05.07.1954 in his declaration form regarding dependant family members mentioning his age as 56 years as on 17.11.2011 which corresponds to 1954 and put his signature, he did not submitted any document regarding his educational qualification, the CPF declaration and nomination submitted by him before Coke Oven Cooperative Canteen also contained his date of birth as 05.07.1954, he was superannuated on his date of birth 05.07.1954 after attaining 60 years of age, he was well aware regarding his date of birth 05.07.1954 recorded in documents maintained by the management. He could not produce any reliable document with regard to his date of birth 27.05.1959 as claimed by him, management witness has proved these documents mentioned above..

On the basis of comparative analysis of the documentary as well statements on behalf of the parties, it comes out that undisputedly, the date of birth of the workman where he was first employed was recorded as 27.05.1959. The same date of birth was recorded in Form-B at Rajhara Mines after his regularization. The Attestation Form filed by him while he was posted in Rajhara Mines, also contains the same date of birth 27.05.1959, his school leaving certificate also contains the same date of birth. In his first document regarding his appointment, he has made his signature, hence he cannot be said to be illiterate. The first document containing his changed date of birth as 01.05.1954 is the list of employees prepared by the Coke Oven Cooperative Society Canteen, this list was not prepared by the workman, hence he cannot be held responsible for any entry regarding the date of birth in the list since the person who prepared the list and filed has not been examined by management, it cannot be said that on what basis he mentioned date of birth of the workman as 01.05.1954 whereas at that time the service records of the workman contained his date of birth as 27.05.1959. Thereafter, in Form-B Register maintained by management, Service Register, Attestation Form, CPF declaration and nomination Form his date of birth 05.07.1954 is mentioned, the medical declaration form does not contain date of birth of the workman rather it contain his approximate age at time of filling form i.e., 17.11.2011, the CPF declaration and nomination Form Ex-M/1 does not contain the signature of the workman, there is overwriting in the column of date of birth which has been prepared on 01.06.1990.

It is apparent from the date mentioned on it, the CPF declaration and nomination Form filed and proved by the workman which is 15.03.2010 contains date of birth of the workman as 27.05.1959. Similarly, the Form-B of the workman does not contain the date of its preparation. Attestation Form prepared on 07.11.2009 contained the date of birth of the workman as 27.05.1959. Thus, it is established that there are two sets of documents with the management containing two sets of dates of birth of the workman. In such a situation, it was incumbent on the management to enquire into this controversy and settle it. The case of the management and submission of the Learned Counsel on this point is that the workman himself signed his date of birth in the records maintained by management, which contained his date of birth as 05.07.1954. We will have to look into first declaration with respect to date of birth of the workman which was made by him at the time of his first appointment in 1978. It may be taken as most accurate, those date of birth declared is 27.05.1959.

It comes out that the date of birth of the workman 05.07.1954 crept for the first time in the list prepared by the President and thereafter it was entered into some of the records of the management after the workman was granted permanent status.

It has been submitted from the side of management that the workman accepted his changed date of birth and now started agitating against this at fag end of his career just before his superannuation which is not permitted in law. Learned Counsel has referred to Single Bench of Hon'ble High Court of M.P. in the case of **Surendra Singh vs. State of M.P., 2007 (1) MPLJ 286**, in this case the workman filed application for correction of his date of birth after 32 years of service, which he was not permitted. In another case State of **U.P. vs. Shivnarayan Upadhyaya, (2005) 6 SCC 49**, referred to by Learned Counsel for management, when the entry regarding date of his birth was challenged by the workman on the eve of retirement, Hon'ble Supreme Court observed that Courts and Tribunals should be slow in issuing direction for correction of date of birth unless there is clinching and unimpeachable evidence in this regard. Also held that in such cases, challenge to date of birth should normally not be entertained when they are made at the

eve of retirement. In another reported decision of Hon'ble Supreme Court, in the case of **Union of India vs. Harnam Singh, (1993) 2 SCC 162**, it has been held that when a limitation for seeking change in date of birth is provided, claims barred by limitation, should not be entertained except for valid reasons.

The referred cases can be distinguished on facts. In the case in hand, the workman has been consistently agitating for correction of his date of birth.

Learned Counsel for workman has relied on judgment of the **Hon'ble Supreme Court in the case of Sarjoo Prasad v/s General Manager & Anr., Case No. 377/1981, SCC 544**. In this case the Hon'ble Supreme Court has referred to and relied on this judgment in the case of **State of Orissa v/s Dr. (Miss) Binapani Dei & Ors., AIR 1967 SC 1269** and has held that date of birth of employee, once accepted by employer cannot be altered without giving him an opportunity of hearing and has further held the superannuation of the employee on the basis of his altered date of birth against law. The same view has been taken by **Hon'ble Supreme Court in the case of Hari Singh v/s State of Bihar, 2000 SC (L & S) 832**, proposition of law laid down by Hon'ble Apex Court in these referred cases will apply in the case in hand.

On the basis of above discussion, action of the management of Bhilai Steel Plant, in altering the date of birth of the workman Gowdi Satyam from 27.05.1959 to 05.07.1954 and superannuating him on the basis of his altered date of birth, is held without authority and in violation of law. Consequently, the workman is held entitled to be reinstated from the date he was superannuated by the management and to be deemed in service till the date of superannuation on the basis of his date of birth 27.05.1959 with all back wages and pre as well post retiral benefits, payable to his legal representatives, by management within 30 days from the date of publication of award, failing which interest @ 6% per annum from the date of award till payment.

On the basis of above discussion and findings, the reference deserves to be answered as follows:-

AWARD

Holding the action of management of Bhilai Steel Plant, Iron Ore Complex, Dalli Rajhara, Distt- Balod in not correcting the date of birth of Sh. G. Satyam, Staff Attendant, from 05.07.1954 to 27.05.1959 is against law and arbitrary. He is entitled to be reinstated from the date from which he was superannuated by the management and to be deemed in service till the date of superannuation on the basis of his date of birth 27.05.1959 with all back wages and pre as well post retiral benefits, payable to his legal representatives, by management, within 30 days from the date of publication of award, failing which interest @ 6% p.a. from the date of award till payment.

Connected case No. A-01/2014 also stands disposed accordingly.

No order as to cost.

DATE:- 03/10/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2031.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एमएमटीसी के प्रबंधन के संबद्ध नियोजकों और श्री प्रभाकर पोखरियाल के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, नई दिल्ली, पंचाट (रिफरेन्स नं.- 205/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.11.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-157]

सलोनी, उप निदेशक

New Delhi, the 18th November, 2025

S.O. 2031.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 205/2019**) of the **Central Government Industrial Tribunal cum Labour Court-2, New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **MMTC and Shri Prabhakar Pokhriyal** which was received along with soft copy of the award by the Central Government on 18.11.2025.**

[No. Z-16025/04/2025-IR(M)-157]

SALONI, Dy. Director

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL CUM – LABOUR COURT NO. II,
NEW DELHIID No. 205/2019**Sh. Prabhakar Pokhriyal, S/o Sh. C.P. Pokhriyal,**R/o- House NO. 36-A, 3rd Floor, Cheema House, Begampur,

Mahavir Nagar, New Delhi-110017.

...Applicant/Claimant

Versus**1.MMTC,**

Scope Complex, Core-I, 7 Institutional Area,

Lodhi Road, New Delhi-110003.

2.Sh. Arjun D Rosary, CGM, MMTC,

Scope Complex, Core-I, 7 Institutional Area,

Lodhi Road, New Delhi- 110003.

3. Sh. Girish Kumar Bhowal, Manager, MMTC,

Scope Complex, Core-I, 7 Institutional Area,

Lodhi Road, New Delhi-110003.

4.Sh. Puroshattam Kumar Jha, Care Taker, MMTC,

Scope Complex, Core-I, 7 Institutional Area,

Lodhi Road, New Delhi-110003.

5.Prominent House Keeping,F-67-68, 1st Floor, Manish Global Mall,

Dwarka, New Delhi-110077.

...Management/Respondents

Counsels:

For Applicant/ Claimant:

Sh. C.M. Thapliyal, Ld. AR.

For Management/ Respondent:

*Sh. K.K Pandey, Ld. AR along with Sh. Shivram Aggarwal (MW) for management M-5 i.e. Prominent Housekeeping.*AWARD07.11.2025

1. This is an application under section 2A of the I.D Act (hereinafter referred as an 'Act') filed by the claimant stating that he was working as Supervisor and presently deployed at MMTC having its office at Scope Complex, Lodhi Colony, New Delhi. Respondent no. 5 is the outsourced agency. Outsourced employees have been paid less than the minimum wages. Respondent no. 2 & 3 are the employees of the Respondent no. 1 and they are involved in unfair labour practices. Respondent no. 2 & 3 were forcibly taking Rs. 4,000/- in cash from each deployed outsourced employees and further they are getting the sign on the receipt of Rs. 13,500/-. Claimant has raised his voice. However, instead of taking action, he was got transferred at MMTC go-down at Jhandewalan. It is further his case that he has been deployed as Supervisor at the MMTC office through the Prominent House Keeping agency i.e. Respondent no. 5 and he has been discharging his duties and responsibility with utmost honesty and sincerity. One Rahul remained absent and he was instructed to perform his duty as per the roster, failing which conduct of him shall be reported to the owner of the Housekeeping Agency. According to him his transfer was a punishment order and was done under the influence of the Respondent no. 2 & 3. When the workman went for joining at Manesar, it is utter shock to workman when he was not allowed to enter the premises and not allow to join the services. He further

submitted that he is still under the employment of the respondent management. They fail to make the payment of June 2018 to till date. He made prayer that award be passed of the amount of Rs. 2,72,000/- and direct the management to join his duty at MMTC at Lodhi Colony.

2. Management no. 1, 2, 3 & 4 have already been proceeded exparte vide order dated 27.04.2022. Management-5 has filed its written statement stating that application filed by the claimant is prima facie, misconceived, devoid of any justification and jurisdiction. He further submitted that claim is not maintainable as the claimant was working with the respondent in a capacity of Supervisor and he was deployed at one of the clients of the respondent. The duties of the claimant was to manage and regulate day-to-day affairs of the answering respondent with his team, preparing duty rosters allocating duties and shifts for subordinates and takes decision independently to satisfy the client of the respondent who were engaged by the answering respondent and performing their duty under supervision and control of the claimant. He was authorized to assign the duty to the employees who were working under him, he was also authorized to sanction leave to his subordinate. The duties performed by the claimant being educative, creative administrative, managerial, supervisory, imaginative in nature thus the claimant do not fall within the prescribed categories laid down in section 2(s) of the Act. He also submitted that claim filed by the claimant is not maintainable as the claimant did not work for the respondent for a period of 240 days in a calendar year. He submitted that claim filed by the claimant is liable to be dismissed.

3. Claimant has filed the rejoinder denying the averment made by the management in his written statement and affirmed the facts made in his claim statement.

4. After completion of the pleadings vide order dated 13.04.2023, following issues have been framed:

- (I) Whether the proceeding is maintainable.
- (II) Whether the claimant is a workman as defined under section 2(s) of the I.D Act.
- (III) Whether the claimant had worked for 240 days in a calendar year preceeding to his alleged termination.
- (IV) Whether the service of the claimant was illegally terminated by the managements.
- (V) To what other relief the parties entitled to, and from whom and from which date?

5. In order to prove its claim, claimant had tendered his affidavit in evidence affirming the facts made in his claim statement stating that he was working as a Supervisor. He was cross-examined where he admitted that he was appointed by prominent housekeeping i.e. M-5 on 02.07.2018 and performed his duty till 31.03.2019. He admitted that he was working in the capacity of supervisor and there were 23 to 25 Safai Karamchari staffs including one female workman were working under his supervision.

6. Examination in chief and cross-examination of the witness has also been recorded.

7. I have heard the argument at par. After going through the testimony of this witness, this tribunal has noticed that the claimant has nowhere mentioned that he was a workman either in his claim statement or in the affidavit of evidence. The claimant who was present himself admitted that he was a Supervisor and his job was to supervise the workmen.

8. To invoke the jurisdiction of this tribunal, first the claimant has to assert that he was a workman within the definition of Section 2(s) of the Industrial Disputes Act, 1947. Section 2(s) is required to be reproduced herein:

2 [(s) "workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person—

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or (iv) who, being employed in a supervisory capacity, draws wages exceeding 3 [ten thousand rupees] per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.]

9. Definition of the workman as provided U/s 2(s) is wide enough to include any person as workman in respect of his earning, however, section has itself carved out the exception as Clause-(i), (ii), (iii) and (iv). The 2nd exception stated that, the person who is employed in the police service or as an officer or other employee of a prison is excluded from the category of the workman. The 4th exception stated that, person being employed in a supervisory capacity, drawing wages exceeding Rs. 10,000/- per month is excluded from the category of the workman.

10. Claimant has filed the claim under section 2-A of the I.D. Act stating that he was transferred to Manesar, Gurgaon and not allowing him to join the duty at Manesar amounts to termination. In the entire claim, claimant claims to be a supervisor and 23 to 25 Safari Karamchari staffs including one female were working under his supervision.

11. From the averment made in the claim as well as in his affidavit, it appears that the claimant is not a workman as defined in the Section 2(s) of the Industrial Disputes Act, 1947. Nowhere has he mentioned either in his affidavit or in his claim petition that he had been given designation of Supervisor only by namesake and he was working as a workman. He admitted that his job profile was to inspect the work of cleaning staff.

12. In view of the above discussion, Issue no. 1 & 2 are decided against the claimant and in favour of management.

13. In view of the findings in issue no. 1 & 2, there is no need to decide issue no. 3 & 4. Claim of the claimant stands dismissed. Award is accordingly passed. A copy of this award be sent to the appropriate government for notification U/S 17 of the I.D Act. File is consigned to record room.

Date: 07.11.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2032.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एलआईसी ऑफ़ इंडिया के प्रबंधन के संबद्ध नियोजकों और श्री एम.पी. मुसम्मिल के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चेन्नई, पंचाट (रिफरेन्स न.- 101/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.11.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-158]

सलोनी, उप निदेशक

New Delhi, the 18th November, 2025

S.O. 2032.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 101/2022**) of the **Central Government Industrial Tribunal cum Labour Court, Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **LIC of India** and **Shri M. P. Musammil** which was received along with soft copy of the award by the Central Government on 18.11.2025.

[No. Z-16025/04/2025-IR(M)-158]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL

TRIBUNAL- CUM - LABOUR COURT

CHENNAI

ID No. 101/2022

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 04-11-2025

Sh. M.P. Musammil

Ex-LIC Development Officer,

No.31/2/1/AEM, Maligai Mamangam,

Salem, Tamil Nadu – 636 203.

: 1st Party/Petitioner

AND

1. The Senior Divisional Manager,

LIC of India, Salem Division,

Post Box No.776, Johnsonpot,

Salem – 636 007

:2nd Party /First Respondent

2. The Executive Director,
LIC of India, PPD, Central Office,
Marketing Department,
3rd Floor, West Wing, Jeevan Bima Marg,
Mumbai – 400 021 : 2nd Party / Second Respondent

Appearance:

For the 1st Party/Petitioner : Party in person
For the Respondent No. 1 & 2 Representative of the Respondent

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. M/7/01/2022-B4/Adj/A1 dated 25.11.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the demand of Shri M.P. Musammil, Ex-LIC Development Officer for re-instatement or re-appointment with back wage into the service of LIC is justified? *If not, to what relief he is entitled to?*”

2. ID called out. Heard of maintainability. Having gone through the record and after hearing the petitioner in person and representative of the Respondent / Management, the question that arises to consider at this stage is whether the petitioner / claimant comes under the category of workman.

3. Q.1. The claimant filed a case law in LIC of India & Ors Vs. L. Shan Prasad in WA No.1159 of 2025 dated 30.11.2025 and stated that, as per the decision of this case, he must be considered as a workman. On perusal of the judgment (supra) it reveals that the Hon’ble High Court of Kerala has nowhere discuss the definition of workman and that Development Officer comes under the category of the workman or not. The clear case law on the subject is Chauharya Tripathi & Ors Vs LIC of India & Ors wherein the Hon’ble Supreme Court held that the Development Officers working in LIC are not workmen under Section 2(s) of the Industrial Dispute Act.

4. In view of the judgment rendered by the Hon’ble Supreme Court, the claimant is not a workman, and therefore, this Tribunal has no jurisdiction to decide the lis.

5. ID is dismissed in for want of jurisdiction and the reference is answered accordingly.

6. The Petitioner / Claimant may file a petition before the competent authority, if so advised.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2033.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सेंट्रल वेयरहाउसिंग कॉर्पोरेशन; मेसर्स राहुल रोडवेज के प्रबंधन के संबद्ध नियोजकों और श्री विजय बहादुर पाल और 104 अन्य के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, नई दिल्ली, पंचाट (रिफरेन्स नं.- 27/2024) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.11.2025 को प्राप्त हुआ था।

[सं. जेड-16025/04/2025-आईआर(एम)-158]

सलोनी, उप निदेशक

New Delhi, the 18th November, 2025

S.O. 2033.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 27/2024**) of the **Central Government Industrial Tribunal cum Labour Court-1, New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Central Warehousing Corporation; M/s Rahul Roadways and Shri Vijay Bahadur Pal & 104 ors** which was received along with soft copy of the award by the Central Government on 18.11.2025.

[No. Z-16025/04/2025-IR(M)-158]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1,
NEW DELHI.

ID No. 27/2024

Shri Vijay Bahadur Pal & 104 ors through General Secretary, General Mazdoor Lal Jhanda Union, G-94, Mahavir Enclave, New Delhi-110045.

...Claimant

Versus

1. The Managing Director, Central Warehousing Corporation, ICD, Patparganj, New Delhi-110096.
2. M/s Rahul Roadways H.O. House No. 35, Building No.3, room no. 10/102, 1st Floor, Mansarover, Bhiwadi-421302 distt. Thane.

...Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-ND-25/I-87/2023-IR dated 05.02.2024 in exercise of the powers conferred by sub-section (5) of section 12 read with sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

'Whether the action of management of M/s Rahul Roadways contractor of M/s Central Warehousing Corporation, New Delhi in terminating/disengaging the services of workmen concerned (details mentioned in Annexure-A) w.e.f. 06.01.2021 is illegal and/or unjustified? If yes, then what relief is the workmen concerned entitled and what directions are necessary in this respect?'

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. In pursuance to the notice issued, appearance on behalf of the claimant was marked on one occasion. But, statement of claim was never filed till date. Thereafter, fresh notice was issued to the claimant for filing of statement of claim. But, neither the claimant appeared nor any statement of claim was filed before this Tribunal despite issuing notice.

4. Hence, it is clear that the workman is not interested in adjudication of the reference on merits. Thus, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 30.10.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2034.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सेंट्रल वेयरहाउसिंग कॉर्पोरेशन; मेसर्स सुमन फॉरवर्डिंग एजेंसी प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और मोहम्मद फारुक आलम के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, नई दिल्ली, पंचाट (रिफरेन्स नं.- 38/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.11.2025 को प्राप्त हुआ था।

[सं. जेड-42011/03/2022-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 18th November, 2025

S.O. 2034.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 38/2022**) of the **Central Government Industrial Tribunal**

cum Labour Court-1, New Delhi as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Central Warehousing Corporation; M/s Suman Forwarding Agency Pvt. Ltd.** and **Mohd. Faruk Alam** which was received along with soft copy of the award by the Central Government on 18.11.2025.

[No. L- L-42011/03/2022-IR(M)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1, NEW DELHI.

ID No. 38/2022

Mohd. Faruk Alam S/o Mohd. Ishaq, Through General Mazdoor Lal Jhanda Union (Regd.), B-1/A, Shahdra, Delhi-110093.

...Claimant

Versus

1. The Regional Manager, M/s Central Warehousing Corporation, Scope Minar, First Floor, CORE-3, Laxmi Nagar, Distt. - Centre, Delhi-110092.
2. The Manager, M/s Suman Forwarding Agency Pvt. Ltd., Registered Office-76, G.T. Road (South) Howrah-711101.
3. Suman Forwarding Agency Pvt. Ltd., IDC, Near Ghazipur Village, Patparganj, Delhi-110096.

...Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-L-42011/03/2022 (IR(M)) dated 27.01.2022 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

'Whether the demand of the General Mazdoor Lal Jhanda Union for payment of Bonus in respect of workman Mohd Faruk Alam S/o Mohammad Ishaq for the period from 01.04.2019 to 31.03.2020 and 01.04.2020 to 31.12.2020 from the Management of M/s Suman Forwarding Agency Pvt. Ltd. under Central Warehousing Corporation, is legal and justified? If yes, what relief the workman is entitled to?'

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Despite service of the notice, claimant opted to abstain away from the proceedings. Appearance on behalf of the claimant is marked only on one occasion. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. In these circumstances, where the claimant is not interested in pursuing his case and stopped appearing despite serving notice, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 12.11.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2035.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सेंट्रल वेयरहाउसिंग कॉर्पोरेशन; मेसर्स सुमन फॉरवर्डिंग एजेंसी प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री जगन गिरि के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1,

नई दिल्ली, पंचाट (रिफरेन्स न.- 50/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.11.2025 को प्राप्त हुआ था।

[सं. एल -42011/19/2022-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 18th November, 2025

S.O. 2035.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 50/2022**) of the **Central Government Industrial Tribunal cum Labour Court-1, New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Central Warehousing Corporation; M/s Suman Fowarding Agency Pvt. Ltd.** and **Shri Jagan Giri** which was received along with soft copy of the award by the Central Government on 18.11.2025.

[No. L- 42011/19/2022-IR(M)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1, NEW DELHI.

ID No. 50/2022

Sh. Jagan Giri S/o Sh. Vasant Giri, Through General Mazdoor Lal Jhanda Union (Regd.), B-1/A, Shahdra, Delhi-110093.

...Claimant

Versus

1. The Regional Manager, M/s Central Warehousing Corporation, Scope Minar, First Floor, CORE-3, Laxmi Nagar, Distt. - Centre, Delhi-110092.
2. The Manager, M/s Suman Fowarding Agency Pvt. Ltd., Registered Office-76, G.T. Road (South) Howrah-711101.
3. Suman Fowarding Agency Pvt. Ltd., IDC, Near Ghazipur Village, Patparganj, Delhi-110096.

...Management

AWARD

2. In the present case, a reference was received from the appropriate Government vide letter No-L-42011/19/2022 (IR(M)) dated 04.02.2022 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

'Whether the demand of the General Mazdoor Lal Jhanda Union for payment of Bonus in respect of workman Shri Jagan Giri S/o Shri Vasant Giri for the period from 01.04.2019 to 31.03.2020 and 01.04.2020 to 31.12.2020 from the Management of M/s Suman Forwarding Agency Pvt. Ltd. under Central Warehousing Corporation, is legal and justified? If yes, what relief the workman is entitled to?'

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Despite service of the notice, claimant opted to abstain away from the proceedings. Appearance on behalf of the claimant is marked only on one occasion. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. In these circumstances, where the claimant is not interested in pursuing his case and stopped appearing despite serving notice, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 12.11.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2036.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सेंट्रल वेयरहाउसिंग कॉर्पोरेशन; मेसर्स सुमन फॉरवर्डिंग एजेंसी प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री राजेश पासवान के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, नई दिल्ली, पंचाट (रिफरेन्स न.- 49/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.11.2025 को प्राप्त हुआ था।

[सं. एल-42011/20/2022-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 18th November, 2025

S.O. 2036.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 49/2022**) of the **Central Government Industrial Tribunal cum Labour Court-1, New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Central Warehousing Corporation; M/s Suman Forwarding Agency Pvt. Ltd.** and **Shri Rajesh Paswan** which was received along with soft copy of the award by the Central Government on 18.11.2025.

[No. L-42011/20/2022- IR(B-I)]

SALONI, Dy. Director

ANNEXURE

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1,
NEW DELHI.**

ID No. 49/2022

Sh. Rajesh Paswan S/o Sh. Rampreet Paswan, Through General Mazdoor Lal Jhanda Union (Regd.), B-1/A, Shahdra, Delhi-110093.

...Claimant

Versus

1. The Regional Manager, M/s Central Warehousing Corporation, Scope Minar, First Floor, CORE-3, Laxmi Nagar, Distt. - Centre, Delhi-110092.
2. The Manager, M/s Suman Forwarding Agency Pvt. Ltd., Registered Office-76, G.T. Road (South) Howrah-711101.
3. Suman Forwarding Agency Pvt. Ltd., IDC, Near Ghazipur Village, Patparganj, Delhi-110096.

...Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-L-42011/20/2022 (IR(M)) dated 04.02.2022 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

'Whether the demand of the General Mazdoor Lal Jhanda Union for payment of Bonus in respect of workman Shri Rajesh Paswan S/o Shri Rampreet Paswan for the period from 01.04.2019 to 31.03.2020 and 01.04.2020 to 31.12.2020 from the Management of M/s Suman Forwarding Agency Pvt. Ltd. under Central Warehousing Corporation, is legal and justified? If yes, what relief the workman is entitled to?'

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Despite service of the notice, claimant opted to abstain away from the proceedings. Appearance on behalf of the claimant is marked only on one occasion. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. In these circumstances, where the claimant is not interested in pursuing his case and stopped appearing despite serving notice, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 12.11.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2037.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सेंट्रल वेयरहाउसिंग कॉर्पोरेशन; मेसर्स सुमन फॉरवर्डिंग एजेंसी प्राइवेट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री राकेश महतो के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, नई दिल्ली, पंचाट (रिफरेन्स नं.- 55/2022) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.11.2025 को प्राप्त हुआ था।

[सं. एल -42011/21/2022-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 18th November, 2025

S.O. 2037.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 55/2022**) of the **Central Government Industrial Tribunal cum Labour Court-1, New Delhi** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Central Warehousing Corporation; M/s Suman Forwarding Agency Pvt. Ltd.** and **Shri Rakesh Mahto** which was received along with soft copy of the award by the Central Government on 18.11.2025.

[No. L-42011/21/2022-IR(M)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1, NEW DELHI.

ID No. 55/2022

Sh. Rakesh Mahto S/o Sh. Kamal Mahto, Through General Mazdoor Lal Jhanda Union (Regd.), B-1/A, Shahdra, Delhi-110093.

...Claimant

Versus

1. The Regional Manager, M/s Central Warehousing Corporation, Scope Minar, First Floor, CORE-3, Laxmi Nagar, Distt. - Centre, Delhi-110092.
2. The Manager, M/s Suman Forwarding Agency Pvt. Ltd., Registered Office-76, G.T. Road (South) Howrah-711101.
3. Suman Forwarding Agency Pvt. Ltd., IDC, Near Ghazipur Village, Patparganj, Delhi-110096.

...Management

AWARD

3. In the present case, a reference was received from the appropriate Government vide letter No-L-42011/21/2022 (IR(M)) dated 04.02.2022 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

'Whether the demand of the General Mazdoor Lal Jhanda Union for payment of bonus in respect of workman Shri Rakesh Mahto S/o Shri Kamal Mahto for the period from 01.04.2019 to 31.03.2020 and 01.04.2020 to 31.12.2020 from the Management of M/s Suman Forwarding Agency Pvt. Ltd. under Central Warehousing Corporation, is legal and justified? If yes, what relief the workman is entitled to?'

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Despite service of the notice, claimant opted to abstain away from the proceedings. Appearance on behalf of the claimant is marked only on one occasion. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. In these circumstances, where the claimant is not interested in pursuing his case and stopped appearing despite serving notice, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 12.11.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 18 नवम्बर, 2025

का.आ. 2038.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ओरिएंट सीमेंट लिमिटेड के प्रबंधन के संबद्ध नियोजकों और ओरिएंट सीमेंट लैंड लूज़र एंड कॉन्ट्रैक्ट लेबर यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, बेंगलूर, पंचाट (रिफरेंस न.- 03/2021) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 18.11.2025 को प्राप्त हुआ था।

[सं. एल -29011/3/2021-आईआर(एम)]

सलोनी, उप निदेशक

New Delhi, the 18th November, 2025

S.O. 2038.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 03/2021) of the **Central Government Industrial Tribunal cum Labour Court, Bangalore** as shown in the Annexure, in the Industrial dispute between the employers in relation to **Orient Cement Limited** and **Orient Cement Land Looser and Contract Labour Union** which was received along with soft copy of the award by the Central Government on 18.11.2025.

[No. L-29011/3/2021-IR(M)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, BANGALORE, CAMP COURT At HYDERABAD

DATED : 4th NOVEMBER 2025

PRESENT : **Smt. K P INDIRA B.A., LLB.**

Presiding Officer

C R No. 03/2021**I Party**

The General Secretary,
Orient Cement Land Looser and Contract
Labour Union, Itaga Post, Chittapur, Tq :
GULBARGA DIST – 585 292.
Karnataka

II Party

The Unit Head,
M/s. Orient Cement Limited,
Itaga Post, Chittapur,
Tq : GULBARGA DIST – 585 292.
Karnataka

Appearances

I Party : **None**

II Party : **None**

1. The Government of India, Ministry of Labour, vide Order No. L-29011/3/2021-IR(NM) dated 11/02/2021 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as “The Act”) (14 of 1947) referred the following Industrial Dispute to this Tribunal for adjudication:

SCHEDULE

“Whether the action of the management of M/s Orient Cement Ltd., Chittapur, Gulbarga in engaging the workers (as per the attached list) through Sham Contractors and denying employment on company roll is proper, legal and justified? If not so, what relief the aggrieved labourers are entitled to?”

2. After registering the case the date of hearing was fixed as 03.01.2022. The management appeared on 18.05.2022 and prayed to file authorization or vakalathnamma of the counsel. As there was no representation for the I Party on several occasions, a notice was issued on 20.02.2025 for appearance. Though notice was served on the I Party he did not appear nor any representation was made on his behalf and hence, the matter was posted for counter statement of the II Party on 04.09.2025.

3. Though opportunity was also afforded to II Party to file counter statement it also did not heed to, hence, this Award.

AWARD

Reference is dismissed for non-prosecution. Transmit.

(Dictated to Secretary to Court, transcribed by him, corrected and signed by me on 04.11.2025)

K P INDIRA, Presiding Officer

नई दिल्ली, 19 नवम्बर, 2025

का.आ. 2039.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन ओवरसीज बैंक के प्रबंधन, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (20/2019) प्रकाशित करती है।

[सं. एल -12012/59/2018-आईआर(बी-II)]

सलोनी, उप निदेशक

New Delhi, the 19th November, 2025

S.O. 2039.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 20/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of Indian Overseas Bank and their workmen.

[No. L-12012/59/2018- IR(B-II)]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT
CHENNAI
ID No. 20/2019

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 31-10-2025

Sh.K. Kathiravan,
 No.7, Vaduga Street,
 Mannargudi, Thiruvarur District. : 1st Party/Petitioner
 AND

The Managing Director,
 Indian Overseas Bank,
 CDAC Department, Central Office,
 No.762, Anna Salai,
 Chennai – 600 002. : 2nd Party / Respondent

Appearance:

For the 1st Party/Petitioner : M/s T. Ramkumar, Adv
 For the 2nd Party / Respondent : M/s K.K. Shivashanmugam, Adv

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-12012/59/2018-IR(B-II) dated 14.02.2019 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the management of Indian Overseas Bank in awarding the punishment of Dismissal from service to Shri K. Kathiravan vide order dated 16.03.2015 is justified? *If not, to what relief the workman is entitled to?*”

2. ID called out. It is reported that Shri. K. Kathiravan, the Petitioner has died. Since the legal representatives were not substituted within the prescribed period of 90 days. Hence the case is abated. It is appropriate to mention here that abatement having automatically if the legal representatives are not substituted within 90 days. Hence, the record to be consigned in the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 19 नवम्बर, 2025

का.आ. 2040.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार तमिलनाडु ग्राम बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (18/2022) प्रकाशित करती है।

[सं. एल -12011/09/2022-आईआर(बी-I)]

सलोनी, उप निदेशक

New Delhi, the 19th November, 2025

S.O. 2040.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 18/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of Tamil Nadu Grama Bank and their workmen.

[No. L-12011/09/2022- IR(B-I)]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT
CHENNAI

ID No. 18/2022

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 28-10-2025

The General Secretary,

Tamil Nadu Grama Bank Officers Association,

No.3/12, M K Nagar, Seelanaickanpatti,

Salem – 636 201

: 1st Party/1st Petitioner

The General Secretary,

Tamil Nadu Grama Bank Workers Union,

No.3/12, M K Nagar, Seelanaickanpatti,

Salem – 636 201

: 1st Party/2nd Petitioner

AND

The Chairman,

Tamil Nadu Grama Bank, Head Office,

No.6, Yercard Main Road,

Salem – 636 008

: 2nd Party / Respondent

Appearance:

For the 1st Party/1st and 2nd Petitioner

: M/s D. Geetha

For the Respondent

: M/s. N.G.R. Prasad,

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No.L-12011/11/2022-IR(B-1) dated 10.03.2022 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether raising the issue of 17 charter of demands by the Tamil Nadu Grama Bank Officers’ Association and Tamil Nadu Grama Bank Workers Union against the management of Tamil Nadu Grama Bank, Salem are just & fair? *If yes, what relief the workmen are entitled to?*”

2. On receipt of the above reference dated 10.03.2022 from the appropriate Government, the dispute was registered as ID No. 18/2022 and due notices were issued to both the parties for their appearance fixing the case to 02.05.2022. On 02.05.2022 petitioner filed only Vakalat Nama resulting further adjournments to 11.07.2022, 01.03.2023, 18.05.2023 and 19.07.2023. The Petitioner did not turn up whereas the 2nd Party / Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 10.03.2022 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 30.06.2025, 18.08.2025 and 15.10.2025. The Petitioner did not turn and the claim statement was not furnished in any manner by the Petitioner. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.

4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.

5. In the result the reference is answered against the petitioner.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2041.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार राष्ट्रीय मालवा ग्रामीण बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (21/2012) प्रकाशित करती है।

[सं. एल -1201169/2022-आईआर(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2041.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.21/2012) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of National Malwa Gramin Bank and their workmen.

[No. L-12011/69/2022- IR(B-I)]

SALONI, Dy. Director

ANNEXURE**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR****NO. CGIT/LC/R/21/2012****Present: P.K.Srivastava****H.J.S.(Retd.)****The General Secretary,****Dainik Vetan Bhogi Karmchari Sangathan,****F-1, Tripti Vihar, Opp. Engg. College,****Ujjain (M.P.)****Workman****Versues****The Chairman,****National Malwa Gramin Bank,****Head Office, 201, Silver Orchid,****Chhappan Dukan, New Palasia,****Indore (MP)****Management****(JUDGMENT)****(Passed on this 03th day of October - 2025)**

As per letter dated 09/01/2012 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification **No. L-12011/69/2011-(IR(B-I))** dt. 09/01/2012. The dispute under reference relates to:

"Whether the demand of the Union for Payment of Bonus to Shri Mohd. Firdaus Sheikh for the period from 01/11/1988 to 31/03/2009, is legal and justified? To what relief the workman is entitled to?"

Notices were issued to both the parties. They appeared and filed their respective statement of claim and defense.

Case of the Workman is that, he was first engaged as a Peon on daily wage by the Bank on 01.11.1988 and worked till June, 1996, when disengaged without any notice or compensation. He raised a dispute against his disengagement before the Assistant Labour Commissioner (Central), Bhopal. A settlement was made between him and the Bank on 13.02.1997 in which the Bank agreed to engage again him as a Daily wage. The Workman was

engaged by Bank as a daily wager. The reference was also made with respect to the dispute raised by him against his this disengagement which was registered as R/69/1998. The Workman raised a dispute on 15.09.2019 with respect to payment of bonus to him for the period he worked as a daily wager with the Bank. The Management disengaged him from 06.12.2009. According to the Workman though he worked from 01.11.1988 to 06.12.2009 he was not paid any bonus by the Bank. This action of Bank is unjust, illegal and arbitrary and is in violation of Section 8 and 11 of the Payment of Bonus Act. The Workman has prayed that he be held entitled to payment of Bonus for the period claimed by him.

Case of Management is mainly that his claim for payment of bonus from 01.11.1988 to 31.03.2009 is barred by Payment of Bonus Act. Management has also denied that Workman has worked with the Management as claimed by him and has stated that the Workman had made same claim before the Considering Authority under minimum wages Act which was rejected by him, vide order dated 13.05.2013 on the ground that he failed to prove that he worked in the Bank from June, 2009 to December, 2009. The Bank has thus prayed that reference be answered against the Workman.

In evidence, the Workman has filed his affidavit as his examination in chief. He has been cross-examined by Management. He has filed photocopy documents which are Ex. W-1 Copy of Notification and Messenger, Ex. W-2 Copy of Application of Workman before Assistant Labour Commissioner, Ex. W-3 and W-5 are different representations made by the Workman. Ex. W-6 and W-7 are different payment vouchers paid to the Workman as alleged by him, Ex. W-8 is the reference with respect to regularization of the Workman, Ex. W-9 to W-28 are different communications made by Bank sending the Workman as Messenger at different places. Ex. W-24 to W-27 are again payment vouchers, Ex. W-28 is RTI reply.

Management has examined its witness Manoj Verma by way of filing his affidavit as his examination in chief. He has been cross-examined by Workman side.

There is on record Photocopy of Judgment & Award dated 06.07.2015 in case R/69/1998 relating to regularization of the Workman and relating to termination of the services of the Workman w.e.f. 15.12.2009 relating to case R/82/2011.

I have heard argument of Learned Counsel Mr. Arun Patel for the Workman and Mr. Subh Chaudhaha for Management. I have gone through the record as well.

Reference itself is the issue for determination.

Section 13, 14, 8, 10 and 22 of the Act are being reproduced as follows : -

Section 8: Eligibility for bonus.—

“Every employee shall be entitled to be paid by his employer in an accounting year, bonus, in accordance with the provisions of this Act, provided he has worked in the establishment for not less than thirty working days in that year.”

Section 10. Payment of minimum bonus.—

“Subject to the other provisions of this Act, every employer shall be bound to pay to every employee in respect of the accounting year commencing on any day in the year 1979 and in respect of every subsequent accounting year, a minimum bonus which shall be 8.33 per cent. of the salary of wage earned by the employee during the accounting year or one hundred rupees, whichever is higher, whether or not the employer has any allocable surplus in the accounting year: Provided that where an employee has not completed fifteen years of age at the beginning of the accounting year, the provisions of this section shall have effect in relation to such employees as if for the words “one hundred rupees”, the words “sixty rupees” were substituted.”

Section 13. Proportionate reduction in bonus in certain cases.—

“Where an employee has not worked for all the working days in an accounting year, the minimum bonus of one hundred rupees or, as the case may be, of sixty rupees, if such bonus is higher than 8.33 per cent. of his salary or wage for the days he has worked in that accounting year, shall be proportionately reduced.”

Section 14. Computation of number of working days.—

“For the purposes of section 13, an employee shall be deemed to have worked in an establishment in any accounting year also on the days on which—

- (a) *he has been laid off under an agreement or as permitted by standing orders under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), or under the Industrial Disputes Act, 1947 (14 of 1947), or under any other law applicable to the establishment;*
- (b) *he has been on leave with salary or wage;*
- (c) *he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and*

(d) *the employee has been on maternity leave with salary or wage, during the accounting year.”*

Section 22. Reference of disputes under the Act.—

“Where any dispute arises between an employer and his employees with respect to the bonus payable under this Act or with respect to the application of this Act to an establishment in public sector, then, such dispute shall be deemed to be an industrial dispute within the meaning of the Industrial Disputes Act, 1947 (14 of 1947), or of any corresponding law relating to investigation and settlement of industrial disputes in force in a State and the provisions of that Act or, as the case may be, such law, shall, save as otherwise expressly provided, apply accordingly”.

From perusal of these provisions, it is established that **firstly**, the Workman will be an ‘employee’ and Bank is an ‘employer’ within the Act even if the Workman succeeded in proving that he was a daily wager and worked with the Bank and **secondly**, that there is a dispute on the point whether the Workman is entitled to bonus as claimed by him which is the subject of the reference in the present case, **hence the limitation under Section 21 of the Act will not apply in this case**. The limitation will apply only when the Management is held under obligation to pay certain amount of bonuses to the Workman.

The judgments and Awards passed by this Tribunal in the aforementioned cases R/69/1998 and R/82/2011 and his disengagement by Bank vide order dated 15.12.2009 was also held unjust and he was directed to be reinstated in service with 50% back wages. There is nothing on record to show that these Judgments and Awards have been set-aside or modified by any Court or Tribunal. Hence, the findings of the Tribunal with regard to working period of the Workman with the Bank in these two cases will operate as **res judicata**.

In the light of findings recorded in these two reference cases particularly in Case R/69/1988 in Para 11 of the judgment where it is proved that a Workman worked from 1988 to 1996 and again from 1997 to 2009, the action of Bank in not awarding him bonus for the period is held unjust and illegal on the part of the Management and the Workman is held to be entitled to bonuses from the Management Bank for this period.

In the light of aforesaid discussion and findings, the reference is answered as follows.

AWARD

Holding the demand of the Union for Payment of Bonus to Shri Mohd. Firdaus Sheikh for the period from 01/11/1988 to 31/03/2009, is legal and justified on the part of the Management and the Workman is held to be entitled to bonus from the Management Bank for this period.

No order as to cost.

DATE:- 03/10/2025

P.K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2042.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर; निदेशक, डाक लेखा, कार्यालय महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर के प्रबंधन के संबद्ध नियोजकों और श्रीमती जे. शशिकला, चेन्नई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 2/2020) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती

[सं. एल -42025/07/2025/259-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2042.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 2/2020) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Postal Accounts & Finance, Egmore; The Director Postal Accounts, O/o. General Manager, Postal Accounts & Finance, Egmore and Smt. J. Sasikala, Chennai, worker.**

[No. L-42025/07/2025/259- IR DU]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Date:30-10-2025

Present: SUSHIL KUMAR-II,
PRESIDING OFFICER

I.D. No. 2/2020

BETWEEN

Smt. J.Sasikala,
W/o. K.Jayachandru,
No.13/28, Arumugappa Street,
Triplicane, Chennai-600 005.

: 1st Party/ Petitioner

AND

1.The General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, Ethiraj Salai,
Egmore-600 008.

2.The Director Postal Accounts,,
O/o. General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, Ethiraj Salai,
Egmore-600 008.

: 2nd Party/Respondents

Appearance:

For the 1st Party/ Petitioner : M/s.R.Malaichamy, Advocates

For the 2nd Party/ Respondents : M/s.M.Kumar, Advocates

The Deputy Chief Labour Commissioner (Central), Chennai, (Ministry of Labour & Employment) vide its Order No. M.No.8/10/2019-A1 dated 18.12.2019 referred the following Industrial Dispute to this Tribunal for adjudication.

2. The schedule mentioned in that order is:

"Whether the demand of Ms. J.Sasikala for reinstatement along with all benefits against the management of Department of Postal Accounts and Finance is legal and justified? If not, to what relief the concerned workwoman is entitled to?"

3. As per the claim statement, the case of the Petitioner is that she entered as casual labourer in the 2nd Party/Management and was engaged against MTS vacancy. She performed her duties of weeding out, arranging old records, maintaining office premises, gardening and scavenging. The Petitioner was engaged in the year 2004 and as per instructions of Department of Post vide letter No.65-24/88-SPB-I dated 17.05.1989, she is entitled to absorption as MTS, since she has completed 14 years service as casual labourer. However, the Petitioner was denied work from May, 2018. Therefore, the action of the respondent/Management in removing the Petitioner from service without any order, notice amounts to violation of principles of natural justice u/s.25F of the Industrial Disputes Act, 1947. Therefore, it is prayed that Respondent may be directed to reinstate the Petitioner into service with a direction to absorb her on regular basis with back wages and other attendant benefits.

4. In the counter statement, the Respondent stated that Petitioner is only a casual employee and at no point of time, there was employer-employee relationship. The Petitioner was engaged as an outsider for short spells in respect of housekeeping and allied duties on daily wage basis and against any MTS vacancy. No order of appointment or engagement was issued to the Petitioner. The casual labourers in employment up to 01.09.1993 were only eligible to be conferred with temporary status. The Petitioner was neither engaged through employment exchange nor for any regular work or against any regular vacancy and is not possessing requisite eligibility criteria

for consideration against MTS post. The wages to the Petitioner were paid as per recommendations of District Collectorate. The same was drawn and paid as per envisaged norms from time to time. Therefore, the Petitioner is not entitled to any relief and the claim of the Petitioner is liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner : WW1 Mrs.J.Sasikala

For the 2nd Party/Management : MW1 Shri R.Swaminathan,

Documents Marked:

On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	17.05.1989	Instructions issued by Postal Directorate
Ex.W2	27.04.2000	Remuneration payable to full-time / part time casual labourer.
Ex.W3	30.11.2010	Instruction regarding engagement of casual labourers
Ex.W4	17.06.2016	OM issued by Postal Directorate
Ex.W5	28.11.2016	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W6	15.03.2017	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W7	31.03.2017	OM issued by Postal Directorate
Ex.W8	23.10.2017	Pay sanction order
Ex.W9	09.01.2018	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W10	03.09.2018	Petition u/s.2A of Industrial Disputes Act, 1947
Ex.W11	05.10.2018	Minutes of conciliation proceedings
Ex.W12	30.10.2018	Minutes of conciliation proceedings
Ex.W13	30.04.2019	Minutes of conciliation proceedings
Ex.W14	09.05.2019	Minutes of conciliation proceedings
Ex.W15	-	Common representation by the Petitioner and others to conciliation officer with service details
Ex.W16	18.07.2019	Minutes of conciliation proceedings
Ex.W17	08.01.2020	Copy of notice

Documents Marked:

On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	17.05.1989	Directorate Lr.No.65-24/88-SPB-I
Ex.M 2	12.04.1991	Directorate Lr.No.45-95/87-SPB-I
Ex.M3	1.11.1995& 08.11.1995	Lr.No.66-52/92-SEP I
Ex.M4	09.09.2009	Postal Directorate Lr.No.1-10/2009/PCC
Ex.M5	19.11.2010	Postal Directorate Lr.No.4-4/2009/PCC
Ex.M6	27.01.2011	DOP Lr.No.45-2/2011-SPB-I
Ex.M7	09.07.2019	Lr.No.878/Admn/EA VII/CL/Petition/19-20

5. The Petitioner has submitted proof of affidavit in support of her claim and adduced oral evidence as WW1 and documents filed by her were marked as Ex.W1 to W17. The Respondent has also filed its proof of affidavit and Shri R.Swaminathan, Assistant Chief Accounts Officer was examined as MW1 and documents on behalf of respondent were marked as Ex.M1 to M7.

6. Heard the learned counsel appearing for either side and perused the records. The point that arises for consideration is “whether the employee of the Respondent is entitled for reinstatement into service along with all benefits against the management of Department of Postal Accounts & Finance? If not to what relief the concerned workman is entitled?”

7. The Petitioner Mrs. J.Sasikala has stated in her claim statement that she had entered into service of the Respondent in the year 2004. The fact of continuous service is established by the Petitioner by adducing oral evidence as WW1 and filing proof of affidavit and the documents which were marked as Ex.W1 to W17.

8. The Respondent in its reply admitted this fact that Petitioner was engaged with the Department, but stated that engagement was on daily wage basis and not against any MTS vacancies. The Petitioner was not a permanent employee and there was no employer-employee relationship exists between the Respondent and the Petitioner. The Respondent further stated that no appointment or engagement order was issued to the Petitioner and as per circular dated 01.11.1995 and 08.11.1995, casual labourers in employment upto 01.09.1993 were only eligible to be conferred with temporary status and the Petitioner was not working on 01.09.1993 with the Department and therefore, they are not entitled for any absorption.

9. The learned counsel for the Respondent further submits that Multi Tasking Staff Recruitment Rules, 2010 dated 12.12.2010 is not applicable to the Petitioner. As per circular dated 01.11.1995 and 08.11.1995 the following conditions must be fulfilled:-

- a) Temporary status on or before 01.09.1993;
- b) Full time casual labourer engaged on or before 01.09.1993 &
- c) Part-time casual labourer engaged on or before 01.09.1993.

10. The learned counsel for the Respondent contended that Petitioner was not engaged through employment exchange and no appointment letter was issued. He further stated that assumption of the Petitioner that he/she works against the post of MTS is incorrect. The learned counsel further stated that there was no relationship of employer-employee between the Respondent and Petitioner, hence the question of notice or protection u/s.25F of the Industrial Disputes Act, 1947 does not arise.

11. On behalf of the Respondent a circular dated 17.05.1989 has been filed which is marked as Ex.M1, and it clarifies the position of casual labourers and part-time casual labourers in para 2, which reads as under:-

“2. It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under different designations (mazdoor casual labourer, contingent paid staff, daily wager, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued.”

12. The Petitioner in the claim statement stated that the work was performed for a period of more than eight hours per day. The Respondent witness MW1 in his oral evidence nowhere stated that Petitioner did not perform the work about eight or more than 8 hours per day.

13. The Respondent submitted another circular dated 11.09.1991 which is marked as Ex.M2. The subject of this circular is Casual Labourers (Grant of Temporary Status and Regularization) Scheme. This circular did not suggest date of appointment of the labourers which means this circular does not impose a condition that the casual labour must be in service on a particular date.

14. The another circular issued by Respondent, Department of Posts, dated 27.11.1995 marked as Ex.M3, which suggests that full time casual labourers recruited after 29.11.1989 upto 10.09.1993 may also be considered for grant of benefits under the scheme. This circular later specified the particular date i.e., 10.09.1993.

15. The next document marked as Ex.M5 dated 19.11.2010, which states that no casual labour shall be engaged in the administrative office with effect from 01.12.2010. This circular further stated that since the duties of waterman, watch & ward, gardening, cleaning etc. are now part of duties assigned to MTS, the existing practice of engaging casual labourers as waterman, gardener, watch and ward or any other category shall be dispensed with from 01.12.2010. The Petitioner was engaged prior to this circular dated 19.11.2010.

16. The next document filed by the Respondent and marked as Ex.M6 is a circular issued by Ministry of Communications & IT, Department of Posts dated 27.01.2011 regarding filling up of vacancies on the basis of latest recruitment rules for the post of MTS, wherein it was directed to observe the following conditions:-

“i) (a) 25% by appointment of Casual Labourers conferred with temporary status on the basis of Selection-cum-seniority failing which by,

(b) Appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority failing which by,

(c) Appointment of existing part-time Casual Labourers, engaged on or before 1.9.1993, on the basis of selection-cum-seniority failing which by,

(d) Direct recruitment as per the scheme circulated by the Department of Posts from time to time.

ii). 75% by direct recruitment as per the scheme circulated by the Department of Posts from time to time.”

17. This circular clearly suggests that 25% of persons must be appointed from casual labourers, who has been conferred with temporary status on the basis of selection-cum-seniority. The second condition suggests appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority. The third condition suggests that appointment of existing part-time Casual Labourers, engaged on or before 01.09.1993, on the basis of selection-cum-seniority.

It is true that the Respondent department never constituted any committee to select persons who conferred with temporary status by preparing list of selection cum seniority.

18. All the circulars issued by Department of Posts suggest that since the Petitioner was not in service on 01.09.1993, he/she is not entitled for absorption. In the case of Dharam Singh Vs. State of U.P & Another in Civil Appeal No.8558 of 2018 dated 19.08.2025, the Hon'ble Supreme Court has held as under:-

“17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.”

19. In the case of Jaggo Vs. Union of India in SLP No.5580 of 2024 (2024) SCC online 3826 and Shripal & Another Vs. Nagar Nigam, Ghaziabad (2025) SCC online 221, the Hon'ble Supreme Court has held that long-term “ad hocism”, is denial of basic parity. The Hon'ble Supreme Court denied the contention of the Respondent that daily wagers and temporary employees cannot claim permanent absorption in the absence of statutory Rules. The Hon'ble Court further stated that the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

20. In the present case, the Petitioner has continuously rendered services over several years. The Hon'ble Supreme Court has held in the case of Shripal & Another (supra) that Indian Labour Law is

strongly disfavors perpetual daily-wage or contractual engagements in circumstances, where the work is permanent in nature.

21. Further, the Hon'ble Supreme Court in the case of Jaggo Vs. Union of India (supra) has observed as under:-

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, workers and and fair treatment. Such practices have been criticized for exploiting undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23.....

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25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed employees. These practices manifest in several ways:

Misuse of "Temporary" Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

Arbitrary Temporary Termination: employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

Using Outsourcing as Institutions Shield: to increasingly resort outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

22. The learned counsel for the Respondent argued that no appointment order was issued to the Petitioner, and thus no permanent status is allowable to the Petitioner. But the non-issuance of appointment order does not erase the entitlement of the Petitioner since the Petitioner has worked for several years and not days.

AWARD

In view of the foregoing discussion, the appeal filed by the Petitioner is liable to be allowed with the following directions:-

The Petitioner's service shall stand regularized with effect from the date of removal/denial from service and the Petitioner shall be reinstated into service within a period of three months with 50% back wages and consequential & other attendant benefits.

The reference is answered accordingly.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2043.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर; निदेशक, डाक लेखा, कार्यालय महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर के प्रबंधतंत्र के संबद्ध नियोजकों और श्री आर.कुमारन, चेन्नई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट(संदर्भ संख्या- 3/2020) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/260-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2043.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/2020) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Postal Accounts & Finance, Egmore; The Director Postal Accounts, O/o. General Manager, Postal Accounts & Finance, Egmore and Shri R.Kumaran, Chennai, worker.**

[No. L-42025/07/2025/260- IR DU]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Date: 30-10-2025

Present: SUSHIL KUMAR-II,
PRESIDING OFFICER

I.D. No. 3/2020

BETWEEN

Shri R.Kumaran : 1st Party/ Petitioner
S/o.V.Palani,
No.6, R Block, Pallakkumanagar,
Mylapore Luz, Chennai-600 004.

AND

1.The General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, Ethiraj Salai,
Egmore-600 008.

2.The Director Postal Accounts,,
O/o. General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, Ethiraj Salai,
Egmore-600 008.

: 2ⁿ Party/Respondents

Appearance:

For the 1st Party/ Petitioner : M/s.R.Malaichamy, Advocates
For the 2nd Party/ Respondents : M/s.M.Kumar, Advocates

The Deputy Chief Labour Commissioner (Central), Chennai, (Ministry of Labour & Employment) vide its Order No. M.No.8/11/2019-A1 dated 18.12.2019 referred the following Industrial Dispute to this Tribunal for adjudication.

2. The schedule mentioned in that order is:

“Whether the demand of Shri R.Kumaran for reinstatement along with all benefits against the management of Department of Postal Accounts and Finance is legal and justified? If not, to what relief the concerned workman is entitled to?”

3. As per the claim statement, the case of the Petitioner is that he entered as casual labourer in the 2nd Party/Management in the year 2013 and was engaged against MTS vacancy. The Petitioner performed his duties of dusting, removal of cobwebs, movement of MO records, cleaning of floor and toilets. As per instructions of Department of Post vide letter No.65-24/88-SPB-I dated 17.05.1989, he is entitled to absorption as MTS, since he has completed more than 5 years service as casual labourer. However, the Petitioner was denied work from June, 2018. Therefore, the action of the respondent/Management in removing the Petitioner from service without any order or notice amounts to violation of principles of natural justice u/s.25F of the Industrial Disputes Act, 1947. Therefore, it is prayed that Respondent may be directed to reinstate the Petitioner into service with a direction to absorb her on regular basis with back wages and other attendant benefits.

4. In the counter statement, the Respondent stated that Petitioner is only a casual employee and at no point of time, there was employer-employee relationship. The Petitioner was engaged as an outsider for short spells in respect of housekeeping and allied duties on daily wage basis and against any MTS vacancy. No order of appointment or engagement was issued to the Petitioner. The casual labourers in employment up to 01.09.1993 were only eligible to be conferred with temporary status. The Petitioner was neither engaged through employment exchange nor for any regular work or against any regular vacancy and is not possessing requisite eligibility criteria

for consideration against MTS post. The wages to the Petitioner were paid as per recommendations of District Collectorate. The same was drawn and paid as per envisaged norms from time to time. Therefore, the Petitioner is not entitled to any relief and the claim of the Petitioner is liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner : WW1 Mr. P.Kumaran

For the 2nd Party/Management : MW1 Shri R.Swaminathan,
Asst.Chief Accounts Officer

Documents Marked:

On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	17.05.1989	Instructions issued by Postal Directorate
Ex.W2	27.04.2000	Remuneration payable to full-time / part time casual labourer.
Ex.W3	30.11.2010	Instruction regarding engagement of casual labourers
Ex.W4	17.06.2016	OM issued by Postal Directorate
Ex.W5	28.11.2016	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W6	15.03.2017	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W7	31.03.2017	OM issued by Postal Directorate
Ex.W8	11.04.2017	Pay sanction order
Ex.W9	09.01.2018	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W10	03.09.2018	Petition u/s.2A of Industrial Disputes Act, 1947
Ex.W11	05.10.2018	Minutes of conciliation proceedings
Ex.W12	30.10.2018	Minutes of conciliation proceedings
Ex.W13	30.04.2019	Minutes of conciliation proceedings
Ex.W14	09.05.2019	Minutes of conciliation proceedings
Ex.W15	-	Common representation by the Petitioner and others to conciliation officer with service details
Ex.W16	18.07.2019	Minutes of conciliation proceedings
Ex.W17	08.01.2020	Copy of notice

Documents Marked:

On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	17.05.1989	Directorate Lr.No.65-24/88-SPB-I
Ex.M 2	12.04.1991	Directorate Lr.No.45-95/87-SPB-I
Ex.M3	1.11.1995& 08.11.1995	Lr.No.66-52/92-SEP I
Ex.M4	09.09.2009	Postal Directorate Lr.No.1-10/2009/PCC
Ex.M5`	19.11.2010	Postal Directorate Lr.No.4-4/2009/PCC
Ex.M6	27.01.2011	DOP Lr.No.45-2/2011-SPB-I
Ex.M7	09.07.2019	Lr.No.878/Admn/EA VII/CL/Petition/19-20

5. The Petitioner has submitted proof of affidavit in support of his claim and adduced oral evidence as WW1 and documents filed by his were marked as Ex.W1 to W17. The Respondent has also filed its proof of affidavit and Shri R.Swaminathan, Assistant Chief Accounts Officer was examined as MW1 and documents on behalf of respondent were marked as Ex.M1 to M7.

6. Heard the learned counsel appearing for either side and perused the records. The point that arises for consideration is “whether the employee of the Respondent is entitled for reinstatement into service along with all benefits against the management of Department of Postal Accounts & Finance? If not to what relief the concerned workman is entitled?”

7. The Petitioner Shri P.Kumaran has stated in his claim statement that he had entered into service of the Respondent in the year 2013. The fact of continuous service is established by the Petitioner by adducing oral evidence as WW1 and filing proof of affidavit and the documents which were marked as Ex.W1 to W17.

8. The Respondent in its reply admitted this fact that Petitioner was engaged with the Department, but stated that engagement was on daily wage basis and not against any MTS vacancies. The Petitioner was not a permanent employee and there was no employer-employee relationship exists between the Respondent and the Petitioner. The Respondent further stated that no appointment or engagement order was issued to the Petitioner and as per circular dated 01.11.1995 and 08.11.1995, casual labourers in employment upto 01.09.1993 were only eligible to be conferred with temporary status and the Petitioner was not working on 01.09.1993 with the Department and therefore, they are not entitled for any absorption.

9. The learned counsel for the Respondent further submits that Multi Tasking Staff Recruitment Rules, 2010 dated 12.12.2010 is not applicable to the Petitioner. As per circular dated 01.11.1995 and 08.11.1995 the following conditions must be fulfilled:-

- a) Temporary status on or before 01.09.1993;
- b) Full time casual labourer engaged on or before 01.09.1993 &
- c) Part-time casual labourer engaged on or before 01.09.1993.

10. The learned counsel for the Respondent contended that Petitioner was not engaged through employment exchange and no appointment letter was issued. He further stated that assumption of the Petitioner that he/she works against the post of MTS is incorrect. The learned counsel further stated that there was no relationship of employer-employee between the Respondent and Petitioner, hence the question of notice or protection u/s.25F of the Industrial Disputes Act, 1947 does not arise.

11. On behalf of the Respondent a circular dated 17.05.1989 has been filed which is marked as Ex.M1, and it clarifies the position of casual labourers and part-time casual labourers in para 2, which reads as under:-

“2. It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under different designations (mazdoor casual labourer, contingent paid staff, daily wager, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued.”

12. The Petitioner in the claim statement stated that the work was performed for a period of more than eight hours per day. The Respondent witness MW1 in his oral evidence nowhere stated that Petitioner did not perform the work about eight or more than 8 hours per day.

13. The Respondent submitted another circular dated 11.09.1991 which is marked as Ex.M2. The subject of this circular is Casual Labourers (Grant of Temporary Status and Regularization) Scheme. This circular did not suggest date of appointment of the labourers which means this circular does not impose a condition that the casual labour must be in service on a particular date.

14. The another circular issued by Respondent, Department of Posts, dated 27.11.1995 marked as Ex.M3, which suggests that full time casual labourers recruited after 29.11.1989 upto 10.09.1993 may also be considered for grant of benefits under the scheme. This circular later specified the particular date i.e., 10.09.1993.

15. The next document filed by the Respondent and marked as Ex.M6 is a circular issued by Ministry of Communications & IT, Department of Posts dated 27.01.2011 regarding filling up of vacancies on the basis of latest recruitment rules for the post of MTS, wherein it was directed to observe the following conditions:-

“i) (a) 25% by appointment of Casual Labourers conferred with temporary status on the basis of Selection-cum-seniority failing which by,

(b) Appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority failing which by,

(c) *Appointment of existing part-time Casual Labourers, engaged on or before 1.9.1993, on the basis of selection-cum-seniority failing which by,*

(d) *Direct recruitment as per the scheme circulated by the Department of Posts from time to time.*

ii). *75% by direct recruitment as per the scheme circulated by the Department of Posts from time to time.*”

16. This circular clearly suggests that 25% of persons must be appointed from casual labourers, who has been conferred with temporary status on the basis of selection-cum-seniority. The second condition suggests appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority. The third condition suggests that appointment of existing part-time Casual Labourers, engaged on or before 01.09.1993, on the basis of selection-cum-seniority.

It is true that the Respondent department never constituted any committee to select persons who conferred with temporary status by preparing list of selection cum seniority.

17. All the circulars issued by Department of Posts suggest that since the Petitioner was not in service on 01.09.1993, he/she is not entitled for absorption. In the case of Dharam Singh Vs. State of U.P & Another in Civil Appeal No.8558 of 2018 dated 19.08.2025, the Hon'ble Supreme Court has held as under:-

“17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.”

18. In the case of Jaggo Vs. Union of India in SLP No.5580 of 2024 (2024) SCC online 3826 and Shripal & Another Vs. Nagar Nigam, Ghaziabad (2025) SCC online 221, the Hon'ble Supreme Court has held that long-term “ad hocism”, is denial of basic parity. The Hon'ble Supreme Court denied the contention of the Respondent that daily wagers and temporary employees cannot claim permanent absorption in the absence of statutory Rules. The Hon'ble Court further stated that the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

19. In the present case, the Petitioner has continuously rendered services over several years. The Hon'ble Supreme Court has held in the case of Shripal & Another (supra) that Indian Labour Law is

strongly disfavors perpetual daily-wage or contractual engagements in circumstances, where the work is permanent in nature.

20. Further, the Hon'ble Supreme Court in the case of Jaggo Vs. Union of India (supra) has observed as under:-

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, workers and and fair treatment. Such practices have been criticized for exploiting undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23.....

24.....

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed employees. These practices manifest in several ways:

Misuse of "Temporary" Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

Arbitrary Temporary Termination: employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

Using Outsourcing as Institutions Shield: to increasingly resort outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

21. The learned counsel for the Respondent argued that no appointment order was issued to the Petitioner, and thus no permanent status is allowable to the Petitioner. But the non-issuance of appointment order does not erase the entitlement of the Petitioner since the Petitioner has worked for several years and not days.

AWARD

In view of the foregoing discussion, the appeal filed by the Petitioner is liable to be allowed with the following directions:-

The Petitioner's service shall stand regularized with effect from the date of removal/denial from service and the Petitioner shall be reinstated into service within a period of three months with 50% back wages and consequential & other attendant benefits.

The reference is answered accordingly.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2044.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंध निदेशक, एसकेएम कॉन्ट्रैक्टर एंड सर्विसेज प्राइवेट लिमिटेड, आगरा; प्रबंध भागीदार, मेसर्स लक्ष्मी सिक्योरिटी सर्विसेज एंड मैन पावर, कंसल्टेंसी, कुड्डलोर; प्रबंध निदेशक, मेसर्स त्रिची टोलवे प्राइवेट लिमिटेड, हैदराबाद; मेसर्स रेसी प्रोजेक्ट्स, विशाखापट्टनम (आंध्र प्रदेश); परियोजना निदेशक, भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, त्रिची (तमिलनाडु) के प्रबंधतंत्र के संबद्ध नियोजकों और महासचिव, तमिलनाडु टोलगेट कर्मचारी महासंघ, चेन्नई; महासचिव, सेंगुरिची टोल गेट थोझिलालार मुनेत्र संगम, तमिलनाडु के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 4/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/262-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2044.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/2023) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Managing Director SKM Contractor & Services Pvt Ltd., Agra, The Managing Partner, M/s Lakshmi Security Services & Man Power, Consultancy, Cuddalore, The Managing Director, M/s Trichy Tollway Pvt.**

Ltd., Hyderabad, M/s Racy Projects, Vishkapattinam (AP), The Project Director, National Highway Authority of India, Trichy (TN) and The General Secretary, Tamilnadu Tollgate Employees Federation, Chennai; The General Secretary, Sengurichi Toll Gate Thozhilalar Munnetra Sangam, Tamilnadu.

[No. L-42025/07/2025/262- IR DU]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT
CHENNAI
ID No. 4/2023

Present: SUSHIL KUMAR, PRESIDING OFFICER

Date: 28-10-2025

The General Secretary,
Tamilnadu Tollgate Employees Federation,
An Unit of Tamilnadu General Workers Union,
No.2/1, Kovur Vaithiyanathan Street,
Chintadripet, Chennai – 600 002 : 1st Party/1st Petitioner
The General Secretary,
Sengurichi Toll Gate Thozhilalar Munnetra Sangam,
Plot No.10, 1st Street, Thanthai Periyar Nagar,
Sengurichi Toll, Ulundurpet TK,
District Kallakkurichi, Tamilnadu-606 202 : 1st Party/2nd Petitioner

AND

1. The Managing Director
SKM Contractor & Services Pvt Ltd.,
No.188, Sector, 16A, Vikas Colony,
Sikandra, Agra (UP) – 282 007 : 2nd Party / 1st Respondent
2. The Managing Partner,
M/s Lakshmi Security Services & Man Power,
Consultancy, No.46, Chairman Govindasamy Nagar,
Chellangkuppam, Cuddalore – 607 003 : 2nd Party / 2nd Respondent
3. The Managing Director,
M/s Trichy Tollway Pvt. Ltd.,
No.63, 1099/400, Plot No.105B, 1st Floor,
Babucon Millennium Centre,
Rajaji Bhavan Road, Somajiguda,
Hyderabad – 500 008 : 2nd Party / 3rd Respondent
4. M/s Racy Projects,
Plot No. 102, Lakshmi Madhura Heights Road,
No.3, Gyathri Nagar, P.M. Palem,
Vishkapattinam (AP) – 530 040 : 2nd Party / 4th Respondent

5. The Project Director,
National Highway Authority of India,
Pon Nagar, Trichy (TN) – 620 001. : 2nd Party / 5th Respondent

Appearance:

For the 1st Party/1st Petitioner : None
 For the 1st Party/2nd Petitioner : None
 For the 2nd Party / Respondent No.1 & 2 : M/s. D. Kannan
 For the 2nd Party / Respondent No.3 : M/s. Indhu Karunakaran
 For the 2nd Party / Respondent No. 4 & 5 : None

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-42011/360/2022-IR(DU) dated 12.01.2023 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“1. Whether the demands of Tamilnadu Toll Gate Employees Federation vide letter dated 12.08.2022 and Sengurichi Tollway Labour Progressive Federation, Ulundurpet vide letter dated 12.08.2022 against the management of National Highways Authority of India, Trichirapalli (Principal Employer), Trichy Tollway Private Limited, M/s SKM Contractor & Services Pvt. Ltd., M/s Lakshmi Security Services and M/s Racy Projects over their charter of demands regarding permanency of job under NHAI, night allowance, bonus, Increment, Medical insurance coverage etc. are proper, legal and justified? If yes, to what reliefs as sought vide letter under reference the disputant are entitled and what directors, if any, are necessary in this respect?

2. Whether the claim of Tamilnadu Toll Gate Employees Federation and Sengurichy Tollway Labour Progressive Federation, Ulundurpet that the termination of 56 workers is illegally done by the management of National Highways Authority of India, Trichirappalli (Principal Employer) / Trichy Tollway Private Limited / M/s SKM Contractor & Service Pvt. Ltd. / M/s Lakshmi Security Services / M/s Racy Projects is proper, legal and justified? If yes, to what relief the disputant is entitled and what directors, if any, are necessary in this respect?”

2. On receipt of the above reference dated 12.01.2023 from the appropriate Government, the dispute was registered as ID No. 4/2023 and due notices were issued to both the parties for their appearance fixing the case to 01.05.2023. Neither the Petitioner (Petition No. 1 and 2) nor any Counsel / Authorized Representative turned up resulting further adjournments to 26.06.2023 and 20.07.2023. The Petitioners did not turn up whereas the 2nd Party (1st, 2nd and 3rd Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 12.01.2023 to this Tribunal for adjudication, copies of the reference were sent to the Petitioners and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioners were once again directed to appear and to file claim statement fixing the case to 02.07.2025 and 25.08.2025. The Petitioner (Petitioner No.1 and 2) did not turn up nor was any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner (Petitioner No1 and 2). The R4 and R5 were not present, whereas R1 to R3 were present. It reveals the Petitioners, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.

4. In view of the discussion held supra, it is crystal clear that the petitioners have got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.

5. In the result the reference is answered against the petitioners.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2045.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, डाक लेखा एवं वित्त, एमओर; निदेशक, डाक लेखा, कार्यालय महाप्रबंधक, डाक लेखा एवं वित्त,

एगमोर के प्रबंधतंत्र के संबद्ध नियोजकों और श्री पी. सेनिवासन, चेन्नई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 4/2020) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/261-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2045.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 4/2020) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Postal Accounts & Finance, Egmore; The Director Postal Accounts, O/o. General Manager, Postal Accounts & Finance, Egmore** and **Shri P. Seenivasan, Chennai**, worker.

[No. L-42025/07/2025/261- IR DU]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Date:30-10-2025

Present: SUSHIL KUMAR-II,
PRESIDING OFFICER

I.D. No. 4/2020

BETWEEN

Shri P.Seenivasan,

S/o.N.Palani,

No.107/47,Kathpada Main Road,

Old Washermenpet, Chennai-21.

: 1st Party/ Petitioner

AND

1.The General Manager,

Postal Accounts & Finance,

Tamil Nadu Circle, Ethiraj Salai,

Egmore-600 008.

2.The Director Postal Accounts,,

O/o. General Manager,

Postal Accounts & Finance,

Tamil Nadu Circle, Ethiraj Salai,

Egmore-600 008.

: 2ⁿ Party/Respondents

Appearance:

For the 1st Party/ Petitioner

: M/s. R.Malaichamy, Advocates

For the 2nd Party/ Respondents

: M/s. M.Kumar, Advocates

The Deputy Chief Labour Commissioner (Central), Chennai, (Ministry of Labour & Employment) vide its Order No. M.No.8/12/2019-A1 dated 18.12.2019 referred the following Industrial Dispute to this Tribunal for adjudication.

2. The schedule mentioned in that order is:

“Whether the demand of Shri P.Seenivasan for reinstatement along with all benefits against the management of Department of Postal Accounts and Finance is legal and justified? If not, to what relief the concerned workman is entitled to?”

3. As per the claim statement, the case of the Petitioner is that he entered as casual labourer in the 2nd Party/Management in the year 2007 and was engaged against MTS vacancy. The Petitioner performed his duties of dusting, removal of cobwebs, movement of MO records, cleaning of floor and toilets. As per instructions of Department of Post vide letter No.65-24/88-SPB-I dated 17.05.1989, he is entitled to absorption as MTS, since he has completed more than 12 years service as casual labourer. However, the Petitioner was denied work from 07.01.2019. Therefore, the action of the respondent/Management in removing the Petitioner from service without any order or notice amounts to violation of principles of natural justice u/s.25F of the Industrial Disputes Act, 1947. Therefore, it is prayed that Respondent may be directed to reinstate the Petitioner into service with a direction to absorb him on regular basis with back wages and other attendant benefits.

4. In the counter statement, the Respondent stated that Petitioner is only a casual employee and at no point of time, there was employer-employee relationship. The Petitioner was engaged as an outsider for short spells in respect of housekeeping and allied duties on daily wage basis and against any MTS vacancy. No order of appointment or engagement was issued to the Petitioner. The casual labourers in employment up to 01.09.1993 were only eligible to be conferred with temporary status. The Petitioner was neither engaged through employment exchange nor for any regular work or against any regular vacancy and is not possessing requisite eligibility criteria for consideration against MTS post. The wages to the Petitioner were paid as per recommendations of District Collectorate. The same was drawn and paid as per envisaged norms from time to time. Therefore, the Petitioner is not entitled to any relief and the claim of the Petitioner is liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner : WW1 Mr. P.Seenivasan
For the 2nd Party/Management : MW1 Shri R.Swaminathan,
Asst.Chief Accounts Officer

Documents Marked:

On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	17.05.1989	Instructions issued by Postal Directorate
Ex.W2	27.04.2000	Remuneration payable to full-time / part time casual labourer.
Ex.W3	30.11.2010	Instruction regarding engagement of casual labourers
Ex.W4	17.06.2016	OM issued by Postal Directorate
Ex.W5	28.11.2016	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W6	15.03.2017	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W7	31.03.2017	OM issued by Postal Directorate
Ex.W8	11.04.2017	Pay sanction order
Ex.W9	09.01.2018	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W10	11.05.2019	Petition u/s.2A of Industrial Disputes Act, 1947
Ex.W11	30.04.2019	Minutes of conciliation proceedings
Ex.W12	09.05.2019	Minutes of conciliation proceedings
Ex.W13	-	Common representation by the Petitioner and others to conciliation officer with service details
Ex.W14	18.07.2019	Minutes of conciliation proceedings
Ex.W15	06.01.2019	Letter of Regional Labour Commissioner (C), Chennai
Ex.W16	25.11.2019	Minutes of conciliation proceedings
Ex.W17	11.12.2019	Letter of Regional Labour Commissioner (C), Chennai

Ex.W18	18.12.2019	Letter of Deputy Chief Labour Commissioner (C), Chennai
Ex.W19	08.01.2020	Copy of notice

Documents Marked:

On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	17.05.1989	Directorate Lr.No.65-24/88-SPB-I
Ex.M 2	12.04.1991	Directorate Lr.No.45-95/87-SPB-I
Ex.M3	1.11.1995& 08.11.1995	Lr.No.66-52/92-SEP I
Ex.M4	09.09.2009	Postal Directorate Lr.No.1-10/2009/PCC
Ex.M5`	19.11.2010	Postal Directorate Lr.No.4-4/2009/PCC
Ex.M6	27.01.2011	DOP Lr.No.45-2/2011-SPB-I
Ex.M7	09.07.2019	Lr.No.878/Admn/EA VII/CL/Petition/19-20

5. The Petitioner has submitted proof of affidavit in support of his claim and adduced oral evidence as WW1 and documents filed by his were marked as Ex.W1 to W19. The Respondent has also filed its proof of affidavit and Shri R.Swaminathan, Assistant Chief Accounts Officer was examined as MW1 and documents on behalf of respondent were marked as Ex.M1 to M7.

6. Heard the learned counsel appearing for either side and perused the records. The point that arises for consideration is “whether the employee of the Respondent is entitled for reinstatement into service along with all benefits against the management of Department of Postal Accounts & Finance? If not to what relief the concerned workman is entitled?”

7. The Petitioner Shri P.Seenivasan has stated in his claim statement that he had entered into service of the Respondent in the year 2007. The fact of continuous service is established by the Petitioner by adducing oral evidence as WW1 and filing proof of affidavit and the documents which were marked as Ex.W1 to W19.

8. The Respondent in its reply admitted this fact that Petitioner was engaged with the Department, but stated that engagement was on daily wage basis and not against any MTS vacancies. The Petitioner was not a permanent employee and there was no employer-employee relationship exists between the Respondent and the Petitioner. The Respondent further stated that no appointment or engagement order was issued to the Petitioner and as per circular dated 01.11.1995 and 08.11.1995, casual labourers in employment upto 01.09.1993 were only eligible to be conferred with temporary status and the Petitioner was not working on 01.09.1993 with the Department and therefore, they are not entitled for any absorption.

9. The learned counsel for the Respondent further submits that Multi Tasking Staff Recruitment Rules, 2010 dated 12.12.2010 is not applicable to the Petitioner. As per circular dated 01.11.1995 and 08.11.1995 the following conditions must be fulfilled:-

- Temporary status on or before 01.09.1993;
- Full time casual labourer engaged on or before 01.09.1993 &
- Part-time casual labourer engaged on or before 01.09.1993.

10. The learned counsel for the Respondent contended that Petitioner was not engaged through employment exchange and no appointment letter was issued. He further stated that assumption of the Petitioner that he/she works against the post of MTS is incorrect. The learned counsel further stated that there was no relationship of employer-employee between the Respondent and Petitioner, hence the question of notice or protection u/s.25F of the Industrial Disputes Act, 1947 does not arise.

11. On behalf of the Respondent a circular dated 17.05.1989 has been filed which is marked as Ex.M1, and it clarifies the position of casual labourers and part-time casual labourers in para 2, which reads as under:-

“2. It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under different designations (mazdoor casual labourer, contingent paid staff, daily wager, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are

engaged for a period of 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued."

12. The Petitioner in the claim statement stated that the work was performed for a period of more than eight hours per day. The Respondent witness MW1 in his oral evidence nowhere stated that Petitioner did not perform the work about eight or more than 8 hours per day.

13. The Respondent submitted another circular dated 11.09.1991 which is marked as Ex.M2. The subject of this circular is Casual Labourers (Grant of Temporary Status and Regularization) Scheme. This circular did not suggest date of appointment of the labourers which means this circular does not impose a condition that the casual labour must be in service on a particular date.

14. The another circular issued by Respondent, Department of Posts, dated 27.11.1995 marked as Ex.M3, which suggests that full time casual labourers recruited after 29.11.1989 upto 10.09.1993 may also be considered for grant of benefits under the scheme. This circular later specified the particular date i.e., 10.09.1993.

15. The next document marked as Ex.M5 dated 19.11.2010, which states that no casual labour shall be engaged in the administrative office with effect from 01.12.2010. This circular further stated that since the duties of waterman, watch & ward, gardening, cleaning etc. are now part of duties assigned to MTS, the existing practice of engaging casual labourers as waterman, gardener, watch and ward or any other category shall be dispensed with from 01.12.2010. The Petitioner was engaged prior to this circular dated 19.11.2010.

16. The next document filed by the Respondent and marked as Ex.M6 is a circular issued by Ministry of Communications & IT, Department of Posts dated 27.01.2011 regarding filling up of vacancies on the basis of latest recruitment rules for the post of MTS, wherein it was directed to observe the following conditions:-

"i) (a) 25% by appointment of Casual Labourers conferred with temporary status on the basis of Selection-cum-seniority failing which by,

(b) Appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority failing which by,

(c) Appointment of existing part-time Casual Labourers, engaged on or before 1.9.1993, on the basis of selection-cum-seniority failing which by,

(d) Direct recruitment as per the scheme circulated by the Department of Posts from time to time.

ii). 75% by direct recruitment as per the scheme circulated by the Department of Posts from time to time."

17. This circular clearly suggests that 25% of persons must be appointed from casual labourers, who has been conferred with temporary status on the basis of selection-cum-seniority. The second condition suggests appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority. The third condition suggests that appointment of existing part-time Casual Labourers, engaged on or before 01.09.1993, on the basis of selection-cum-seniority.

It is true that the Respondent department never constituted any committee to select persons who conferred with temporary status by preparing list of selection cum seniority.

18. All the circulars issued by Department of Posts suggest that since the Petitioner was not in service on 01.09.1993, he/she is not entitled for absorption. In the case of Dharam Singh Vs. State of U.P & Another in Civil Appeal No.8558 of 2018 dated 19.08.2025, the Hon'ble Supreme Court has held as under:-

"17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running."

19. In the case of Jaggo Vs. Union of India in SLP No.5580 of 2024 (2024) SCC online 3826 and Shripal & Another Vs. Nagar Nigam, Ghaziabad (2025) SCC online 221, the Hon'ble Supreme Court has held that long-term "ad hocism", is denial of basic parity. The Hon'ble Supreme Court denied the contention of the Respondent that daily wagers and temporary employees cannot claim permanent absorption in the absence of statutory Rules. The Hon'ble Court further stated that the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

20. In the present case, the Petitioner has continuously rendered services over several years. The Hon'ble Supreme Court has held in the case of Shripal & Another (supra) that Indian Labour Law is strongly disfavours perpetual daily-wage or contractual engagements in circumstances, where the work is permanent in nature.

21. Further, the Hon'ble Supreme Court in the case of Jaggo Vs. Union of India (supra) has observed as under:-

"22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, workers and fair treatment. Such practices have been criticized for exploiting undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23.....

24.....

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed employees. These practices manifest in several ways:

Misuse of "Temporary" Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

Arbitrary Temporary Termination: employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

Using Outsourcing as Institutions Shield: to increasingly resort outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

22. The learned counsel for the Respondent argued that no appointment order was issued to the Petitioner, and thus no permanent status is allowable to the Petitioner. But the non-issuance of appointment order does not erase the entitlement of the Petitioner since the Petitioner has worked for several years and not days.

AWARD

In view of the foregoing discussion, the appeal filed by the Petitioner is liable to be allowed with the following directions:-

The Petitioner's service shall stand regularized with effect from the date of removal/denial from service and the Petitioner shall be reinstated into service within a period of three months with 50% back wages and consequential & other attendant benefits.

The reference is answered accordingly.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2046.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य परियोजना प्रबंधक, त्रिची पडालूर टोलवेज प्राइवेट लिमिटेड, समयपुरम, त्रिची के प्रबंधन के संबद्ध नियोजकों और महासचिव, तमिलनाडु टोलगेट कर्मचारी संघ, चिंताद्रीपेट, चेन्नई के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 7/2023) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/263-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2046.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/2023) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chief Project Manager, Trichy Padalur Tollways Pvt. Ltd., Samayapuram, Trichy** and **The General Secretary, Tamilnadu Tollgate Employees Federation, Chintadripet, Chennai.**

[No. L-42025/07/2025/263- IR DU]

SALONI, Dy. Director

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL****TRIBUNAL- CUM - LABOUR COURT****CHENNAI****ID No. 7/2023****Present: SUSHIL KUMAR, PRESIDING OFFICER****Date: 28-10-2025**

The General Secretary,
Tamilnadu Tollgate Employees Federation,
Tamilnadu General Workers Union,
KTK Thangamani Illam,
No.2/1, Kovur Vaithiyanathan Street,
Chintadripet, Chennai – 600 002 : 1st Party/Petitioner

AND

The Chief Project Manager,
Trichy Padalur Tollways Pvt. Ltd.,
Sy/96, Opp. Sowmiya Nagar,
Chennai Main Road,
Samayapuram, Trichy – 621 112 : 2nd Party Respondent

Appearance:For the 1st Party/Petitioner : None

For the Respondent : M/s. Indhu Karunakaran

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-42011/232/2022-IR(DU) dated 27.01.2023 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the claim of Tamilnadu Tollgate Employees Federation, Chennai vide letter dated 27.11.2021 that 22 employees (list attached) are retrenched illegally by the management of Trichy Padalur Tollways Pvt. Ltd.,” is proper, legal and justified? If yes, to what relief are the disputant entitled and what other directions, if any, are necessary in the matter?”

2. On receipt of the above reference dated 27.01.2023 from the appropriate Government, the dispute was registered as ID No. 7/2023 and due notices were issued to both the parties for their appearance fixing the case to 02.05.2023. Neither the Petitioner nor any Counsel / Authorized Representative turned up resulting further adjournments to 03.07.2023 and 01.08.2023. The Petitioner did not turn up whereas the 2nd Party / Respondent filed Vakalat Nama. It reveals from the body of reference that while the appropriate Govt. sent the reference dated 27.01.2023 to this Tribunal for adjudication, copies of the reference were sent to the Petitioner and all the opposite parties. It is therefore well presumed that both parties must have received the reference. Even then, in the interest of justice, the Petitioner was once again directed to appear and to file claim statement fixing the case to 02.07.2025 and 25.08.2025. The Petitioner did not turn up nor was any authorized representative of the counsel on his behalf present. The claim statement was not furnished in any manner by the Petitioner. The Respondent was present. It reveals the Petitioner, despite of sufficient opportunity choose not to appear or to file claim statement and documents.

3. In the circumstance it deems proper not to re-list the case for the same purpose to any other date which would be wastage of the valuable time of this Tribunal. The case was reserved for Final Order.

4. In view of the discussion held supra, it is crystal clear that the petitioner has got no interest to proceed with the case. Thus, the Tribunal is not in a position to adjudicate the dispute as referred by the Appropriate Government, as there exists no Industrial Dispute for adjudication as per the reference.

5. In the result the reference is answered against the petitioner.

An Award is passed accordingly.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2047.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मुख्य पोस्टमास्टर जनरल, भारत संघ, तमिलनाडु मंडल, चेन्नई; वरिष्ठ प्रबंधक, मेल मोटर सेवा, चेन्नई के प्रबंधन के संबद्ध नियोजकों और श्री जी. वेंकटेशन, विल्लुपुरम, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 33/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/247-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2047.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. **33/2018**) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Chief Postmaster General, Union of India, Tamilnadu Circle, Chennai; The Senior Manager, Mail Motor Service, Chennai** and **Shri G.Venkatesan, Villupuram**, worker.

[No. L-42025/07/2025/247- IR DU]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Date: 30-10-2025

Present: SUSHIL KUMAR-II,
PRESIDING OFFICER

I.D. No. 33/2018

BETWEEN

Shri G.Venkatesan,
 S/o.G.Govindasamy,
 No.736, Main Road Colony,
 Kilmalaiyanur Village,
 Thathapuram Post,
 Tindivanam Taluk,
 Villupuram Dist.-604 207.

1st Party/ Petitioner

AND

1.The Chief Postmaster General
 Union of India, Tamilnadu Circle,
 Anna Salai, Chennai-600 002.
 2.The Senior Manager,
 Mail Motor Service,
 New No.37, (Old No.16/1),
 Greams Road, Thousand Lights,
 Chennai-600 006.

2ⁿ Party/Respondents

Appearance:

For the 1 st Party/ Petitioner	:	M/s.R.Malaichamy, Advocates
For the 2 nd Party/ Respondents	:	M/s.M.Kumar, Advocates

The Petitioner filed this petition u/s.2A of the Industrial Disputes Act, 1947 directly seeking relief of regularization into service of the Respondent with continuity of service, back wages and other attendant benefits.

2. As per the claim statement, the case of the Petitioner is that he is qualified for heavy vehicle driver and was engaged by the Respondent as driver from March, 2006 without any break. The Respondent denied work to the Petitioner from January, 2015. The respondent has called for candidates to fill up the vacant post in the cadre of driver in the year 2008 and the Petitioner has also applied to the same. But, the respondent did not send any call letter to the Petitioner for interview. But, the respondent has engaged him from time to time in the leave vacancy places and thus, the Petitioner worked for more than three years in the Respondent office and therefore, he is entitled for absorption as driver. Therefore, the action of the respondent/Management in removing the Petitioner from service without any order or notice amounts to violation of principles of natural justice u/s.25F of the Industrial Disputes Act, 1947. Therefore, it is prayed that Respondent may be directed to reinstate the Petitioner into service with a direction to absorb him on regular basis with back wages and other attendant benefits.

4. In the counter statement, the Respondent stated that Petitioner is only a casual employee and at no point of time, there was employer-employee relationship. The Petitioner was engaged as an outsider for short spells in respect of driving duty on daily wage basis. No order of appointment or engagement was issued to the Petitioner. The casual labourers in employment up to 01.09.1993 were only eligible to be conferred with temporary status. The Petitioner was neither engaged through employment exchange nor for any regular work or against any regular

vacancy and is not possessing requisite eligibility criteria for consideration. The wages to the Petitioner were paid as per recommendations of District Collectorate. The same was drawn and paid as per envisaged norms from time to time. Therefore, the Petitioner is not entitled to any relief and the claim of the Petitioner is liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner :

WW1 Mr. G.Venkatesan

For the 2nd Party/Management :

MW1 Shri D.K.Srinivasa Rao,

Assistant Manager

Documents Marked:

On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	03.07.1992	School transfer certificate
Ex.W2	30.06.1995	Driving license Tindivanam
Ex.W3	27.11.2009	Community certificate
Ex.W4	18.12.2009	Notification issued by Respondent
Ex.W5	11.01.2010	Conduct and character certificate
Ex.W6	25.02.2010	Call letter for selection by 2 nd Respondent
Ex.W7	02.08.2010	Representation of the Petitioner
Ex.W8	04.10.2013	Letter of SSPOs CC South Dn.Chennai
Ex.W9	20.10.2015	Letter of Director (MV) New Delhi
Ex.W10	25.01.2016	Representation of the Petitioner
Ex.W11	01.03.2016	Letter of 1 st Respondent
Ex.W12	23.02.2017	Petition u/s.2A of Industrial Disputes Act, 1947 before conciliation officer
Ex.W13	14.03.2017	Letter of Assistant Labour Commissioner(C)-II
Ex.W14	April, 2017	Reply by opposite parties before conciliation officer
Ex.W15	18.05.2017	Letter of Assistant Labour Commissioner(C)-II
Ex.W16	21.07.2017	Notification issued by Respondents
Ex.W17	02.08.2017	Certificate of conciliation officer and Assistant Labour Commissioner(C)-II, Chennai.

Documents Marked:

On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	18.12.2009	Copy of Notification for 11 posts (for T/s Driver) issued by Department of Post in newspaper
Ex.M 2	25.02.2010	Copy of call letter issued for section for the post of T/s driver vide MSE/B-9/XXVII
Ex.M3	01.03.2006	Copy of reply given to Sri G.Venkatesan for his representation 14.01.2016 vide CO letter No.STO 1-290/2014
Ex.M4	2017	Copy of petition 2017 filed by Petitioner u/s./2A(2) of I.D before Commissioner of Labour (conciliation)
Ex.M5`	2017	Copy of reply statement filed by Department for petition filed by Petitioner

Ex.M6	19.07.2017	Copy of Notification for 11 posts for staff car driver Ordinary Grade issued by Department in newspaper
Ex.M7	02.07.2017	Copy of proceedings before Asst. Labour Commissioner (Central)
Ex.M8	02.08.2017	Copy of certificate issued by conciliation officer

5. The Petitioner has submitted proof of affidavit in support of his claim and adduced oral evidence as WW1 and documents filed by his were marked as Ex.W1 to W17. The Respondent has also filed its proof of affidavit and Shri R.Swaminathan, Assistant Chief Accounts Officer was examined as MW1 and documents on behalf of respondent were marked as Ex.M1 to M8.

6. Heard the learned counsel appearing for either side and perused the records. The point that arises for consideration is "whether the employee of the Respondent is entitled for reinstatement into service along with all benefits against the management of Department of Postal Accounts & Finance? If not to what relief the concerned workman is entitled?"

7. The Petitioner Shri G.Venkatesan has stated in his claim statement that he had entered into service of the Respondent in the year 2006. The fact of continuous service is established by the Petitioner by adducing oral evidence as WW1 and filing proof of affidavit and the documents which were marked as Ex.W1 to W17.

8. The Respondent in its reply admitted this fact that Petitioner was engaged with the Department, but stated that engagement was on daily wage basis. The Petitioner was not a permanent employee and there was no employer-employee relationship exists between the Respondent and the Petitioner. The Respondent further stated that no appointment or engagement order was issued to the Petitioner and as per circular dated 01.11.1995 and 08.11.1995, casual labourers in employment upto 01.09.1993 were only eligible to be conferred with temporary status and the Petitioner was not working on 01.09.1993 with the Department and therefore, they are not entitled for any absorption.

9. The learned counsel for the Respondent further submits that Multi Tasking Staff Recruitment Rules, 2010 dated 12.12.2010 is not applicable to the Petitioner. As per circular dated 01.11.1995 and 08.11.1995 the following conditions must be fulfilled:-

- Temporary status on or before 01.09.1993;
- Full time casual labourer engaged on or before 01.09.1993 &
- Part-time casual labourer engaged on or before 01.09.1993.

10. The learned counsel for the Respondent contended that Petitioner was not engaged through employment exchange and no appointment letter was issued. He further stated that assumption of the Petitioner that he/she works against the post of MTS is incorrect. The learned counsel further stated that there was no relationship of employer-employee between the Respondent and Petitioner, hence the question of notice or protection u/s.25F of the Industrial Disputes Act, 1947 does not arise.

11. On behalf of the Respondent a circular dated 17.05.1989 has been filed which is marked as Ex.M1, and it clarifies the position of casual labourers and part-time casual labourers in para 2, which reads as under:-

"2. It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under different designations (mazdoor casual labourer, contingent paid staff, daily wagger, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued."

12. The Petitioner in the claim statement stated that the work was performed for a period of more than eight hours per day. The Respondent witness MW1 in his oral evidence nowhere stated that Petitioner did not perform the work about eight or more than 8 hours per day.

13. The Respondent submitted another circular dated 11.09.1991 which is marked as Ex.M2. The subject of this circular is Casual Labourers (Grant of Temporary Status and Regularization) Scheme. This circular did not suggest date of appointment of the labourers which means this circular does not impose a condition that the casual labour must be in service on a particular date.

14. The another circular issued by Respondent, Department of Posts, dated 27.11.1995 marked as Ex.M3, which suggests that full time casual labourers recruited after 29.11.1989 upto 10.09.1993 may also be considered for grant of benefits under the scheme. This circular later specified the particular date i.e., 10.09.1993.

15. The next document marked as Ex.M5 dated 19.11.2010, which states that no casual labour shall be engaged in the administrative office with effect from 01.12.2010. This circular further stated that since the duties of waterman, watch & ward, gardening, cleaning etc. are now part of duties assigned to MTS, the existing practice of engaging casual labourers as waterman, gardener, watch and ward or any other category shall be dispensed with from 01.12.2010. The Petitioner was engaged prior to this circular dated 19.11.2010.

16. The next document filed by the Respondent and marked as Ex.M6 is a circular issued by Ministry of Communications & IT, Department of Posts dated 27.01.2011 regarding filling up of vacancies on the basis of latest recruitment rules for the post of MTS, wherein it was directed to observe the following conditions:-

“i) (a) 25% by appointment of Casual Labourers conferred with temporary status on the basis of Selection-cum-seniority failing which by,

(b) Appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority failing which by,

(c) Appointment of existing part-time Casual Labourers, engaged on or before 1.9.1993, on the basis of selection-cum-seniority failing which by,

(d) Direct recruitment as per the scheme circulated by the Department of Posts from time to time.

ii). 75% by direct recruitment as per the scheme circulated by the Department of Posts from time to time.”

17. This circular clearly suggests that 25% of persons must be appointed from casual labourers, who has been conferred with temporary status on the basis of selection-cum-seniority. The second condition suggests appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority. The third condition suggests that appointment of existing part-time Casual Labourers, engaged on or before 01.09.1993, on the basis of selection-cum-seniority.

It is true that the Respondent department never constituted any committee to select persons who conferred with temporary status by preparing list of selection cum seniority.

18. All the circulars issued by Department of Posts suggest that since the Petitioner was not in service on 01.09.1993, he/she is not entitled for absorption. In the case of Dharam Singh Vs State of U.P & Another in Civil Appeal No.8558 of 2018 dated 19.08.2025, the Hon'ble Supreme Court has held as under:-

“17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.”

19. In the case of Jaggo Vs. Union of India in SLP No.5580 of 2024 (2024) SCC online 3826 and Shripal & Another Vs. Nagar Nigam, Ghaziabad (2025) SCC online 221, the Hon'ble Supreme Court has held that long-term “ad hocism”, is denial of basic parity. The Hon'ble Supreme Court denied the contention of the Respondent that daily wagers and temporary employees cannot claim permanent absorption in the absence of statutory Rules. The Hon'ble Court further stated that the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

20. In the present case, the Petitioner has continuously rendered services over several years. The Hon'ble Supreme Court has held in the case of Shripal & Another (supra) that Indian Labour Law is

strongly disfavors perpetual daily-wage or contractual engagements in circumstances, where the work is permanent in nature.

21. Further, the Hon'ble Supreme Court in the case of Jaggo Vs. Union of India (supra) has observed as under:-

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, workers

and and fair treatment. Such practices have been criticized for exploiting undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23.....

24.....

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed employees. These practices manifest in several ways:

Misuse of "Temporary" Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

Arbitrary Temporary Termination: employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

Using Outsourcing as Institutions Shield: to increasingly resort outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

22. The learned counsel for the Respondent argued that no appointment order was issued to the Petitioner, and thus no permanent status is allowable to the Petitioner. But the non-issuance of appointment order does not erase the entitlement of the Petitioner since the Petitioner has worked for several years and not days.

AWARD

In view of the foregoing discussion, the appeal filed by the Petitioner is liable to be allowed with the following directions:-

The Petitioner's service shall stand regularized with effect from the date of removal/denial from service and the Petitioner shall be reinstated into service within a period of three months with 50% back wages and consequential & other attendant benefits. Ordered accordingly.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2048.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंधक (टोल), ईगल दीप त्रिची बाईपास टोलवेज इंडिया प्राइवेट लिमिटेड, पुदुकोट्टई, प्रबंधक (मानव संसाधन), ईगल दीप त्रिची बाईपास टोलवेज इंडिया प्राइवेट लिमिटेड, पुदुकोट्टई, भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, पोन्नगर, त्रिचिरापल्ली, श्री साई एंटरप्राइजेज इंडिया प्राइवेट लिमिटेड, पुदुकोट्टई के प्रबंधन के संबद्ध नियोजकों और श्री के. मणि, पुदुकोट्टई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 40/2018) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/249-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2048.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. **40/2018**) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Manager(Toll), Eagle Deep Trichy By-pass Tollways India Private Ltd., Pudukottai, The Manager (HR), Eagle Deep Trichy By-pass Tollways India Private Ltd, Pudukottai, National Highways Authority of India, Ponnagar, Trichirapalli, Sri Sai Enterprises India Pvt. Ltd., Pudukottai** and **Shri K. Mani, Pudukottai**, worker.

[No. L-42025/07/2025/249- IR DU]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Date: 17-10-2025

Present: SUSHIL KUMAR-II,
PRESIDING OFFICER

I.D. No.40/2018

BETWEEN

Shri K.Mani,
S/o. Karuppiah,
Toll Operator(under Termination)
Boothakudi Toll Plaza,
511, Akkal Naickenpatti,
Velur Post-621 316.

Viralimalai Taluk, Pudukottai Dist. : 1st Party/ Petitioner

AND

1.The Manager(Toll)

Eagle Deep Trichy By-pass Tollways India Private Ltd
Boothakudi Toll Plaza,
Rajanaickanpatti Post
Viralimalai Taluk,
Pudukottai District-621 316

2.The Manager (HR)

Eagle Deep Trichy By-pass Tollways India Private Ltd
Boothakudi Toll Plaza,
Rajanaickanpatti Post
Viralimalai Taluk,
Pudukottai District-621 316

3. National Highways Authority of India

6/44, 3rd Main Road, Ponnagar,
Trichirapalli-620 001.

4. Sri Sai Enterprises India Pvt.Ltd.

Boothakudi Toll Plaza,
Rajanaickanpatti Post

Viralimalai Taluk,

Pudukottai District-621 316.

: 2ⁿ Party/Respondents**Appearance:**For the 1st Party/ Petitioner

:

M/s. Balan Haridas, Advocates

For the 2nd Party/ Respondents No.1 to 4: None

The Petitioner has filed this petition u/s.2A of the Industrial Disputes Act, 1947, directly seeking relief of reinstatement into service of the Respondent No.1, by setting aside the termination order dated 17.07.2017, with consequential benefits.

2. Brief facts of the case are that the Petitioner was engaged by the Respondent No.1 as Toll operator with effect from 22.05.2012. It is stated in the claim statement that establishing toll plaza on the National Highway and collection of toll is responsibility of Respondent No.1. The Petitioner has participated in the union activities and the Respondent was in the habit of blaming and harassing the Petitioner for unfound errors and unsubstantiated charges. The trade unions raised disputes before the Regional Labour Commissioner (Central), Chennai. The Respondents were prejudiced against the Petitioner for such acts. While so, the Petitioner applied for 10 days leave from 06.07.2017 to 15.07.2017 along with medical certificate of the Doctor. But, the 2nd Respondent issued suspension letter to the Petitioner dated 6th July, 2017 which was received by the Petitioner in the next day by e-mail, wherein the 2nd Respondent has called for explanation to the alleged misconducts stated in the suspension letter. Further, the 2nd Respondent vide letter dated 08.07.2017 informed the Petitioner that leave letter submitted by him has been treated as infructuous for the reasons cited in its letter dated 08.07.2017. Thereafter, the 1st Respondent has issued termination letter dated 17.07.2017. The Petitioner was dismissed without observing principles of natural justice and was denied employment since 17.07.2017. It is gross miscarriage of justice and there was no application of principles of natural justice.

3. The Petitioner raised an industrial dispute before the conciliation officer. The Respondent did not care to attend the conciliation proceedings which is still pending. Therefore, it is prayed that impugned order is liable to be set aside and the Petitioner is to be reinstated into service with all attendant benefits.

Witnesses Examined:

For the First Party Petitioner :

WW1 Shri K.Mani

For the 2nd Party/Management :

NIL

Documents Marked:**On the Petitioner's side:**

Ex.No.	Date	Description
Ex.W1	06.07.2017	Copy of show cause notice issued to the Petitioner by 2 nd Respondent
Ex.W2	06.07.2017	Copy of leave letter by the Petitioner to the 1 st Respondent
Ex.W3	06.07.2017	Copy of medical certificate
Ex.W4	16.07.2017	Copy of fitness certificate
Ex.W5	08.07.2017	Letter issued by 2 nd Respondent to the Petitioner
Ex.W6	12.07.2017	Representation made by the Petitioner
Ex.W7	17.07.2017	Termination letter issued by 2 nd Respondent
Ex.W8	20.07.2017	Representation submitted by the Petitioner to Respondent No.1 and 2.
Ex.W9	24.07.2017	Reply given by the Respondent No.2
Ex.W10	29.07.2017	Letter sent by Petitioner to 2 nd Respondent

Documents Marked:**On behalf of Respondent/Management : NIL**

4. At the time of hearing, none appeared on behalf the Respondents and no document has been filed on their behalf in spite of service of notice. Therefore, the Respondents are set ex-parte and after hearing the learned counsel for the Petitioner and perused records, an Award is being passed in the industrial dispute.

5. The learned counsel for the Petitioner submits that although the Petitioner was issued with suspension letter alleging misconducts against the Petitioner, the same was not proved by the Respondent by filing any document or memo or charge sheet. Therefore, the very basis of alleged misconduct against the Petitioner does not exist in the present case. It appears that the Respondent has reacted against the Petitioner on the false vague allegations. The Respondent never appeared before this Tribunal to controvert the statements given by the Petitioner in his oral evidence and the affidavit. The letter dated 08.07.2017 sent by the 2nd Respondent clearly shows that after suspension, no enquiry officer was appointed and no opportunity was provided to the Petitioner. Therefore, the order of termination issued by the Respondent is in violative of the principles of natural justice.

5. The next question for determination that arises is whether the Petitioner is an employee of the National Highways Authority of India, who is the principal employer.

6. In the statement of claim, the Petitioner himself stated that he was appointed by the Respondent No.1 and not by Respondent No.3. The Respondent No.3 has provided a contract to Respondent No.1 and 2. The employee was appointed under the supervision of Respondent No.2. Thus, the Petitioner is not an employee of Respondent No.3 i.e., National Highways Authority of India.

7. The next point for determination that arises is what relief the Petitioner is entitled to?

8. The Petitioner stated in his claim statement that after amendment, Respondent No.4 i.e., Sri Sai Enterprises India Private Limited has taken over the charge of Toll Plaza. The Respondent No.4 is an independent contractor and it was not employer of the Petitioner. Therefore, it cannot be said that Respondent No.4 has the liability to employ the persons who were appointed by the prior contractor. Therefore, the Respondent No.4 is not liable to provide service or job to the Petitioner. The Respondent No.1 and 2 are no more contractors of National Highways Authority of India. Therefore, it is not possible to pass an order of reinstatement to the Petitioner in the job. But, since the Petitioner was not provided neither any opportunity nor issued one month notice or one month salary in lieu of notice as provided under section 25F of the Industrial Disputes Act, 1947, is entitled for compensation amount of Rs.5.00 lakhs.

AWARD

In the given circumstances of the case, in my view, ends of justice would meet, if an order of pay compensation is passed amounting to Rs.5,00,000/- (Rupees Five Lakhs only) by the Respondent No.1 & 2 to the Petitioner, in lieu of order of reinstatement into service. Ordered accordingly. The appeal is allowed on the above terms.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2049.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार प्रबंधन, फीडबैक ब्रिसा हाईवेज़ ओएमटी प्राइवेट लिमिटेड, गुडगांव; मुख्य परिचालन प्रभारी, फीडबैक ब्रिसा हाईवेज़ ओएमटी प्राइवेट लिमिटेड, विकारवंडी, विल्लुपुरम के प्रबंधन के संबद्ध नियोजकों और श्री आर. अय्यप्पन, विल्लुपुरम, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 6/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/246-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2049.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 6/2017) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The Management, Feedback Brisa Highways OMT Private Ltd., Gurgaon; The Chief Operational In-charge, Feedback Brisa Highways OMT Private Ltd., Vikaravandi, Villupuram** and **Shri R. Ayyappan, Villupuram, worker.**

[No. L-42025/07/2025/246- IR DU]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Date: 15-10-2025

Present: SUSHIL KUMAR-II,

PRESIDING OFFICER

I.D. No. 6/2017

BETWEEN

Shri R.Ayyappan,

No.130/1, Perumal Kovil Street,

Thenkalavoy and Post,

Tindivanan Taluk,

Villupuram Dist. 604 302.

:

1st Party/ Petitioner

AND

1.The Management

Feedback Brisa Highways OMT Private Ltd

15th floor, Tower 9B, DLF Cyber City, Phase -III

Gurgaon-122 002, Haryana State.

2.The Chief Operational In-charge,

Feedback Brisa Highways OMT Private Ltd

CH150+400@NH45. GMR Toll Plaza,

Vikaravandi, Villupuram Dist.-650 652.

:

2ⁿ Party/Respondents

Appearance:

For the 1st Party/ Petitioner

:M/s. Balan Haridas, Advocates

For the 2nd Party/ Respondent No.1 :

M/s. G.Kamaraj, Advocates

For the 2nd Party/Respondent No.2 :

M/s.P.Sivamuruganatham,Advocates

The Petitioner filed this petition u/s.2A of the Industrial Disputes Act, 1947 directly seeking relief of reinstatement into service of the Respondent No.2 by setting aside the order of discharge dated 23.08.2016 with consequential benefits.

2. Brief facts of the case are that the Petitioner was engaged by the Respondent No.2 on 19.03.2015 to manage Toll plaza to collect toll, carrying out maintenance of the road, maintaining electrical lighting and connections, planting and maintaining plants, cleaning roads and providing ambulance service etc. The Respondent denied employment to the Petitioner from 24.08.2016 without assigning any reasons. The Petitioner expressed his protest through letter dated 28.08.2016. Thereafter, the respondent sent charge sheet dated 30.08.2016 alleging that a van bearing no.TN 37 BW 3817 had collided against tanker lorry bearing registration No. TN 01 AX 6675 on the early hours of 09.08.2016 and in the course of rescue the Petitioner along with two other employees had removed self-motor from the van and committed theft of the same. The Petitioner submitted a letter dated 16.09.2016 requesting extension of time, but the Respondent immediately thereafter issued order of suspension cum show cause notice dated 09.09.2016. It was further stated that Shri Kandan (Helper) and R.Ayyappan (Driver) had admitted the guilt of stealing self-motor from the van and the Petitioner did not inform the Respondent/Management about the theft. The Petitioner was provided with two days time for submission of show cause notice in which punishment was proposed. It is submitted that the Petitioner had sent a letter dated 14.09.2016 requesting the respondent to furnish copy of the video and audio recording in respect of preliminary enquiry proceedings, to tender his explanation. He had made it clear that only on furnishing them, he will be able to defend himself. The petitioner also made it clear that he had not committed theft of the self-starter motor and that he came to know about the theft only when the management had been making enquiry on 23.08.2016. The petitioner made it clear that the allegations levelled against him are foisted. The Respondent denied the copy of video and audio enquiry proceedings of Mr.Kandan (Helper) and R.Iyyappan (Driver) vide letter dated 14.09.2016. The Petitioner submitted the explanation on 16.09.2016 and denied

allegations. But the Respondent/Management in a pre-determined mind vide order dated 30.09.2016 discharged the Petitioner from service w.e.f 24.08.2016.

3. It is further stated that charge of theft against the Petitioner is false. The so called confession of Shri Kandan (Helper) and Shri R.Ayyappan (Driver) were not produced. The said two employees do not belong to the Respondent and they are contract employees. The Respondent /Management has relied upon the material, which was not given to the Petitioner and imposed the capital punishment of discharge. This punishment has been imposed by withholding material documents and without conducting proper enquiry and therefore, impugned order is liable to be set aside and the Petitioner is to be reinstated into service with all attendant benefits.

Witnesses Examined:

For the First Party Petitioner : WW1 Shri R.Ayyappan

For the 2nd Party/Management : NIL

Documents Marked:

On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	19.03.2015	Copy of appointment order
Ex.W2	03.08.2016 -	Annual revised CTC w.e.f. 01.09.2015
Ex.W3	03.08.2016	Annual revised CTC w.e.f. 01.04.2016
Ex.W4	30.08.2016	Copy of Chart sheet
Ex.W5	31.08.2016	Enquiry Proceedings of M.Kandan (helper)
Ex.W6	31.08.2016	Enquiry Proceedings of R.Ayyappan, Driver)
Ex.W7	09.09.2016	Enquiry Proceedings of R.Ayyappan, ARPO)
Ex.W8	14.09.2016	Enquiry Proceedings of R.Ayyappan, ARPO)
Ex.W9	14.09.2016	Representation by Petitioner
Ex.W10	16.09.2016	Representation by Petitioner
Ex.W11	30.09.2016	Order of discharge from service

Documents Marked:

On behalf of Respondent/Management : NIL

4. The Petitioner has filed proof of affidavit in support of his claim and adduced oral evidence as WW1 and documents filed by him were marked as Ex.W1 to W9. The Respondents failed to submit any reply to the claim statement in spite of service of notice. Therefore, the Respondent was set ex-parte and heard the learned counsel for the Petitioner. The copy of appointment order dated 19.03.2015 issued to the Petitioner was marked as Ex.W1 which is certified by the Petitioner through oral evidence. Ex.W2 & W3 are marked as annual revised CTC of the Petitioner. Ex.W4 is charge sheet issued the Petitioner (translated copy is available on record). Ex.W5 & W6 are letters sent by Shri M.Kandan, Helper and Mr.R.Ayyappan, Driver to the management giving explanation requesting to remove temporary suspension order. Ex.W7 is copy of suspension order dated 09.09.2016 issued to the Petitioner calling for explanation for the theft by the Disciplinary Authority. Ex.W8 is copy of letter dated 14.09.2016 issued by the Disciplinary Authority to the Petitioner rejecting the requests for extension of time to file reply and also furnishing of video/audio enquiry proceedings of Shri M.Kandan, Helper & R.Ayyappan, Driver. Ex.W9 is copy of letter sent by Petitioner to Disciplinary Authority requesting to furnish video/audio enquiry proceedings of Shri M.Kandan & R.Ayyappan, Driver. Ex.W10 is an explanation dated 16.09.2016 given by Petitioner to Disciplinary Authority requesting to drop the charges as he has no connection with the theft. Ex.W11 is copy of order of discharge dated 30.09.2016 issued to the Petitioner.

5. On perusal of these documents, it is clear that sufficient opportunity was not provided to the Petitioner during the enquiry and the charge of theft is not established. The copy of footage of audio/ video enquiry proceedings in the case of Shri M.Kandan, Helper & R.Ayyappan, Driver was not provided to the Petitioner. The only witness against the Petitioner was the two employees Shri M.Kandan, Helper & R.Ayyappan, Driver. In case, the management wanted to confess the offence of theft and to punish the Petitioner on the basis of statements of Shri M.Kandan, Helper & R.Ayyappan, Driver, it was essential to provide copy of footage of audio/ video in enquiry proceedings.

6. Since the establishment of offence of theft was based on no evidence and without providing material documents to the employee during the enquiry i.e., copy of footage of audio/ video enquiry proceedings in the case of Shri M.Kandan, Helper & R.Ayyappan, Driver, which is in violation of principles of natural justice. Although, the Disciplinary Authority has considered the proportionality of punishment, he has considered grave misconduct of very serious nature such as theft. But, as I discussed above, charge of theft was not established by conducting fair and domestic enquiry before the Enquiry Officer. Since it was essential to adhere to the principles of natural justice while conducting fair enquiry, the copy of audio/video recordings of enquiry proceedings in respect of Shri M.Kandan, Helper & R.Ayyappan, Driver must have been provided to the Petitioner, but it was not provided so. Further, the Petitioner was not given any occasion to cross examine the witnesses, who rendered confessional statement before the management. Therefore, the punishment of discharge from service is disproportionate because the misconduct was not established.

7. The Respondent never appeared before this Tribunal to establish the charge of theft and fairness of enquiry conducted against the Petitioner. If a domestic enquiry is found to be unfair, the enquiry conducted by the Respondent/Management is vitiated and ultimately punishment imposed becomes invalid, consequently, the employee is entitled to reinstatement into service. Since the employer failed to justify its action against the employee, then punishment inflicted is liable to be set aside and workman is entitled to reinstate into service.

8. Now, I have to consider back wages to be payable to the employee. The enquiry conducted by the Respondent is in violative of principles of natural justice and the employer failed to conduct fair and proper enquiry against the employee and even failed to provide extension of time to submit his explanation as requested by the employee. Further, the Respondent/Management considered the act of Petitioner as criminal in nature and if it is an act of theft, no FIR was registered against the employee and since, it is not essential to seek criminal prosecution of the employee, the Respondent/Management chose to initiate departmental action. But, while taking departmental action, no fair and proper enquiry was conducted against the Petitioner. In the case of Shankar Dass Vs Union of India (1985) SC 772, wherein the Hon'ble Supreme Court held that penalty of dismissal from service imposed upon delinquent clerk is whimsical and the power was not exercised fairly, justly and reasonably. Applying the above ratio to the present case, since the departmental enquiry conducted by the Respondent/Management against the employee is unfair, the order of punishment imposed upon the Petitioner i.e., order of discharge dated 30.09.2016 becomes invalid in the eye of law.

AWARD

The appeal filed by the Petitioner is allowed. The Petitioner is entitled for reinstatement into service of the Respondent No.2 with full back wages. The Respondent No.2 is directed to implement the Award within a period of one month from the date of receipt of this order.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2050.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **केन्द्रीय लोक निर्माण विभाग** के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं **I दिल्ली** के पंचाट (42/2023) प्रकाशित करती है।

[सं. एल -12025/01/2025-आईआर-(बी-I) -138]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2050.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 42/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. I Delhi* as shown in the Annexure, in the industrial dispute between the management of **CPWD** and their workmen.

[No. L-12025/01/2025- IR (B-I)-138]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1,
NEW DELHI.

ID No. 42/2023

Shri Jhulena Manjhi, 60 C, Sector-4, Pushp Vihar, South Delhi-110017.

...Claimant

Versus

1. Executive Engineer, CPWD Electrical, Schedule-B, Cabinet Secretariat, CGO Complex, New Delhi-110003.
2. M/s R.D. Engineers, A-1/409, Madhu Viharm Dwarka, New Delhi-110059.

...Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-ND.96(21)/ID(2A)2022-DY.CLC dated 20.01.2023 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

'Whether the service of Sh. Jhulena Manjhi, Ex. Electrician, has been terminated w.e.f. 22.10.2021 illegally and/or unjustifiably by the management of M/s R.D. Engineers? If yes, what relief the workman concerned is entitled to and what directions are necessary in this respect?'

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favor of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 30.10.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2051.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केंद्रीय लोक निर्माण विभाग के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं I दिल्ली के पंचाट (43/2023) प्रकाशित करती है।

[सं. एल -12025/01/2025-आईआर-(बी-I) -139]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2051.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 43/2023) of the Cent.Govt.Indus.Tribunal-cum-Labour Court No. I Delhi as shown in the Annexure, in the industrial dispute between the management of CPWD and their workmen.

[No. L-12025/01/2025- IR(B-I)-139]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT DELHI - 1,
NEW DELHI.

ID No. 43/2023

Shri Devendra Kumar Beniwal, Gopipur, Hindaun City, Mandawara, Karauli, Rajasthan-322230.

...Claimant

Versus

1. Executive Engineer, CPWD Electrical, Schedule-B, Cabinet Secretariat, CGO Complex, New Delhi-110003.
2. M/s R.D. Engineers, A-1/409, Madhu Viharm Dwarka, New Delhi-110059.

...Management

AWARD

1. In the present case, a reference was received from the appropriate Government vide letter No-ND.96(22)/ID(2A)2022-DY.CLC dated 20.01.2023 under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Act, for adjudication of a dispute, terms of which are as under:

SCHEDULE

'Whether the service of Sh. Devendra Kumar Beniwal, Ex. Fire Operator, has been terminated w.e.f. 16.01.2022 illegally and/or unjustifiably by the management of M/s R.D. Engineers? If yes, what relief the workman concerned is entitled to and what directions are necessary in this respect?'

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Claimant union opted not to file the claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article sent to the claimant, referred above, was received back nor was it observed by the Tribunal that postal services remained unserved in the period, referred above. Therefore, every presumption lies in favor of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor he led any evidence so as to prove his cause against the management, this Tribunal is left with no choice, except to pass a 'No Dispute/Claim' award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Date: 30.10.2025

ATUL KUMAR GARG, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2052.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर; निदेशक, डाक लेखा, कार्यालय महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर के प्रबंधतंत्र के संबद्ध नियोजकों और श्रीमती बी. मायमून, चेन्नई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट(संदर्भ संख्या- 138/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/250-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2052.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. **138/2019**) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Postal Accounts & Finance, Egmore; The Director Postal Accounts, O/o. General Manager, Postal Accounts & Finance, Egmore** and **Smt. B. Mymoon, Chennai**, worker.

[No. L-42025/07/2025/250- IR DU]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Date: 30-10-2025

Present: SUSHIL KUMAR-II,
PRESIDING OFFICER

I.D. No. 138/2019

BETWEEN

Smt. B.Mymoon,

W/o. Buhari,

No.17, Koya Arunagiri Street,

Royapettah, Chennai-600 005.

:

1st Party/ Petitioner

AND

1.The General Manager,

Postal Accounts & Finance,

Tamil Nadu Circle, Ethiraj Salai,

Egmore-600 008.

2.The Director Postal Accounts,,

O/o. General Manager,

Postal Accounts & Finance,

Tamil Nadu Circle, Ethiraj Salai,

Egmore-600 008.

:

2ⁿ Party/Respondents

Appearance:

For the 1st Party/ Petitioner

:

M/s.R.Malaichamy, Advocates

For the 2nd Party/ Respondents

:

M/s.M.Kumar, Advocates

The Deputy Chief Labour Commissioner (Central), Chennai, (Ministry of Labour & Employment) vide its Order No. M.No.8/1/2019-A1 dated 21.11.2019 referred the following Industrial Dispute to this Tribunal for adjudication.

2. The schedule mentioned in that order is:

“Whether the demand of Ms.B.Mymoon along with all benefits against the management of Department of Postal Accounts and Finance is legal and justified? If not, to what relief the concerned workwoman is entitled to?”

3. As per the claim statement, the case of the Petitioner is that she entered as casual labourer in the 2nd Party/Management and was engaged against MTS vacancy. She performed her duties of weeding out, arranging old records, maintaining office premises, gardening and scavenging. The Petitioner was engaged in the year 2008 and as per instructions of Department of Post vide letter No.65-24/88-SPB-I dated 17.05.1989, she is entitled to absorption as MTS, since she has completed more than 10 years service as casual labourer. However, the Petitioner was denied work w.e.f 18.07.2018. therefore, the action of the respondent/Management in removing the

Petitioner from service without any order, notice amounts to violation of principles of natural justice u/s.25F of the Industrial Disputes Act, 1947. Therefore, it is prayed that Respondent may be directed to reinstate the Petitioner into service with a direction to absorb her on regular basis with back wages and other attendant benefits.

4. In the counter statement, the Respondent stated that Petitioner is only a casual employee and at no point of time, there was employer-employee relationship. The Petitioner was engaged as an outsider for short spells in respect of housekeeping and allied duties on daily wage basis and against any MTS vacancy. No order of appointment or engagement was issued to the Petitioner. The casual labourers in employment up to 01.09.1993 were only eligible to be conferred with temporary status. The Petitioner was neither engaged through employment exchange nor for any regular work or against any regular vacancy and is not possessing requisite eligibility criteria for consideration against MTS post. The wages to the Petitioner were paid as per recommendations of District Collectorate. The same was drawn and paid as per envisaged norms from time to time. Therefore, the Petitioner is not entitled to any relief and the claim of the Petitioner is liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner : WW1 Mrs. B.Mymoon
 For the 2nd Party/Management : MW1 Shri R.Swaminathan,
 Asst. Chief Accounts Officer

Documents Marked:

On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	17.05.1989	Instructions issued by Postal Directorate
Ex.W2	27.04.2000	Remuneration payable to full-time / part time casual labourer.
Ex.W3	11.09.2009	Pay receipts
Ex.W4	30.11.2010	Instruction regarding engagement of casual labourers
Ex.W5	17.07.2012	Certificate issued by Assistant Accounts Officer office of Respondents
Ex.W6	17.06.2016	OM issued by Postal Directorate
Ex.W7	28.11.2016	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W8	15.03.2017	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W9	31.03.2017	OM issued by Postal Directorate
Ex.W10	09.01.2018	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W11	23.08.2018	Petition u/s.2A of Industrial Disputes Act, 1947
Ex.W12	25.09.2018	Parawise comments filed by Asst.Chief Accounts Officer
Ex.W13	05.10.2018	Minutes of conciliation proceedings
Ex.W14	30.10.2018	Minutes of conciliation proceedings
Ex.W15	12.11.2018	Rejoinder by 1 st Party to the parawise comments filed by 2 nd respondent
Ex.W16	30.04.2019	Minutes of conciliation proceedings
Ex.W17	09.05.2019	Minutes of conciliation proceedings
Ex.W18	-	Common representation by the Petitioner and others to conciliation officer with service details
Ex.W19	18.07.2019	Minutes of conciliation proceedings
Ex.W20	15.10.2019	Letter of Regional Labour Commissioner , Chennai to the Deputy Chief Labour Commissioner(C), Chennai.
Ex.W21	11.12.2019	Copy of notice

Documents Marked:On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	17.05.1989	Directorate Lr.No.65-24/88-SPB-I
Ex.M 2	12.04.1991	Directorate Lr.No.45-95/87-SPB-I
Ex.M3	1.11.1995& 08.11.1995	Lr.No.66-52/92-SEP I
Ex.M4	09.09.2009	Postal Directorate Lr.No.1-10/2009/PCC
Ex.M5	19.11.2010	Postal Directorate Lr.No.4-4/2009/PCC
Ex.M6	27.01.2011	DOP Lr.No.45-2/2011-SPB-I
Ex.M7	09.07.2019	Lr.No.878/Admn/EA VII/CL/Petition/19-20

5. The Petitioner has submitted proof of affidavit in support of her claim and adduced oral evidence as WW1 and documents filed by her were marked as Ex.W1 to W21. The Respondent has also filed its proof of affidavit and Shri R.Swaminathan, Assistant Chief Accounts Officer was examined as MW1 and documents on behalf of respondent were marked as Ex.M1 to Ex.M7

6. Heard the learned counsel appearing for either side and perused the records. The point that arises for consideration is “whether the employee of the Respondent is entitled for reinstatement into service along with all benefits against the management of Department of Postal Accounts & Finance? If not to what relief the concerned workman is entitled?”

7. The Petitioner Mrs.B.Mymoon has stated in her claim statement that she had entered into service of the Respondent in the year 2008. The fact of continuous service is established by the Petitioner by adducing oral evidence as WW1 and filing proof of affidavit and the documents which were marked as Ex.W1 to W21.

8. The Respondent in its reply admitted this fact that Petitioner was engaged with the Department, but stated that engagement was on daily wage basis and not against any MTS vacancies. The Petitioner was not a permanent employee and there was no employer-employee relationship exists between the Respondent and the Petitioner. The Respondent further stated that no appointment or engagement order was issued to the Petitioner and as per circular dated 01.11.1995 and 08.11.1995, casual labourers in employment upto 01.09.1993 were only eligible to be conferred with temporary status and the Petitioner was not working on 01.09.1993 with the Department and therefore, they are not entitled for any absorption.

9. The learned counsel for the Respondent further submits that Multi Tasking Staff Recruitment Rules, 2010 dated 12.12.2010 is not applicable to the Petitioner. As per circular dated 01.11.1995 and 08.11.1995 the following conditions must be fulfilled:-

- Temporary status on or before 01.09.1993;
- Full time casual labourer engaged on or before 01.09.1993 &
- Part-time casual labourer engaged on or before 01.09.1993.

10. The learned counsel for the Respondent contended that Petitioner was not engaged through employment exchange and no appointment letter was issued. He further stated that assumption of the Petitioner that he/she works against the post of MTS is incorrect. The learned counsel further stated that there was no relationship of employer-employee between the Respondent and Petitioner, hence the question of notice or protection u/s.25F of the Industrial Disputes Act, 1947 does not arise.

11. On behalf of the Respondent a circular dated 17.05.1989 has been filed which is marked as Ex.M1, and it clarifies the position of casual labourers and part-time casual labourers in para 2, which reads as under:-

“2. It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under different designations (mazdoor casual labourer, contingent paid staff, daily wager, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued.”

12. The Petitioner in the claim statement stated that the work was performed for a period of more than eight hours per day. The Respondent witness MW1 in his oral evidence nowhere stated that Petitioner did not perform the work about eight or more than 8 hours per day.

13. The Respondent submitted another circular dated 11.09.1991 which is marked as Ex.M2. The subject of this circular is Casual Labourers (Grant of Temporary Status and Regularization) Scheme. This circular did not suggest date of appointment of the labourers which means this circular does not impose a condition that the casual labour must be in service on a particular date.

14. The another circular issued by Respondent, Department of Posts, dated 27.11.1995 marked as Ex.M3, which suggests that full time casual labourers recruited after 29.11.1989 upto 10.09.1993 may also be considered for grant of benefits under the scheme. This circular later specified the particular date i.e., 10.09.1993.

15. The next document marked as Ex.M5 dated 19.11.2010, which states that no casual labour shall be engaged in the administrative office with effect from 01.12.2010. This circular further stated that since the duties of waterman, watch & ward, gardening, cleaning etc. are now part of duties assigned to MTS, the existing practice of engaging casual labourers as waterman, gardener, watch and ward or any other category shall be dispensed with from 01.12.2010. The Petitioner was engaged prior to this circular dated 19.11.2010.

16. The next document filed by the Respondent and marked as Ex.M6 is a circular issued by Ministry of Communications & IT, Department of Posts dated 27.01.2011 regarding filling up of vacancies on the basis of latest recruitment rules for the post of MTS, wherein it was directed to observe the following conditions:-

“i) (a) 25% by appointment of Casual Labourers conferred with temporary status on the basis of Selection-cum-seniority failing which by,

(b) Appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority failing which by,

(c) Appointment of existing part-time Casual Labourers, engaged on or before 1.9.1993, on the basis of selection-cum-seniority failing which by,

(d) Direct recruitment as per the scheme circulated by the Department of Posts from time to time.

ii). 75% by direct recruitment as per the scheme circulated by the Department of Posts from time to time.”

17. This circular clearly suggests that 25% of persons must be appointed from casual labourers, who has been conferred with temporary status on the basis of selection-cum-seniority. The second condition suggests appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority. The third condition suggests that appointment of existing part-time Casual Labourers, engaged on or before 01.09.1993, on the basis of selection-cum-seniority.

It is true that the Respondent department never constituted any committee to select persons who conferred with temporary status by preparing list of selection cum seniority.

18. All the circulars issued by Department of Posts suggest that since the Petitioner was not in service on 01.09.1993, he/she is not entitled for absorption. In the case of Dharam Singh Vs. State of U.P & Another in Civil Appeal No.8558 of 2018 dated 19.08.2025, the Hon'ble Supreme Court has held as under:-

“17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.”

19. In the case of Jaggo Vs. Union of India in SLP No.5580 of 2024 (2024) SCC online 3826 and Shripal & Another Vs. Nagar Nigam, Ghaziabad (2025) SCC online 221, the Hon'ble Supreme Court has held that long-term “ad hocism”, is denial of basic parity. The Hon'ble Supreme Court denied the contention of the Respondent that daily wagers and temporary employees cannot claim permanent absorption in the absence of statutory Rules. The

Hon'ble Court further stated that the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

20. In the present case, the Petitioner has continuously rendered services over several years. The Hon'ble Supreme Court has held in the case of Shripal & Another (supra) that Indian Labour Law is

strongly disfavors perpetual daily-wage or contractual engagements in circumstances, where the work is permanent in nature.

21. Further, the Hon'ble Supreme Court in the case of Jaggo Vs. Union of India (supra) has observed as under:-

"22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, workers and fair treatment. Such practices have been criticized for exploiting undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23.....

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25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed employees. These practices manifest in several ways:

Misuse of "Temporary" Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

Arbitrary Temporary Termination: employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

Using Outsourcing as Institutions Shield: to increasingly resort outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

22. The learned counsel for the Respondent argued that no appointment order was issued to the Petitioner, and thus no permanent status is allowable to the Petitioner. But the non-issuance of appointment order does not erase the entitlement of the Petitioner since the Petitioner has worked for several years and not days.

AWARD

In view of the foregoing discussion, the appeal filed by the Petitioner is liable to be allowed with the following directions:-

The Petitioner's service shall stand regularized with effect from the date of removal/denial from service and the Petitioner shall be reinstated into service within a period of three months with 50% back wages and consequential & other attendant benefits.

The reference is answered accordingly.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2053.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर; निदेशक, डाक लेखा, कार्यालय महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर के प्रबंधतंत्र के संबद्ध नियोजकों और श्री एम. गोपीनाथन, चेन्नई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 141/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/251-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2053.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 141/2019) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Postal Accounts & Finance, Egmore; The Director Postal Accounts, O/o. General Manager, Postal Accounts & Finance, Egmore and Shri M. Gopinathan, Chennai, worker.**

[No. L-42025/07/2025/251- IR DU]

SALONI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI**

Date: 30-10-2025

**Present: SUSHIL KUMAR-II,
PRESIDING OFFICER**

I.D. No. 141/2019

BETWEEN

Shri M.Gopinathan

S/o. Mani,

No.8, P.M.Durgah, 6th Street,

Lloyds Road,

Chennai-600 005.

:

1st Party/ Petitioner

AND

1.The General Manager,

Postal Accounts & Finance,

Tamil Nadu Circle, Ethiraj Salai,

Egmore-600 008.

2.The Director Postal Accounts,,

O/o. General Manager,

Postal Accounts & Finance,

Tamil Nadu Circle, Ethiraj Salai,

Egmore-600 008.

: 2ⁿ Party/Respondents

Appearance:

For the 1st Party/ Petitioner : M/s.R.Malaichamy, Advocates

For the 2nd Party/ Respondents : M/s.M.Kumar, Advocates

The Deputy Chief Labour Commissioner (Central), Chennai, (Ministry of Labour & Employment) vide its Order No. M.No.8/2/2019-A1 dated 25.11.2019 referred the following Industrial Dispute to this Tribunal for adjudication.

2. The schedule mentioned in that order is:

“Whether the demand of Shri M.Gopinathan for reinstatement along with all benefits against the management of Department of Postal Accounts and Finance is legal and justified? If not, to what relief the concerned workman is entitled to?”

3. As per the claim statement, the case of the Petitioner is that he entered as casual labourer in the 2nd Party/Management in the year 2008 and was engaged against MTS vacancy. The Petitioner performed his duties of weeding out, arranging old records, maintaining office premises, gardening and scavenging. As per instructions of Department of Post vide letter No.65-24/88-SPB-I dated 17.05.1989, he is entitled to absorption as MTS, since he has completed more than 10 years service as casual labourer. However, the Petitioner was denied work w.e.f 13.07.2018. therefore, the action of the respondent/Management in removing the Petitioner from service without any order or notice amounts to violation of principles of natural justice u/s.25F of the Industrial Disputes Act, 1947. Therefore, it is prayed that Respondent may be directed to reinstate the Petitioner into service with a direction to absorb him on regular basis with back wages and other attendant benefits.

4. In the counter statement, the Respondent stated that Petitioner is only a casual employee and at no point of time, there was employer-employee relationship. The Petitioner was engaged as an outsider for short spells in respect of housekeeping and allied duties on daily wage basis and against any MTS vacancy. No order of appointment or engagement was issued to the Petitioner. The casual labourers in employment up to 01.09.1993 were only eligible to be conferred with temporary status. The Petitioner was neither engaged through employment exchange nor for any regular work or against any regular vacancy and is not possessing requisite eligibility criteria for consideration against MTS post. The wages to the Petitioner were paid as per recommendations of District Collectorate. The same was drawn and paid as per envisaged norms from time to time. Therefore, the Petitioner is not entitled to any relief and the claim of the Petitioner is liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner : WW1 Mr. M.Gopinathan

For the 2nd Party/Management : MW1 Shri R.Swaminathan,

Asst.Chief Accounts Officer

Documents Marked:**On the Petitioner's side:**

Ex.No.	Date	Description
Ex.W1	17.05.1989	Instructions issued by Postal Directorate
Ex.W2	27.04.2000	Remuneration payable to full-time / part time casual labourer.
Ex.W3	01.07.2008	Pay receipts
Ex.W4	30.11.2010	Instruction regarding engagement of casual labourers
Ex.W5	17.06.2016	OM issued by Postal Directorate
Ex.W6	28.11.2016	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W7	15.03.2017	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W9	31.03.2017	OM issued by Postal Directorate
Ex.W10	09.01.2018	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W11	23.08.2018	Petition u/s.2A of Industrial Disputes Act, 1947
Ex.W12	25.09.2018	Parawise comments filed by Asst.Chief Accounts Officer
Ex.W13	05.10.2018	Minutes of conciliation proceedings

Ex.W14	30.10.2018	Minutes of conciliation proceedings
Ex.W15	12.11.2018	Rejoinder by 1 st Party to the parawise comments filed by 2 nd respondent
Ex.W16	30.04.2019	Minutes of conciliation proceedings
Ex.W17	09.05.2019	Minutes of conciliation proceedings
Ex.W18	-	Common representation by the Petitioner and others to conciliation officer with service details
Ex.W19	18.07.2019	Minutes of conciliation proceedings
Ex.W20	15.10.2019	Letter of Regional Labour Commissioner , Chennai to the Deputy Chief Labour Commissioner(C), Chennai.
Ex.W21	25.11.2019	Reference made by Deputy Chief Labour Commissioner(C), Chennai
Ex.W22	13.12.2019	Copy of notice

Documents Marked:On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	17.05.1989	Directorate Lr.No.65-24/88-SPB-I
Ex.M 2	12.04.1991	Directorate Lr.No.45-95/87-SPB-I
Ex.M3	1.11.1995& 08.11.1995	Lr.No.66-52/92-SEP I
Ex.M4	09.09.2009	Postal Directorate Lr.No.1-10/2009/PCC
Ex.M5`	19.11.2010	Postal Directorate Lr.No.4-4/2009/PCC
Ex.M6	27.01.2011	DOP Lr.No.45-2/2011-SPB-I
Ex.M7	09.07.2019	Lr.No.878/Admn/EA VII/CL/Petition/19-20

5. The Petitioner has submitted proof of affidavit in support of his claim and adduced oral evidence as WW1 and documents filed by his were marked as Ex.W1 to W22. The Respondent has also filed its proof of affidavit and Shri R.Swaminathan, Assistant Chief Accounts Officer was examined as MW1 and documents on behalf of respondent were marked as Ex.M1 to Ex.M7.

6. Heard the learned counsel appearing for either side and perused the records. The point that arises for consideration is “whether the employee of the Respondent is entitled for reinstatement into service along with all benefits against the management of Department of Postal Accounts & Finance? If not to what relief the concerned workman is entitled?”

7. The Petitioner Shri M. Gopinathan has stated in his claim statement that he had entered into service of the Respondent in the year 2008. The fact of continuous service is established by the Petitioner by adducing oral evidence as WW1 and filing proof of affidavit and the documents which were marked as Ex.W1 to W22.

8. The Respondent in its reply admitted this fact that Petitioner was engaged with the Department, but stated that engagement was on daily wage basis and not against any MTS vacancies. The Petitioner was not a permanent employee and there was no employer-employee relationship exists between the Respondent and the Petitioner. The Respondent further stated that no appointment or engagement order was issued to the Petitioner and as per circular dated 01.11.1995 and 08.11.1995, casual labourers in employment upto 01.09.1993 were only eligible to be conferred with temporary status and the Petitioner was not working on 01.09.1993 with the Department and therefore, they are not entitled for any absorption.

9. The learned counsel for the Respondent further submits that Multi Tasking Staff Recruitment Rules, 2010 dated 12.12.2010 is not applicable to the Petitioner. As per circular dated 01.11.1995 and 08.11.1995 the following conditions must be fulfilled:-

a) Temporary status on or before 01.09.1993;

b) Full time casual labourer engaged on or before 01.09.1993 &

c) Part-time casual labourer engaged on or before 01.09.1993.

10. The learned counsel for the Respondent contended that Petitioner was not engaged through employment exchange and no appointment letter was issued. He further stated that assumption of the Petitioner that he/she works against the post of MTS is incorrect. The learned counsel further stated that there was no relationship of employer-employee between the Respondent and Petitioner, hence the question of notice or protection u/s.25F of the Industrial Disputes Act, 1947 does not arise.

11. On behalf of the Respondent a circular dated 17.05.1989 has been filed which is marked as Ex.M1, and it clarifies the position of casual labourers and part-time casual labourers in para 2, which reads as under:-

“2. It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under different designations (mazdoor casual labourer, contingent paid staff, daily wager, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued.”

12. The Petitioner in the claim statement stated that the work was performed for a period of more than eight hours per day. The Respondent witness MW1 in his oral evidence nowhere stated that Petitioner did not perform the work about eight or more than 8 hours per day.

13. The Respondent submitted another circular dated 11.09.1991 which is marked as Ex.M2. The subject of this circular is Casual Labourers (Grant of Temporary Status and Regularization) Scheme. This circular did not suggest date of appointment of the labourers which means this circular does not impose a condition that the casual labour must be in service on a particular date.

14. The another circular issued by Respondent, Department of Posts, dated 27.11.1995 marked as Ex.M3, which suggests that full time casual labourers recruited after 29.11.1989 upto 10.09.1993 may also be considered for grant of benefits under the scheme. This circular later specified the particular date i.e., 10.09.1993.

15. The next document marked as Ex.M5 dated 19.11.2010, which states that no casual labour shall be engaged in the administrative office with effect from 01.12.2010. This circular further stated that since the duties of waterman, watch & ward, gardening, cleaning etc. are now part of duties assigned to MTS, the existing practice of engaging casual labourers as waterman, gardener, watch and ward or any other category shall be dispensed with from 01.12.2010. The Petitioner was engaged prior to this circular dated 19.11.2010.

16. The next document filed by the Respondent and marked as Ex.M6 is a circular issued by Ministry of Communications & IT, Department of Posts dated 27.01.2011 regarding filling up of vacancies on the basis of latest recruitment rules for the post of MTS, wherein it was directed to observe the following conditions:-

“i) (a) 25% by appointment of Casual Labourers conferred with temporary status on the basis of Selection-cum-seniority failing which by,

(b) Appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority failing which by,

(c) Appointment of existing part-time Casual Labourers, engaged on or before 1.9.1993, on the basis of selection-cum-seniority failing which by,

(d) Direct recruitment as per the scheme circulated by the Department of Posts from time to time.

ii). 75% by direct recruitment as per the scheme circulated by the Department of Posts from time to time.”

17. This circular clearly suggests that 25% of persons must be appointed from casual labourers, who has been conferred with temporary status on the basis of selection-cum-seniority. The second condition suggests appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority. The third condition suggests that appointment of existing part-time Casual Labourers, engaged on or before 01.09.1993, on the basis of selection-cum-seniority.

It is true that the Respondent department never constituted any committee to select persons who conferred with temporary status by preparing list of selection cum seniority.

18. All the circulars issued by Department of Posts suggest that since the Petitioner was not in service on 01.09.1993, he/she is not entitled for absorption. In the case of Dharam Singh Vs. State of U.P & Another in Civil Appeal No.8558 of 2018 dated 19.08.2025, the Hon'ble Supreme Court has held as under:-

“17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.”

19. In the case of Jaggo Vs. Union of India in SLP No.5580 of 2024 (2024) SCC online 3826 and Shripal & Another Vs. Nagar Nigam, Ghaziabad (2025) SCC online 221, the Hon'ble Supreme Court has held that long-term “ad hocism”, is denial of basic parity. The Hon'ble Supreme Court denied the contention of the Respondent that daily wagers and temporary employees cannot claim permanent absorption in the absence of statutory Rules. The Hon'ble Court further stated that the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

20. In the present case, the Petitioner has continuously rendered services over several years. The Hon'ble Supreme Court has held in the case of Shripal & Another (supra) that Indian Labour Law is

strongly disfavors perpetual daily-wage or contractual engagements in circumstances, where the work is permanent in nature.

21. Further, the Hon'ble Supreme Court in the case of Jaggo Vs. Union of India (supra) has observed as under:-

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, workers and fair treatment. Such practices have been criticized for exploiting undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23.....

24.....

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed employees. These practices manifest in several ways:

Misuse of "Temporary" Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

Arbitrary Temporary Termination: employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

Using Outsourcing as Institutions Shield: to increasingly resort outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

22. The learned counsel for the Respondent argued that no appointment order was issued to the Petitioner, and thus no permanent status is allowable to the Petitioner. But the non-issuance of appointment order does not erase the entitlement of the Petitioner since the Petitioner has worked for several years and not days.

AWARD

In view of the foregoing discussion, the appeal filed by the Petitioner is liable to be allowed with the following directions:-

The Petitioner's service shall stand regularized with effect from the date of removal/denial from service and the Petitioner shall be reinstated into service within a period of three months with 50% back wages and consequential & other attendant benefits.

The reference is answered accordingly.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2054.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर; निदेशक, डाक लेखा, कार्यालय महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर के प्रबंधन के संबंध में नियोजकों और श्री ई.मुरुगन, चेन्नई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 142/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/252-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2054.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 142/2019) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Postal Accounts & Finance, Egmore; The Director Postal Accounts, O/o. General Manager, Postal Accounts & Finance, Egmore** and **Shri E. Murugan, Chennai**, worker.

[No. L-42025/07/2025/252- IR DU]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Date: 30-10-2025

Present: SUSHIL KUMAR-II,

PRESIDING OFFICER

I.D. No. 142/2019

BETWEEN

Shri E.Murugan

S/o.Ezhumalai,

No.22, V.O.C. Nagar, 5th Street

Puliyanthoppu, Chennai-600 012.

: 1st Party/ Petitioner

AND

1.The General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, Ethiraj Salai,
Egmore-600 008.

2.The Director Postal Accounts,,
O/o. General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, Ethiraj Salai,
Egmore-600 008.

: 2ⁿ Party/Respondents**Appearance:**

For the 1st Party/ Petitioner : M/s.R.Malaichamy, Advocates

For the 2nd Party/ Respondents : M/s.M.Kumar, Advocates

The Deputy Chief Labour Commissioner (Central), Chennai, (Ministry of Labour & Employment) vide its Order No. M.No.8/3/2019-A1 dated 25.11.2019 referred the following Industrial Dispute to this Tribunal for adjudication.

2. The schedule mentioned in that order is:

“Whether the demand of Shri E.Murugan for reinstatement along with all benefits against the management of Department of Postal Accounts and Finance is legal and justified? If not, to what relief the concerned workman is entitled to?”

3. As per the claim statement, the case of the Petitioner is that he entered as casual labourer in the 2nd Party/Management in the year 2008 and was engaged against MTS vacancy. The Petitioner performed his duties of weeding out, arranging old records, maintaining office premises, gardening and scavenging. As per instructions of Department of Post vide letter No.65-24/88-SPB-I dated 17.05.1989, he is entitled to absorption as MTS, since he has completed more than 10 years service as casual labourer. However, the Petitioner was denied work w.e.f 13.07.2018. therefore, the action of the respondent/Management in removing the Petitioner from service without any order or notice amounts to violation of principles of natural justice u/s.25F of the Industrial Disputes Act, 1947. Therefore, it is prayed that Respondent may be directed to reinstate the Petitioner into service with a direction to absorb him on regular basis with back wages and other attendant benefits.

4. In the counter statement, the Respondent stated that Petitioner is only a casual employee and at no point of time, there was employer-employee relationship. The Petitioner was engaged as an outsider for short spells in respect of housekeeping and allied duties on daily wage basis and against any MTS vacancy. No order of appointment or engagement was issued to the Petitioner. The casual labourers in employment up to 01.09.1993 were only eligible to be conferred with temporary status. The Petitioner was neither engaged through employment exchange nor for any regular work or against any regular vacancy and is not possessing requisite eligibility criteria for consideration against MTS post. The wages to the Petitioner were paid as per recommendations of District Collectorate. The same was drawn and paid as per envisaged norms from time to time. Therefore, the Petitioner is not entitled to any relief and the claim of the Petitioner is liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner : WW1 Mr. E.Murugan

For the 2nd Party/Management : MW1 Shri R.Swaminathan,
Asst.Chief Accounts Officer

Documents Marked:**On the Petitioner's side:**

Ex.No.	Date	Description
Ex.W1	17.05.1989	Instructions issued by Postal Directorate
Ex.W2	27.04.2000	Remuneration payable to full-time / part time casual labourer.
Ex.W3	11.09.2009	Pay receipts
Ex.W4	30.11.2010	Instruction regarding engagement of casual labourers
Ex.W5	17.07.2012	Certificate issued by Assistant Accounts Officer office of Respondents
Ex.W6	17.06.2016	OM issued by Postal Directorate

Ex.W7	28.11.2016	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W8	15.03.2017	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W9	31.03.2017	OM issued by Postal Directorate
Ex.W10	09.01.2018	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W11	23.08.2018	Petition u/s.2A of Industrial Disputes Act, 1947
Ex.W12	25.09.2018	Parawise comments filed by Asst.Chief Accounts Officer
Ex.W13	05.10.2018	Minutes of conciliation proceedings
Ex.W14	30.10.2018	Minutes of conciliation proceedings
Ex.W15	12.11.2018	Rejoinder by 1 st Party to the parawise comments filed by 2 nd respondent
Ex.W16	30.04.2019	Minutes of conciliation proceedings
Ex.W17	09.05.2019	Minutes of conciliation proceedings
Ex.W18	-	Common representation by the Petitioner and others to conciliation officer with service details
Ex.W19	18.07.2019	Minutes of conciliation proceedings
Ex.W20	15.10.2019	Letter of Regional Labour Commissioner , Chennai to the Deputy Chief Labour Commissioner(C), Chennai.
Ex.W21	25.11.2019	Reference made by Deputy Chief Labour Commissioner(C), Chennai
Ex.W22	13.12.2019	Copy of notice

Documents Marked:

On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	17.05.1989	Directorate Lr.No.65-24/88-SPB-I
Ex.M 2	12.04.1991	Directorate Lr.No.45-95/87-SPB-I
Ex.M3	1.11.1995& 08.11.1995	Lr.No.66-52/92-SEP I
Ex.M4	09.09.2009	Postal Directorate Lr.No.1-10/2009/PCC
Ex.M5`	19.11.2010	Postal Directorate Lr.No.4-4/2009/PCC
Ex.M6	27.01.2011	DOP Lr.No.45-2/2011-SPB-I
Ex.M7	09.07.2019	Lr.No.878/Admn/EA VII/CL/Petition/19-20

5. The Petitioner has submitted proof of affidavit in support of his claim and adduced oral evidence as WW1 and documents filed by his were marked as Ex.W1 to W22. The Respondent has also filed its proof of affidavit and Shri R.Swaminathan, Assistant Chief Accounts Officer was examined as MW1 and documents on behalf of respondent were marked as M1 to M7.

6. Heard the learned counsel appearing for either side and perused the records. The point that arises for consideration is “whether the employee of the Respondent is entitled for reinstatement into service along with all benefits against the management of Department of Postal Accounts & Finance? If not to what relief the concerned workman is entitled?”

7. The Petitioner Shri E.Murugan has stated in his claim statement that he had entered into service of the Respondent in the year 2008. The fact of continuous service is established by the Petitioner by adducing oral evidence as WW1 and filing proof of affidavit and the documents which were marked as Ex.W1 to W22.

8. The Respondent in its reply admitted this fact that Petitioner was engaged with the Department, but stated that engagement was on daily wage basis and not against any MTS vacancies. The Petitioner was not a permanent employee and there was no employer-employee relationship exists between the Respondent and the Petitioner. The Respondent further stated that no appointment or engagement order was issued to the Petitioner and as per circular dated 01.11.1995 and 08.11.1995, casual labourers in employment upto 01.09.1993 were only eligible to be conferred with temporary status and the Petitioner was not working on 01.09.1993 with the Department and therefore, they are not entitled for any absorption.

9. The learned counsel for the Respondent further submits that Multi Tasking Staff Recruitment Rules, 2010 dated 12.12.2010 is not applicable to the Petitioner. As per circular dated 01.11.1995 and 08.11.1995 the following conditions must be fulfilled:-

- a) Temporary status on or before 01.09.1993;
- b) Full time casual labourer engaged on or before 01.09.1993 &
- c) Part-time casual labourer engaged on or before 01.09.1993.

10. The learned counsel for the Respondent contended that Petitioner was not engaged through employment exchange and no appointment letter was issued. He further stated that assumption of the Petitioner that he/she works against the post of MTS is incorrect. The learned counsel further stated that there was no relationship of employer-employee between the Respondent and Petitioner, hence the question of notice or protection u/s.25F of the Industrial Disputes Act, 1947 does not arise.

11. On behalf of the Respondent a circular dated 17.05.1989 has been filed which is marked as Ex.M1, and it clarifies the position of casual labourers and part-time casual labourers in para 2, which reads as under:-

"2. It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under different designations (mazdoor casual labourer, contingent paid staff, daily wager, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued."

12. The Petitioner in the claim statement stated that the work was performed for a period of more than eight hours per day. The Respondent witness MW1 in his oral evidence nowhere stated that Petitioner did not perform the work about eight or more than 8 hours per day.

13. The Respondent submitted another circular dated 11.09.1991 which is marked as Ex.M2. The subject of this circular is Casual Labourers (Grant of Temporary Status and Regularization) Scheme. This circular did not suggest date of appointment of the labourers which means this circular does not impose a condition that the casual labour must be in service on a particular date.

14. The another circular issued by Respondent, Department of Posts, dated 27.11.1995 marked as Ex.M3, which suggests that full time casual labourers recruited after 29.11.1989 upto 10.09.1993 may also be considered for grant of benefits under the scheme. This circular later specified the particular date i.e., 10.09.1993.

15. The next document marked as Ex.M5 dated 19.11.2010, which states that no casual labour shall be engaged in the administrative office with effect from 01.12.2010. This circular further stated that since the duties of waterman, watch & ward, gardening, cleaning etc. are now part of duties assigned to MTS, the existing practice of engaging casual labourers as waterman, gardener, watch and ward or any other category shall be dispensed with from 01.12.2010. The Petitioner was engaged prior to this circular dated 19.11.2010.

16. The next document filed by the Respondent and marked as Ex.M6 is a circular issued by Ministry of Communications & IT, Department of Posts dated 27.01.2011 regarding filling up of vacancies on the basis of latest recruitment rules for the post of MTS, wherein it was directed to observe the following conditions:-

"i) (a) 25% by appointment of Casual Labourers conferred with temporary status on the basis of Selection-cum-seniority failing which by,

(b) Appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority failing which by,

(c) Appointment of existing part-time Casual Labourers, engaged on or before 1.9.1993, on the basis of selection-cum-seniority failing which by,

(d) Direct recruitment as per the scheme circulated by the Department of Posts from time to time.

ii). 75% by direct recruitment as per the scheme circulated by the Department of Posts from time to time."

17. This circular clearly suggests that 25% of persons must be appointed from casual labourers, who has been conferred with temporary status on the basis of selection-cum-seniority. The second condition suggests appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority. The third condition suggests that appointment of existing part-time Casual Labourers, engaged on or before 01.09.1993, on the basis of selection-cum-seniority.

It is true that the Respondent department never constituted any committee to select persons who conferred with temporary status by preparing list of selection cum seniority.

18. All the circulars issued by Department of Posts suggest that since the Petitioner was not in service on 01.09.1993, he/she is not entitled for absorption. In the case of Dharam Singh Vs State of U.P & Another in Civil Appeal No.8558 of 2018 dated 19.08.2025, the Hon'ble Supreme Court has held as under:-

“17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.”

19. In the case of Jaggo Vs. Union of India in SLP No.5580 of 2024 (2024) SCC online 3826 and Shripal & Another Vs. Nagar Nigam, Ghaziabad (2025) SCC online 221, the Hon'ble Supreme Court has held that long-term “ad hocism”, is denial of basic parity. The Hon'ble Supreme Court denied the contention of the Respondent that daily wagers and temporary employees cannot claim permanent absorption in the absence of statutory Rules. The Hon'ble Court further stated that the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

20. In the present case, the Petitioner has continuously rendered services over several years. The Hon'ble Supreme Court has held in the case of Shripal & Another (supra) that Indian Labour Law is

strongly disfavors perpetual daily-wage or contractual engagements in circumstances, where the work is permanent in nature.

21. Further, the Hon'ble Supreme Court in the case of Jaggo Vs. Union of India (supra) has observed as under:-

"22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, workers and and fair treatment. Such practices have been criticized for exploiting undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23.....

24.....

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed employees. These practices manifest in several ways:

Misuse of "Temporary" Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

Arbitrary Temporary Termination: employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

Using Outsourcing as Institutions Shield: to increasingly resort outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

22. The learned counsel for the Respondent argued that no appointment order was issued to the Petitioner, and thus no permanent status is allowable to the Petitioner. But the non-issuance of appointment order does not erase the entitlement of the Petitioner since the Petitioner has worked for several years and not days.

AWARD

In view of the foregoing discussion, the appeal filed by the Petitioner is liable to be allowed with the following directions:-

The Petitioner's service shall stand regularized with effect from the date of removal/denial from service and the Petitioner shall be reinstated into service within a period of three months with 50% back wages and consequential & other attendant benefits.

The reference is answered accordingly.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2055.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर; निदेशक, डाक लेखा, कार्यालय महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर के प्रबंधन के संबद्ध नियोजकों और श्रीमती पी. शिवरंजनी, चेन्नई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 143/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/253-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2055.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 143/2019) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Postal Accounts & Finance, Egmore; The Director Postal Accounts, O/o. General Manager, Postal Accounts & Finance, Egmore** and **Smt. P. Sivaranjani, Chennai**, worker.

[No. L-42025/07/2025/253- IR DU]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Date:30-10-2025

Present: SUSHIL KUMAR-II,
PRESIDING OFFICER

I.D. No. 143/2019

BETWEEN

Smt.P.Sivaranjani,
D/o.Panneerselvam,
No.16/28, 1st Street,
Boja Roja Nagar,
Old Washermenpet, Chennai-600 021. : 1st Party/ Petitioner

AND

1.The General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, Ethiraj Salai,
Egmore-600 008.
2.The Director Postal Accounts,,
O/o. General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, Ethiraj Salai,
Egmore-600 008. : 2ⁿ Party/Respondents

Appearance:

For the 1st Party/ Petitioner : M/s.R.Malaichamy, Advocates
For the 2nd Party/ Respondents : M/s.M.Kumar, Advocates

The Deputy Chief Labour Commissioner (Central), Chennai, (Ministry of Labour & Employment) vide its Order No. M.No.8/4/2019-A1 dated 25.11.2019 referred the following Industrial Dispute to this Tribunal for adjudication.

2. The schedule mentioned in that order is:

“Whether the demand of Ms. P.Sivaranjani for reinstatement along with all benefits against the management of Department of Postal Accounts and Finance is legal and justified? If not, to what relief the concerned workwoman is entitled to?”

3. As per the claim statement, the case of the Petitioner is that she entered as casual labourer in the 2nd Party/Management and was engaged against MTS vacancy. She performed her duties of weeding out, arranging old records, maintaining office premises, gardening and scavenging. The Petitioner was engaged in the year 2004 and as per instructions of Department of Post vide letter No.65-24/88-SPB-I dated 17.05.1989, she is entitled to absorption as MTS, since she has completed more than 10 years service as casual labourer. However, the Petitioner was denied work w.e.f 13.07.2018. Therefore, the action of the respondent/Management in removing the Petitioner from service without any order, notice amounts to violation of principles of natural justice u/s.25F of the Industrial Disputes Act, 1947. Therefore, it is prayed that Respondent may be directed to reinstate the Petitioner into service with a direction to absorb her on regular basis with back wages and other attendant benefits.

4. In the counter statement, the Respondent stated that Petitioner is only a casual employee and at no point of time, there was employer-employee relationship. The Petitioner was engaged as an outsider for short spells in respect of housekeeping and allied duties on daily wage basis and against any MTS vacancy. No order of appointment or engagement was issued to the Petitioner. The casual labourers in employment up to 01.09.1993 were only eligible to be conferred with temporary status. The Petitioner was neither engaged through employment exchange nor for any

regular work or against any regular vacancy and is not possessing requisite eligibility criteria for consideration against MTS post. The wages to the Petitioner were paid as per recommendations of District Collectorate. The same was drawn and paid as per envisaged norms from time to time. Therefore, the Petitioner is not entitled to any relief and the claim of the Petitioner is liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner : WW1 Ms.P.Sivaranjani

For the 2nd Party/Management : MW1 Shri R.Swaminathan,

Documents Marked:

On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	17.05.1989	Instructions issued by Postal Directorate
Ex.W2	27.04.2000	Remuneration payable to full-time / part time casual labourer.
Ex.W3	17.10.2006	Pay receipts
Ex.W4	30.11.2010	Instruction regarding engagement of casual labourers
Ex.W5	17.06.2016	OM issued by Postal Directorate
Ex.W6	28.11.2016	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W7	15.03.2017	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W8	31.03.2017	OM issued by Postal Directorate
Ex.W9	23.10.2017	Pay sanction order
Ex.W10	09.01.2018	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W11	23.08.2018	Petition u/s.2A of Industrial Disputes Act, 1947
Ex.W12	25.09.2018	Parawise comments filed by Asst.Chief Accounts Officer
Ex.W13	05.10.2018	Minutes of conciliation proceedings
Ex.W14	30.10.2018	Minutes of conciliation proceedings
Ex.W15	12.11.2018	Rejoinder by 1 st Party to the parawise comments filed by 2 nd respondent
Ex.W16	30.04.2019	Minutes of conciliation proceedings
Ex.W17	09.05.2019	Minutes of conciliation proceedings
Ex.W18	-	Common representation by the Petitioner and others to conciliation officer with service details
Ex.W19	18.07.2019	Minutes of conciliation proceedings
Ex.W20	15.10.2019	Letter of Regional Labour Commissioner , Chennai to the Deputy Chief Labour Commissioner(C), Chennai.
Ex.W21	25.11.2019	Reference made by Deputy Chief Labour Commissioner(C), Chennai
Ex.W22	13.12.2019	Copy of notice

Documents Marked:

On behalf of Respondent/Management

x.No.	Date	Description
Ex.M 1	17.05.1989	Directorate Lr.No.65-24/88-SPB-I
Ex.M 2	12.04.1991	Directorate Lr.No.45-95/87-SPB-I
Ex.M3	1.11.1995& 08.11.1995	Lr.No.66-52/92-SEP I

Ex.M4	09.09.2009	Postal Directorate Lr.No.1-10/2009/PCC
Ex.M5	19.11.2010	Postal Directorate Lr.No.4-4/2009/PCC
Ex.M6	27.01.2011	DOP Lr.No.45-2/2011-SPB-I
Ex.M7	09.07.2019	Lr.No.878/Admn/EA VII/CL/Petition/19-20

5. The Petitioner has submitted proof of affidavit in support of her claim and adduced oral evidence as WW1 and documents filed by her were marked as Ex.W1 to W22. The Respondent has also filed its proof of affidavit and Shri R.Swaminathan, Assistant Chief Accounts Officer was examined as MW1 and documents on behalf of respondent were marked as Ex.M1 to M7.

6. Heard the learned counsel appearing for either side and perused the records. The point that arises for consideration is “whether the employee of the Respondent is entitled for reinstatement into service along with all benefits against the management of Department of Postal Accounts & Finance? If not to what relief the concerned workman is entitled?”

7. The Petitioner Smt. P.Sivaranjani has stated in her claim statement that she had entered into service of the Respondent in the year 2004. The fact of continuous service is established by the Petitioner by adducing oral evidence as WW1 and filing proof of affidavit and the documents which were marked as Ex.W1 to W22.

8. The Respondent in its reply admitted this fact that Petitioner was engaged with the Department, but stated that engagement was on daily wage basis and not against any MTS vacancies. The Petitioner was not a permanent employee and there was no employer-employee relationship exists between the Respondent and the Petitioner. The Respondent further stated that no appointment or engagement order was issued to the Petitioner and as per circular dated 01.11.1995 and 08.11.1995, casual labourers in employment upto 01.09.1993 were only eligible to be conferred with temporary status and the Petitioner was not working on 01.09.1993 with the Department and therefore, they are not entitled for any absorption.

9. The learned counsel for the Respondent further submits that Multi Tasking Staff Recruitment Rules, 2010 dated 12.12.2010 is not applicable to the Petitioner. As per circular dated 01.11.1995 and 08.11.1995 the following conditions must be fulfilled:-

- Temporary status on or before 01.09.1993;
- Full time casual labourer engaged on or before 01.09.1993 &
- Part-time casual labourer engaged on or before 01.09.1993.

10. The learned counsel for the Respondent contended that Petitioner was not engaged through employment exchange and no appointment letter was issued. He further stated that assumption of the Petitioner that he/she works against the post of MTS is incorrect. The learned counsel further stated that there was no relationship of employer-employee between the Respondent and Petitioner, hence the question of notice or protection u/s.25F of the Industrial Disputes Act, 1947 does not arise.

11. On behalf of the Respondent a circular dated 17.05.1989 has been filed which is marked as Ex.M1, and it clarifies the position of casual labourers and part-time casual labourers in para 2, which reads as under:-

“2. It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under different designations (mazdoor casual labourer, contingent paid staff, daily wager, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued.”

12. The Petitioner in the claim statement stated that the work was performed for a period of more than eight hours per day. The Respondent witness MW1 in his oral evidence nowhere stated that Petitioner did not perform the work about eight or more than 8 hours per day.

13. The Respondent submitted another circular dated 11.09.1991 which is marked as Ex.M2. The subject of this circular is Casual Labourers (Grant of Temporary Status and Regularization) Scheme. This circular did not suggest date of appointment of the labourers which means this circular does not impose a condition that the casual labour must be in service on a particular date.

14. The another circular issued by Respondent, Department of Posts, dated 27.11.1995 marked as Ex.M3, which suggests that full time casual labourers recruited after 29.11.1989 upto 10.09.1993 may also be considered for grant of benefits under the scheme. This circular later specified the particular date i.e., 10.09.1993.

15. The next document marked as Ex.M5 dated 19.11.2010, which states that no casual labour shall be engaged in the administrative office with effect from 01.12.2010. This circular further stated that since the duties of waterman, watch & ward, gardening, cleaning etc. are now part of duties assigned to MTS, the existing practice of engaging casual labourers as waterman, gardener, watch and ward or any other category shall be dispensed with from 01.12.2010. The Petitioner was engaged prior to this circular dated 19.11.2010.

16. The next document filed by the Respondent and marked as Ex.M6 is a circular issued by Ministry of Communications & IT, Department of Posts dated 27.01.2011 regarding filling up of vacancies on the basis of latest recruitment rules for the post of MTS, wherein it was directed to observe the following conditions:-

“i) (a) 25% by appointment of Casual Labourers conferred with temporary status on the basis of Selection-cum-seniority failing which by,

(b) Appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority failing which by,

(c) Appointment of existing part-time Casual Labourers, engaged on or before 1.9.1993, on the basis of selection-cum-seniority failing which by,

(d) Direct recruitment as per the scheme circulated by the Department of Posts from time to time.

ii). 75% by direct recruitment as per the scheme circulated by the Department of Posts from time to time.”

17. This circular clearly suggests that 25% of persons must be appointed from casual labourers, who has been conferred with temporary status on the basis of selection-cum-seniority. The second condition suggests appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority. The third condition suggests that appointment of existing part-time Casual Labourers, engaged on or before 01.09.1993, on the basis of selection-cum-seniority.

It is true that the Respondent department never constituted any committee to select persons who conferred with temporary status by preparing list of selection cum seniority.

18. All the circulars issued by Department of Posts suggest that since the Petitioner was not in service on 01.09.1993, he/she is not entitled for absorption. In the case of Dharam Singh Vs. State of U.P & Another in Civil Appeal No.8558 of 2018 dated 19.08.2025, the Hon'ble Supreme Court has held as under:-

“17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.”

19. In the case of Jaggo Vs. Union of India in SLP No.5580 of 2024 (2024) SCC online 3826 and Shripal & Another Vs. Nagar Nigam, Ghaziabad (2025) SCC online 221, the Hon'ble Supreme Court has held that long-term “ad hocism”, is denial of basic parity. The Hon'ble Supreme Court denied the contention of the Respondent that daily wagers and temporary employees cannot claim permanent absorption in the absence of statutory Rules. The Hon'ble Court further stated that the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

20. In the present case, the Petitioner has continuously rendered services over several years. The Hon'ble Supreme Court has held in the case of Shripal & Another (supra) that Indian Labour Law is

strongly disfavors perpetual daily-wage or contractual engagements in circumstances, where the work is permanent in nature.

21. Further, the Hon'ble Supreme Court in the case of Jaggo Vs. Union of India (supra) has observed as under:-

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, workers

and and fair treatment. Such practices have been criticized for exploiting undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23.....

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25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed employees. These practices manifest in several ways:

Misuse of "Temporary" Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

Arbitrary Temporary Termination: employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

Using Outsourcing as Institutions Shield: to increasingly resort outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

22. The learned counsel for the Respondent argued that no appointment order was issued to the Petitioner, and thus no permanent status is allowable to the Petitioner. But the non-issuance of appointment order does not erase the entitlement of the Petitioner since the Petitioner has worked for several years and not days.

AWARD

In view of the foregoing discussion, the appeal filed by the Petitioner is liable to be allowed with the following directions:-

The Petitioner's service shall stand regularized with effect from the date of removal/denial from service and the Petitioner shall be reinstated into service within a period of three months with 50% back wages and consequential & other attendant benefits.

The reference is answered accordingly.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2056.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर; निदेशक, डाक लेखा, कार्यालय महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर के प्रबंधतंत्र के संबद्ध नियोजकों और श्री वी. वेदाचलम, चेन्नई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 144/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/254-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2056.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. **144/2019**) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Postal Accounts & Finance, Egmore; The Director Postal Accounts, O/o. General Manager, Postal Accounts & Finance, Egmore** and **Shri V. Vedachalam, Chennai**, worker.

[No. L-42025/07/2025/254- IR DU]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Date: 30-10-2025

Present: SUSHIL KUMAR-II,

PRESIDING OFFICER

I.D. No. 144/2019

BETWEEN

Shri V.Vedachalam,

S/o. D.Vinayagamoorthy,

No.29/15, V.O.C Nagar, 3rd Street,

Puliyanthoppu, Chennai-600 012.

: 1st Party/ Petitioner

AND

1.The General Manager,

Postal Accounts & Finance,

Tamil Nadu Circle, Ethiraj Salai,

Egmore-600 008.

2.The Director Postal Accounts,,

O/o. General Manager,

Postal Accounts & Finance,

Tamil Nadu Circle, Ethiraj Salai,

Egmore-600 008.

:

2ⁿ Party/Respondents

Appearance:

For the 1st Party/ Petitioner

:

M/s.R.Malaichamy, Advocates

For the 2nd Party/ Respondents

:

M/s.M.Kumar, Advocates

The Deputy Chief Labour Commissioner (Central), Chennai, (Ministry of Labour & Employment) vide its Order No. M.No.8/5/2019-A1 dated 25.11.2019 referred the following Industrial Dispute to this Tribunal for adjudication.

2. The schedule mentioned in that order is:

“Whether the demand of Shri V.Vedachalam for reinstatement along with all benefits against the management of Department of Postal Accounts and Finance is legal and justified? If not, to what relief the concerned workman is entitled to?”

3. As per the claim statement, the case of the Petitioner is that he entered as casual labourer in the 2nd Party/Management in the year 2008 and was engaged against MTS vacancy. The Petitioner performed his duties of weeding out, arranging old records, maintaining office premises, gardening and scavenging. As per instructions of Department of Post vide letter No.65-24/88-SPB-I dated 17.05.1989, he is entitled to absorption as MTS, since he has completed more than 10 years service as casual labourer. However, the Petitioner was denied work w.e.f

13.07.2018. therefore, the action of the respondent/Management in removing the Petitioner from service without any order or notice amounts to violation of principles of natural justice u/s.25F of the Industrial Disputes Act, 1947. Therefore, it is prayed that Respondent may be directed to reinstate the Petitioner into service with a direction to absorb him on regular basis with back wages and other attendant benefits.

4. In the counter statement, the Respondent stated that Petitioner is only a casual employee and at no point of time, there was employer-employee relationship. The Petitioner was engaged as an outsider for short spells in respect of housekeeping and allied duties on daily wage basis and against any MTS vacancy. No order of appointment or engagement was issued to the Petitioner. The casual labourers in employment up to 01.09.1993 were only eligible to be conferred with temporary status. The Petitioner was neither engaged through employment exchange nor for any regular work or against any regular vacancy and is not possessing requisite eligibility criteria for consideration against MTS post. The wages to the Petitioner were paid as per recommendations of District Collectorate. The same was drawn and paid as per envisaged norms from time to time. Therefore, the Petitioner is not entitled to any relief and the claim of the Petitioner is liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner : WW1 Mr. V.Vedachalam

For the 2nd Party/Management : MW1 Shri R.Swaminathan,

Asst. Chief Accounts Officer

Documents Marked:

On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	17.05.1989	Instructions issued by Postal Directorate
Ex.W2	27.04.2000	Remuneration payable to full-time / part time casual labourer.
Ex.W3	02.06.2008	Pay receipts
Ex.W4	30.11.2010	Instruction regarding engagement of casual labourers
Ex.W5	17.06.2016	OM issued by Postal Directorate
Ex.W6	28.11.2016	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W7	15.03.2017	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W8	31.03.2017	OM issued by Postal Directorate
Ex.W9	11.04.2017	Pay sanction order issued by Assistant Chief Accounts Officer, Admn.
Ex.W10	09.01.2018	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W11	23.08.2018	Petition u/s.2A of Industrial Disputes Act, 1947
Ex.W12	25.09.2018	Parawise comments filed by Asst.Chief Accounts Officer
Ex.W13	05.10.2018	Minutes of conciliation proceedings
Ex.W14	30.10.2018	Minutes of conciliation proceedings
Ex.W15	12.11.2018	Rejoinder by 1 st Party to the parawise comments filed by 2 nd respondent
Ex.W16	30.04.2019	Minutes of conciliation proceedings
Ex.W17	09.05.2019	Minutes of conciliation proceedings
Ex.W18	-	Common representation by the Petitioner and others to conciliation officer with service details
Ex.W19	18.07.2019	Minutes of conciliation proceedings
Ex.W20	15.10.2019	Letter of Regional Labour Commissioner , Chennai to the Deputy Chief Labour Commissioner(C), Chennai.
Ex.W21	25.11.2019	Reference made by Deputy Chief Labour Commissioner(C), Chennai
Ex.W22	13.12.2019	Copy of notice

Documents Marked:On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	17.05.1989	Directorate Lr.No.65-24/88-SPB-I
Ex.M 2	12.04.1991	Directorate Lr.No.45-95/87-SPB-I
Ex.M3	1.11.1995& 08.11.1995	Lr.No.66-52/92-SEP I
Ex.M4	09.09.2009	Postal Directorate Lr.No.1-10/2009/PCC
Ex.M5`	19.11.2010	Postal Directorate Lr.No.4-4/2009/PCC
Ex.M6	27.01.2011	DOP Lr.No.45-2/2011-SPB-I
Ex.M7	09.07.2019	Lr.No.878/Admn/EA VII/CL/Petition/19-20

5. The Petitioner has submitted proof of affidavit in support of his claim and adduced oral evidence as WW1 and documents filed by his were marked as Ex.W1 to W22. The Respondent has also filed its proof of affidavit and Shri R.Swaminathan, Assistant Chief Accounts Officer was examined as MW1 and documents on behalf of respondent were marked as M1 to M7.

6. Heard the learned counsel appearing for either side and perused the records. The point that arises for consideration is "whether the employee of the Respondent is entitled for reinstatement into service along with all benefits against the management of Department of Postal Accounts & Finance? If not to what relief the concerned workman is entitled?"

7. The Petitioner Shri V.Vedachalam has stated in his claim statement that he had entered into service of the Respondent in the year 2008. The fact of continuous service is established by the Petitioner by adducing oral evidence as WW1 and filing proof of affidavit and the documents which were marked as Ex.W1 to W22.

8. The Respondent in its reply admitted this fact that Petitioner was engaged with the Department, but stated that engagement was on daily wage basis and not against any MTS vacancies. The Petitioner was not a permanent employee and there was no employer-employee relationship exists between the Respondent and the Petitioner. The Respondent further stated that no appointment or engagement order was issued to the Petitioner and as per circular dated 01.11.1995 and 08.11.1995, casual labourers in employment upto 01.09.1993 were only eligible to be conferred with temporary status and the Petitioner was not working on 01.09.1993 with the Department and therefore, they are not entitled for any absorption.

9. The learned counsel for the Respondent further submits that Multi Tasking Staff Recruitment Rules, 2010 dated 12.12.2010 is not applicable to the Petitioner. As per circular dated 01.11.1995 and 08.11.1995 the following conditions must be fulfilled:-

a) Temporary status on or before 01.09.1993;

b) Full time casual labourer engaged on or before 01.09.1993 &

c) Part-time casual labourer engaged on or before 01.09.1993.

10. The learned counsel for the Respondent contended that Petitioner was not engaged through employment exchange and no appointment letter was issued. He further stated that assumption of the Petitioner that he/she works against the post of MTS is incorrect. The learned counsel further stated that there was no relationship of employer-employee between the Respondent and Petitioner, hence the question of notice or protection u/s.25F of the Industrial Disputes Act, 1947 does not arise.

11. On behalf of the Respondent a circular dated 17.05.1989 has been filed which is marked as Ex.M1, and it clarifies the position of casual labourers and part-time casual labourers in para 2, which reads as under:-

"2. It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under different designations (mazdoor casual labourer, contingent paid staff, daily wagger, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued."

12. The Petitioner in the claim statement stated that the work was performed for a period of more than eight hours per day. The Respondent witness MW1 in his oral evidence nowhere stated that Petitioner did not perform the work about eight or more than 8 hours per day.

13. The Respondent submitted another circular dated 11.09.1991 which is marked as Ex.M2. The subject of this circular is Casual Labourers (Grant of Temporary Status and Regularization) Scheme. This circular did not suggest date of appointment of the labourers which means this circular does not impose a condition that the casual labour must be in service on a particular date.

14. The another circular issued by Respondent, Department of Posts, dated 27.11.1995 marked as Ex.M3, which suggests that full time casual labourers recruited after 29.11.1989 upto 10.09.1993 may also be considered for grant of benefits under the scheme. This circular later specified the particular date i.e., 10.09.1993.

15. The next document marked as Ex.M5 dated 19.11.2010, which states that no casual labour shall be engaged in the administrative office with effect from 01.12.2010. This circular further stated that since the duties of waterman, watch & ward, gardening, cleaning etc. are now part of duties assigned to MTS, the existing practice of engaging casual labourers as waterman, gardener, watch and ward or any other category shall be dispensed with from 01.12.2010. The Petitioner was engaged prior to this circular dated 19.11.2010.

16. The next document filed by the Respondent and marked as Ex.M6 is a circular issued by Ministry of Communications & IT, Department of Posts dated 27.01.2011 regarding filling up of vacancies on the basis of latest recruitment rules for the post of MTS, wherein it was directed to observe the following conditions:-

“i) (a) 25% by appointment of Casual Labourers conferred with temporary status on the basis of Selection-cum-seniority failing which by,

(b) Appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority failing which by,

(c) Appointment of existing part-time Casual Labourers, engaged on or before 1.9.1993, on the basis of selection-cum-seniority failing which by,

(d) Direct recruitment as per the scheme circulated by the Department of Posts from time to time.

ii). 75% by direct recruitment as per the scheme circulated by the Department of Posts from time to time.”

17. This circular clearly suggests that 25% of persons must be appointed from casual labourers, who has been conferred with temporary status on the basis of selection-cum-seniority. The second condition suggests appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority. The third condition suggests that appointment of existing part-time Casual Labourers, engaged on or before 01.09.1993, on the basis of selection-cum-seniority.

It is true that the Respondent department never constituted any committee to select persons who conferred with temporary status by preparing list of selection cum seniority.

18. All the circulars issued by Department of Posts suggest that since the Petitioner was not in service on 01.09.1993, he/she is not entitled for absorption. In the case of Dharam Singh Vs State of U.P & Another in Civil Appeal No.8558 of 2018 dated 19.08.2025, the Hon'ble Supreme Court has held as under:-

“17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.”

19. In the case of Jaggo Vs. Union of India in SLP No.5580 of 2024 (2024) SCC online 3826 and Shripal & Another Vs. Nagar Nigam, Ghaziabad (2025) SCC online 221, the Hon'ble Supreme Court has held that long-term “ad hocism”, is denial of basic parity. The Hon'ble Supreme Court denied the contention of the Respondent that daily wagers and temporary employees cannot claim permanent absorption in the absence of statutory Rules. The

Hon'ble Court further stated that the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

20. In the present case, the Petitioner has continuously rendered services over several years. The Hon'ble Supreme Court has held in the case of *Shripal & Another (supra)* that Indian Labour Law is

strongly disfavors perpetual daily-wage or contractual engagements in circumstances, where the work is permanent in nature.

21. Further, the Hon'ble Supreme Court in the case of *Jaggo Vs. Union of India (supra)* has observed as under:-

"22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, workers and fair treatment. Such practices have been criticized for exploiting undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23.....

24.....

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed employees. These practices manifest in several ways:

Misuse of "Temporary" Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

Arbitrary Temporary Termination: employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

Using Outsourcing as Institutions Shield: to increasingly resort outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

22. The learned counsel for the Respondent argued that no appointment order was issued to the Petitioner, and thus no permanent status is allowable to the Petitioner. But the non-issuance of appointment order does not erase the entitlement of the Petitioner since the Petitioner has worked for several years and not days.

AWARD

In view of the foregoing discussion, the appeal filed by the Petitioner is liable to be allowed with the following directions:-

The Petitioner's service shall stand regularized with effect from the date of removal/denial from service and the Petitioner shall be reinstated into service within a period of three months with 50% back wages and consequential & other attendant benefits.

The reference is answered accordingly.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2057.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर; निदेशक, डाक लेखा, कार्यालय महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर के प्रबंधतंत्र के संबद्ध नियोजकों और श्री एस.थुलखानम, चेन्नई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट(संदर्भ संख्या- 145/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/255-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2057.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 145/2019) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Postal Accounts & Finance, Egmore; The Director Postal Accounts, O/o. General Manager, Postal Accounts & Finance, Egmore and Shri S.Thulakhanam, Chennai, worker.**

[No. L-42025/07/2025/255- IR DU]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Date: 30-10-2025

Present: SUSHIL KUMAR-II,

PRESIDING OFFICER

I.D. No. 145/2019

BETWEEN

Shri S.Thulakhanam,

S/o. V.Subramani,

No.11, 5th Block, 1st Street

Pudur, Ashok Nagar, Chennai-600 083.

: 1st Party/ Petitioner

AND

1.The General Manager,

Postal Accounts & Finance,

Tamil Nadu Circle, Ethiraj Salai,

Egmore-600 008.

2.The Director Postal Accounts,,

O/o. General Manager,

Postal Accounts & Finance,

Tamil Nadu Circle, Ethiraj Salai,

Egmore-600 008.

: 2ⁿ Party/Respondents

Appearance:

For the 1st Party/ Petitioner

: M/s.R.Malaichamy, Advocates

For the 2nd Party/ Respondents

: M/s.M.Kumar, Advocates

The Deputy Chief Labour Commissioner (Central), Chennai, (Ministry of Labour & Employment) vide its Order No. M.No.8/2019-A1 dated 26.11.2019 referred the following Industrial Dispute to this Tribunal for adjudication.

2. The schedule mentioned in that order is:

“Whether the demand of Shri S.Thulakhanam for reinstatement along with all benefits against the management of Department of Postal Accounts and Finance is legal and justified? If not, to what relief the concerned workman is entitled to?”

3. As per the claim statement, the case of the Petitioner is that he entered as casual labourer in the 2nd Party/Management in the year 2008 and was engaged against MTS vacancy. The Petitioner performed his duties of weeding out, arranging old records, maintaining office premises, gardening and scavenging. As per instructions of Department of Post vide letter No.65-24/88-SPB-I dated 17.05.1989, he is entitled to absorption as MTS, since he has completed more than 10 years service as casual labourer. However, the Petitioner was denied work w.e.f 18.07.2018. therefore, the action of the respondent/Management in removing the Petitioner from service without any order or notice amounts to violation of principles of natural justice u/s.25F of the Industrial Disputes Act, 1947. Therefore, it is prayed that Respondent may be directed to reinstate the Petitioner into service with a direction to absorb him on regular basis with back wages and other attendant benefits.

4. In the counter statement, the Respondent stated that Petitioner is only a casual employee and at no point of time, there was employer-employee relationship. The Petitioner was engaged as an outsider for short spells in respect of housekeeping and allied duties on daily wage basis and against any MTS vacancy. No order of appointment or engagement was issued to the Petitioner. The casual labourers in employment up to 01.09.1993 were only eligible to be conferred with temporary status. The Petitioner was neither engaged through employment exchange nor for any regular work or against any regular vacancy and is not possessing requisite eligibility criteria for consideration against MTS post. The wages to the Petitioner were paid as per recommendations of District Collectorate. The same was drawn and paid as per envisaged norms from time to time. Therefore, the Petitioner is not entitled to any relief and the claim of the Petitioner is liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner : WW1 Mr. S.Thulakhanam

For the 2nd Party/Management : MW1 Shri R.Swaminathan,

Asst.Chief Accounts Officer

Documents Marked:

On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	17.05.1989	Instructions issued by Postal Directorate
Ex.W2	27.04.2000	Remuneration payable to full-time / part time casual labourer.
Ex.W3	02.06.2008	Pay receipts
Ex.W4	30.11.2010	Instruction regarding engagement of casual labourers
Ex.W5	17.06.2016	OM issued by Postal Directorate
Ex.W6	28.11.2016	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W7	15.03.2017	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W8	31.03.2017	OM issued by Postal Directorate
W9	17.04.2017	Pay sanction order issued by Assistant Chief Accounts Officer, Administration
Ex.W10	09.01.2018	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W11	23.08.2018	Petition u/s.2A of Industrial Disputes Act, 1947
Ex.W12	25.09.2018	Parawise comments filed by Asst.Chief Accounts Officer
Ex.W13	05.10.2018	Minutes of conciliation proceedings
Ex.W14	30.10.2018	Minutes of conciliation proceedings

Ex.W15	12.11.2018	Rejoinder by 1 st Party to the parawise comments filed by 2 nd respondent
Ex.W16	30.04.2019	Minutes of conciliation proceedings
Ex.W17	09.05.2019	Minutes of conciliation proceedings
Ex.W18	-	Common representation by the Petitioner and others to conciliation officer with service details
Ex.W19	18.07.2019	Minutes of conciliation proceedings
Ex.W20	15.10.2019	Letter of Regional Labour Commissioner , Chennai to the Deputy Chief Labour Commissioner(C), Chennai.
Ex.W21	25.11.2019	Reference made by Deputy Chief Labour Commissioner(C), Chennai
Ex.W22	13.12.2019	Copy of notice

Documents Marked:

On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	17.05.1989	Directorate Lr.No.65-24/88-SPB-I
Ex.M 2	12.04.1991	Directorate Lr.No.45-95/87-SPB-I
Ex.M3	1.11.1995& 08.11.1995	Lr.No.66-52/92-SEP I
Ex.M4	09.09.2009	Postal Directorate Lr.No.1-10/2009/PCC
Ex.M5`	19.11.2010	Postal Directorate Lr.No.4-4/2009/PCC
Ex.M6	27.01.2011	DOP Lr.No.45-2/2011-SPB-I
Ex.M7	09.07.2019	Lr.No.878/Admn/EA VII/CL/Petition/19-20

5. The Petitioner has submitted proof of affidavit in support of his claim and adduced oral evidence as WW1 and documents filed by his were marked as Ex.W1 to W22. The Respondent has also filed its proof of affidavit and Shri R.Swaminathan, Assistant Chief Accounts Officer was examined as MW1 and documents on behalf of respondent were marked as M1 to M7.

6. Heard the learned counsel appearing for either side and perused the records. The point that arises for consideration is “whether the employee of the Respondent is entitled for reinstatement into service along with all benefits against the management of Department of Postal Accounts & Finance? If not to what relief the concerned workman is entitled?”

7. The Petitioner Mr. S.Thulakhanam has stated in his claim statement that he had entered into service of the Respondent in the year 2008. The fact of continuous service is established by the Petitioner by adducing oral evidence as WW1 and filing proof of affidavit and the documents which were marked as Ex.W1 to W22.

8. The Respondent in its reply admitted this fact that Petitioner was engaged with the Department, but stated that engagement was on daily wage basis and not against any MTS vacancies. The Petitioner was not a permanent employee and there was no employer-employee relationship exists between the Respondent and the Petitioner. The Respondent further stated that no appointment or engagement order was issued to the Petitioner and as per circular dated 01.11.1995 and 08.11.1995, casual labourers in employment upto 01.09.1993 were only eligible to be conferred with temporary status and the Petitioner was not working on 01.09.1993 with the Department and therefore, they are not entitled for any absorption.

9. The learned counsel for the Respondent further submits that Multi Tasking Staff Recruitment Rules, 2010 dated 12.12.2010 is not applicable to the Petitioner. As per circular dated 01.11.1995 and 08.11.1995 the following conditions must be fulfilled:-

- Temporary status on or before 01.09.1993;
- Full time casual labourer engaged on or before 01.09.1993 &
- Part-time casual labourer engaged on or before 01.09.1993.

10. The learned counsel for the Respondent contended that Petitioner was not engaged through employment

exchange and no appointment letter was issued. He further stated that assumption of the Petitioner that he/she works against the post of MTS is incorrect. The learned counsel further stated that there was no relationship of employer-employee between the Respondent and Petitioner, hence the question of notice or protection u/s.25F of the Industrial Disputes Act, 1947 does not arise.

11. On behalf of the Respondent a circular dated 17.05.1989 has been filed which is marked as Ex.M1, and it clarifies the position of casual labourers and part-time casual labourers in para 2, which reads as under:-

“2. It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under different designations (mazdoor casual labourer, contingent paid staff, daily wager, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued.”

12. The Petitioner in the claim statement stated that the work was performed for a period of more than eight hours per day. The Respondent witness MW1 in his oral evidence nowhere stated that Petitioner did not perform the work about eight or more than 8 hours per day.

13. The Respondent submitted another circular dated 11.09.1991 which is marked as Ex.M2. The subject of this circular is Casual Labourers (Grant of Temporary Status and Regularization) Scheme. This circular did not suggest date of appointment of the labourers which means this circular does not impose a condition that the casual labour must be in service on a particular date.

14. The another circular issued by Respondent, Department of Posts, dated 27.11.1995 marked as Ex.M3, which suggests that full time casual labourers recruited after 29.11.1989 upto 10.09.1993 may also be considered for grant of benefits under the scheme. This circular later specified the particular date i.e., 10.09.1993.

15. The next document marked as Ex.M5 dated 19.11.2010, which states that no casual labour shall be engaged in the administrative office with effect from 01.12.2010. This circular further stated that since the duties of waterman, watch & ward, gardening, cleaning etc. are now part of duties assigned to MTS, the existing practice of engaging casual labourers as waterman, gardener, watch and ward or any other category shall be dispensed with from 01.12.2010. The Petitioner was engaged prior to this circular dated 19.11.2010.

16. The next document filed by the Respondent and marked as Ex.M6 is a circular issued by Ministry of Communications & IT, Department of Posts dated 27.01.2011 regarding filling up of vacancies on the basis of latest recruitment rules for the post of MTS, wherein it was directed to observe the following conditions:-

“i) (a) 25% by appointment of Casual Labourers conferred with temporary status on the basis of Selection-cum-seniority failing which by,

(b) Appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority failing which by,

(c) Appointment of existing part-time Casual Labourers, engaged on or before 1.9.1993, on the basis of selection-cum-seniority failing which by,

(d) Direct recruitment as per the scheme circulated by the Department of Posts from time to time.

ii). 75% by direct recruitment as per the scheme circulated by the Department of Posts from time to time.”

17. This circular clearly suggests that 25% of persons must be appointed from casual labourers, who has been conferred with temporary status on the basis of selection-cum-seniority. The second condition suggests appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority. The third condition suggests that appointment of existing part-time Casual Labourers, engaged on or before 01.09.1993, on the basis of selection-cum-seniority.

It is true that the Respondent department never constituted any committee to select persons who conferred with temporary status by preparing list of selection cum seniority.

18. All the circulars issued by Department of Posts suggest that since the Petitioner was not in service on 01.09.1993, he/she is not entitled for absorption. In the case of Dharam Singh Vs. State of U.P & Another in Civil Appeal No.8558 of 2018 dated 19.08.2025, the Hon'ble Supreme Court has held as under:-

“17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that

overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running."

19. In the case of *Jaggo Vs. Union of India* in SLP No.5580 of 2024 (2024) SCC online 3826 and *Shripal & Another Vs. Nagar Nigam, Ghaziabad* (2025) SCC online 221, the Hon'ble Supreme Court has held that long-term "ad hocism", is denial of basic parity. The Hon'ble Supreme Court denied the contention of the Respondent that daily wagers and temporary employees cannot claim permanent absorption in the absence of statutory Rules. The Hon'ble Court further stated that the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

20. In the present case, the Petitioner has continuously rendered services over several years. The Hon'ble Supreme Court has held in the case of *Shripal & Another (supra)* that Indian Labour Law is

strongly disfavors perpetual daily-wage or contractual engagements in circumstances, where the work is permanent in nature.

21. Further, the Hon'ble Supreme Court in the case of *Jaggo Vs. Union of India (supra)* has observed as under:-

"22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, workers and and fair treatment. Such practices have been criticized for exploiting undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23.....

24.....

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed employees. These practices manifest in several ways:

Misuse of "Temporary" Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

Arbitrary Temporary Termination: employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

Using Outsourcing as Institutions Shield: to increasingly resort outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

22. The learned counsel for the Respondent argued that no appointment order was issued to the Petitioner, and thus no permanent status is allowable to the Petitioner. But the non-issuance of appointment order does not erase the entitlement of the Petitioner since the Petitioner has worked for several years and not days.

AWARD

In view of the foregoing discussion, the appeal filed by the Petitioner is liable to be allowed with the following directions:-

The Petitioner's service shall stand regularized with effect from the date of removal/denial from service and the Petitioner shall be reinstated into service within a period of three months with 50% back wages and consequential & other attendant benefits.

The reference is answered accordingly.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2058.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर; निदेशक, डाक लेखा, कार्यालय महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर के प्रबंधतंत्र के संबद्ध नियोजकों और श्री एम. खालिक बाशा चेन्नई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट(संदर्भ संख्या- 146/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/256-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2058.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 146/2019) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Postal Accounts & Finance, Egmore; The Director Postal Accounts, O/o. General Manager, Postal Accounts & Finance, Egmore and Mr. M.Khaliq Basha, Chennai, worker.**

[No. L-42025/07/2025/256- IR DU]

SALONI, Dy. Director

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI**

Date:30-10-2025

**Present: SUSHIL KUMAR-II,
PRESIDING OFFICER**

I.D. No. 146/2019

BETWEEN

Mr. M.Khaliq Basha
S/o. Moobag Basha,
No.16/43, Kamaraj Nagar, 1st Street,
Zamin Pallavaram
Chennai-600 043.

: 1st Party/ Petitioner

AND

1.The General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, Ethiraj Salai,
Egmore-600 008.
2.The Director Postal Accounts,,
O/o. General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, Ethiraj Salai,
Egmore-600 008.

: 2ⁿ Party/Respondents

Appearance:

For the 1st Party/ Petitioner : M/s.R.Malaichamy, Advocates

For the 2nd Party/ Respondents : M/s.M.Kumar, Advocates

The Deputy Chief Labour Commissioner (Central), Chennai, (Ministry of Labour & Employment) vide its Order No. M.No.8/7/2019-A1 dated 26.11.2019 referred the following Industrial Dispute to this Tribunal for adjudication.

2. The schedule mentioned in that order is:

“Whether the demand of Mr.M.Khaliq Basha for reinstatement along with all benefits against the management of Department of Postal Accounts and Finance is legal and justified? If not, to what relief the concerned workman is entitled to?”

3. As per the claim statement, the case of the Petitioner is that he entered as casual labourer in the 2nd Party/Management in the year 2008 and was engaged against MTS vacancy. The Petitioner performed his duties of weeding out, arranging old records, maintaining office premises, gardening and scavenging. As per instructions of Department of Post vide letter No.65-24/88-SPB-I dated 17.05.1989, he is entitled to absorption as MTS, since he has completed more than 10 years service as casual labourer. However, the Petitioner was denied work w.e.f 18.07.2018. therefore, the action of the respondent/Management in removing the Petitioner from service without any order or notice amounts to violation of principles of natural justice u/s.25F of the Industrial Disputes Act, 1947. Therefore, it is prayed that Respondent may be directed to reinstate the Petitioner into service with a direction to absorb him on regular basis with back wages and other attendant benefits.

4. In the counter statement, the Respondent stated that Petitioner is only a casual employee and at no point of time, there was employer-employee relationship. The Petitioner was engaged as an outsider for short spells in respect of housekeeping and allied duties on daily wage basis and against any MTS vacancy. No order of appointment or engagement was issued to the Petitioner. The casual labourers in employment up to 01.09.1993 were only eligible to be conferred with temporary status. The Petitioner was neither engaged through employment exchange nor for any regular work or against any regular vacancy and is not possessing requisite eligibility criteria for consideration against MTS post. The wages to the Petitioner were paid as per recommendations of District Collectorate. The same was drawn and paid as per envisaged norms from time to time. Therefore, the Petitioner is not entitled to any relief and the claim of the Petitioner is liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner : WW1 Mr. M.Khaliq Basha

For the 2nd Party/Management : MW1 Shri R.Swaminathan,
Asst.Chief Accounts Officer

Documents Marked:**On the Petitioner's side:**

Ex.No.	Date	Description
Ex.W1	17.05.1989	Instructions issued by Postal Directorate
Ex.W2	27.04.2000	Remuneration payable to full-time / part time casual labourer.
Ex.W3	04.01.2008	Pay receipts
Ex.W4	30.11.2010	Instruction regarding engagement of casual labourers
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Ex.W14	05.10.2018	Minutes of conciliation proceedings
Ex.W15	30.10.2018	Minutes of conciliation proceedings
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Ex.W18	09.05.2019	Minutes of conciliation proceedings
Ex.W19	-	Common representation by the Petitioner and others to conciliation officer with service details
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Ex.W21	15.10.2019	Letter of Regional Labour Commissioner , Chennai to the Deputy Chief Labour Commissioner(C), Chennai.
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Ex.W23	13.12.2019	Copy of notice

Documents Marked:On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	17.05.1989	Directorate Lr.No.65-24/88-SPB-I
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Ex.M5`	19.11.2010	Postal Directorate Lr.No.4-4/2009/PCC
Ex.M6	27.01.2011	DOP Lr.No.45-2/2011-SPB-I
Ex.M7	09.07.2019	Lr.No.878/Admn/EA VII/CL/Petition/19-20

5. The Petitioner has submitted proof of affidavit in support of his claim and adduced oral evidence as WW1 and documents filed by his were marked as Ex.W1 to W23. The Respondent has also filed its proof of affidavit and Shri R.Swaminathan, Assistant Chief Accounts Officer was examined as MW1 and documents on behalf of respondent were marked as Ex.M1 to Ex.M7.

6. Heard the learned counsel appearing for either side and perused the records. The point that arises for consideration is “whether the employee of the Respondent is entitled for reinstatement into service along with all benefits against the management of Department of Postal Accounts & Finance? If not to what relief the concerned workman is entitled?”

7. The Petitioner Mr. M.Khaliq Basha has stated in his claim statement that he had entered into service of the Respondent in the year 2008. The fact of continuous service is established by the Petitioner by adducing oral evidence as WW1 and filing proof of affidavit and the documents which were marked as Ex.W1 to W23.

8. The Respondent in its reply admitted this fact that Petitioner was engaged with the Department, but stated that engagement was on daily wage basis and not against any MTS vacancies. The Petitioner was not a permanent employee and there was no employer-employee relationship exists between the Respondent and the Petitioner. The Respondent further stated that no appointment or engagement order was issued to the Petitioner and as per circular dated 01.11.1995 and 08.11.1995, casual labourers in employment upto 01.09.1993 were only eligible to be conferred with temporary status and the Petitioner was not working on 01.09.1993 with the Department and therefore, they are not entitled for any absorption.

9. The learned counsel for the Respondent further submits that Multi Tasking Staff Recruitment Rules, 2010 dated 12.12.2010 is not applicable to the Petitioner. As per circular dated 01.11.1995 and 08.11.1995 the following conditions must be fulfilled:-

- a) Temporary status on or before 01.09.1993;
- b) Full time casual labourer engaged on or before 01.09.1993 &
- c) Part-time casual labourer engaged on or before 01.09.1993.

10. The learned counsel for the Respondent contended that Petitioner was not engaged through employment exchange and no appointment letter was issued. He further stated that assumption of the Petitioner that he/she works against the post of MTS is incorrect. The learned counsel further stated that there was no relationship of employer-employee between the Respondent and Petitioner, hence the question of notice or protection u/s.25F of the Industrial Disputes Act, 1947 does not arise.

11. On behalf of the Respondent a circular dated 17.05.1989 has been filed which is marked as Ex.M1, and it clarifies the position of casual labourers and part-time casual labourers in para 2, which reads as under:-

“2. It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under different designations (mazdoor casual labourer, contingent paid staff, daily wager, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued.”

12. The Petitioner in the claim statement stated that the work was performed for a period of more than eight hours per day. The Respondent witness MW1 in his oral evidence nowhere stated that Petitioner did not perform the work about eight or more than 8 hours per day.

13. The Respondent submitted another circular dated 11.09.1991 which is marked as Ex.M2. The subject of this circular is Casual Labourers (Grant of Temporary Status and Regularization) Scheme. This circular did not suggest date of appointment of the labourers which means this circular does not impose a condition that the casual labour must be in service on a particular date.

14. The another circular issued by Respondent, Department of Posts, dated 27.11.1995 marked as Ex.M3, which suggests that full time casual labourers recruited after 29.11.1989 upto 10.09.1993 may also be considered for grant of benefits under the scheme. This circular later specified the particular date i.e., 10.09.1993.

15. The next document marked as Ex.M5 dated 19.11.2010, which states that no casual labour shall be engaged in the administrative office with effect from 01.12.2010. This circular further stated that since the duties of waterman, watch & ward, gardening, cleaning etc. are now part of duties assigned to MTS, the existing practice of engaging casual labourers as waterman, gardener, watch and ward or any other category shall be dispensed with from 01.12.2010. The Petitioner was engaged prior to this circular dated 19.11.2010.

16. The next document filed by the Respondent and marked as Ex.M6 is a circular issued by Ministry of Communications & IT, Department of Posts dated 27.01.2011 regarding filling up of vacancies on the basis of latest recruitment rules for the post of MTS, wherein it was directed to observe the following conditions:-

“i) (a) 25% by appointment of Casual Labourers conferred with temporary status on the basis of Selection-cum-seniority failing which by,

(b) Appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority failing which by,

(c) Appointment of existing part-time Casual Labourers, engaged on or before 1.9.1993, on the basis of selection-cum-seniority failing which by,

(d) Direct recruitment as per the scheme circulated by the Department of Posts from time to time.

ii). 75% by direct recruitment as per the scheme circulated by the Department of Posts from time to time.”

17. This circular clearly suggests that 25% of persons must be appointed from casual labourers, who has been conferred with temporary status on the basis of selection-cum-seniority. The second condition suggests appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority. The third condition suggests that appointment of existing part-time Casual Labourers, engaged on or before 01.09.1993, on the basis of selection-cum-seniority.

It is true that the Respondent department never constituted any committee to select persons who conferred with temporary status by preparing list of selection cum seniority.

18. All the circulars issued by Department of Posts suggest that since the Petitioner was not in service on 01.09.1993, he/she is not entitled for absorption. In the case of Dharam Singh Vs. State of U.P & Another in Civil Appeal No.8558 of 2018 dated 19.08.2025, the Hon'ble Supreme Court has held as under:-

“17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.”

19. In the case of Jaggo Vs. Union of India in SLP No.5580 of 2024 (2024) SCC online 3826 and Shripal & Another Vs. Nagar Nigam, Ghaziabad (2025) SCC online 221, the Hon'ble Supreme Court has held that long-term “ad hocism”, is denial of basic parity. The Hon'ble Supreme Court denied the contention of the Respondent that daily wagers and temporary employees cannot claim permanent absorption in the absence of statutory Rules. The Hon'ble Court further stated that the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

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strongly disfavors perpetual daily-wage or contractual engagements in circumstances, where the work is permanent in nature.

21. Further, the Hon'ble Supreme Court in the case of Jaggo Vs. Union of India (supra) has observed as under:-

"22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, workers and fair treatment. Such practices have been criticized for exploiting undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23.....

24.....

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed employees. These practices manifest in several ways:

Misuse of "Temporary" Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

Arbitrary Temporary Termination: employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

Using Outsourcing as Institutions Shield: to increasingly resort outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

22. The learned counsel for the Respondent argued that no appointment order was issued to the Petitioner, and thus no permanent status is allowable to the Petitioner. But the non-issuance of appointment order does not erase the entitlement of the Petitioner since the Petitioner has worked for several years and not days.

AWARD

In view of the foregoing discussion, the appeal filed by the Petitioner is liable to be allowed with the following directions:-

The Petitioner's service shall stand regularized with effect from the date of removal/denial from service and the Petitioner shall be reinstated into service within a period of three months with 50% back wages and consequential & other attendant benefits.

The reference is answered accordingly.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2059.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर; निदेशक, डाक लेखा, कार्यालय महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर के प्रबंधतंत्र के संबद्ध नियोजकों और श्रीमती ए.सुजाता, चेन्नई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 147/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/257-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2059.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 147/2019) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Postal Accounts & Finance, Egmore; The Director Postal Accounts, O/o. General Manager, Postal Accounts & Finance, Egmore** and **Smt. A. Sujatha, Chennai**, worker.

[No. L-42025/07/2025/257- IR DU]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Date: 30-10-2025

**Present: SUSHIL KUMAR-II,
PRESIDING OFFICER**

I.D. No. 147/2019

BETWEEN

Smt.A.Sujatha,
W/o.J.Apsalam,
No.145, 4th Street,
Dr.Ambedkar Nagar, Perambur,
Chennai-600 011.

: 1st Party/ Petitioner

AND

1.The General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, Ethiraj Salai,
Egmore-600 008.

2.The Director Postal Accounts,,
O/o. General Manager,
Postal Accounts & Finance,
Tamil Nadu Circle, Ethiraj Salai,
Egmore-600 008.

: 2ⁿ Party/Respondents**Appearance:**

For the 1st Party/ Petitioner : M/s.R.Malaichamy, Advocates

For the 2nd Party/ Respondents : M/s.M.Kumar, Advocates

The Deputy Chief Labour Commissioner (Central), Chennai, (Ministry of Labour & Employment) vide its Order No. M.No.8/8/2019-A1 dated 26.11.2019 referred the following Industrial Dispute to this Tribunal for adjudication.

2. The schedule mentioned in that order is:

“Whether the demand of Ms. A.Sujatha for reinstatement along with all benefits against the management of Department of Postal Accounts and Finance is legal and justified? If not, to what relief the concerned workwoman is entitled to?”

3. As per the claim statement, the case of the Petitioner is that she entered as casual labourer in the 2nd Party/Management and was engaged against MTS vacancy. She performed her duties of weeding out, arranging old records, maintaining office premises, gardening and scavenging. The Petitioner was engaged in the year 2004 and as per instructions of Department of Post vide letter No.65-24/88-SPB-I dated 17.05.1989, she is entitled to absorption as MTS, since she has completed more than 14 years service as casual labourer. However, the Petitioner was denied work w.e.f 18.07.2018. Therefore, the action of the respondent/Management in removing the Petitioner from service without any order, notice amounts to violation of principles of natural justice u/s.25F of the Industrial Disputes Act, 1947. Therefore, it is prayed that Respondent may be directed to reinstate the Petitioner into service with a direction to absorb her on regular basis with back wages and other attendant benefits.

4. In the counter statement, the Respondent stated that Petitioner is only a casual employee and at no point of time, there was employer-employee relationship. The Petitioner was engaged as an outsider for short spells in respect of housekeeping and allied duties on daily wage basis and against any MTS vacancy. No order of appointment or engagement was issued to the Petitioner. The casual labourers in employment up to 01.09.1993 were only eligible to be conferred with temporary status. The Petitioner was neither engaged through employment exchange nor for any regular work or against any regular vacancy and is not possessing requisite eligibility criteria for consideration against MTS post. The wages to the Petitioner were paid as per recommendations of District Collectorate. The same was drawn and paid as per envisaged norms from time to time. Therefore, the Petitioner is not entitled to any relief and the claim of the Petitioner is liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner : WW1 Ms. A.Sujatha

For the 2nd Party/Management : MW1 Shri R.Swaminathan,

Documents Marked:**On the Petitioner's side:**

Ex.No.	Date	Description
Ex.W1	17.05.1989	Instructions issued by Postal Directorate
Ex.W2	27.04.2000	Remuneration payable to full-time / part time casual labourer.
Ex.W3	28.12.2006	Pay receipts

Ex.W4	30.11.2010	Instruction regarding engagement of casual labourers
Ex.W5	17.06.2016	OM issued by Postal Directorate
Ex.W6	28.11.2016	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W7	15.03.2017	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W8	31.03.2017	OM issued by Postal Directorate
Ex.W9	23.10.2017	Pay sanction order
Ex.W10	09.01.2018	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W11	23.08.2018	Petition u/s.2A of Industrial Disputes Act, 1947
Ex.W12	25.09.2018	Parawise comments filed by Asst.Chief Accounts Officer
Ex.W13	05.10.2018	Minutes of conciliation proceedings
Ex.W14	30.10.2018	Minutes of conciliation proceedings
Ex.W15	12.11.2018	Rejoinder by 1 st Party to the parawise comments filed by 2 nd respondent
Ex.W16	30.04.2019	Minutes of conciliation proceedings
Ex.W17	09.05.2019	Minutes of conciliation proceedings
Ex.W18	-	Common representation by the Petitioner and others to conciliation officer with service details
Ex.W19	18.07.2019	Minutes of conciliation proceedings
Ex.W20	15.10.2019	Letter of Regional Labour Commissioner, Chennai to the Deputy Chief Labour Commissioner(C), Chennai.
Ex.W21	26.11.2019	Reference made by Deputy Chief Labour Commissioner(C), Chennai
Ex.W22	13.12.2019	Copy of notice

Documents Marked:

On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M1	17.05.1989	Directorate Lr.No.65-24/88-SPB-I
Ex.M2	12.04.1991	Directorate Lr.No.45-95/87-SPB-I
Ex.M3	1.11.1995& 08.11.1995	Lr.No.66-52/92-SEP I
Ex.M4	09.09.2009	Postal Directorate Lr.No.1-10/2009/PCC
Ex.M5	19.11.2010	Postal Directorate Lr.No.4-4/2009/PCC
Ex.M6	27.01.2011	DOP Lr.No.45-2/2011-SPB-I
Ex.M7	09.07.2019	Lr.No.878/Admn/EA VII/CL/Petition/19-20

5. The Petitioner has submitted proof of affidavit in support of her claim and adduced oral evidence as WW1 and documents filed by her were marked as Ex.W1 to W22. The Respondent has also filed its proof of affidavit and Shri R.Swaminathan, Assistant Chief Accounts Officer was examined as MW1 and documents filed on behalf of Respondent were marked as Ex.M1 to M7.

6. Heard the learned counsel appearing for either side and perused the records. The point that arises for consideration is “whether the employee of the Respondent is entitled for reinstatement into service along with all benefits against the management of Department of Postal Accounts & Finance? If not to what relief the concerned workman is entitled?”

7. The Petitioner Smt.A.Sujatha has stated in her claim statement that she had entered into service of the Respondent in the year 2004. The fact of continuous service is established by the Petitioner by adducing oral evidence as WW1 and filing proof of affidavit and the documents which were marked as Ex.W1 to W22.

8. The Respondent in its reply admitted this fact that Petitioner was engaged with the Department, but stated that engagement was on daily wage basis and not against any MTS vacancies. The Petitioner was not a permanent employee and there was no employer-employee relationship exists between the Respondent and the Petitioner. The Respondent further stated that no appointment or engagement order was issued to the Petitioner and as per circular dated 01.11.1995 and 08.11.1995, casual labourers in employment upto 01.09.1993 were only eligible to be conferred with temporary status and the Petitioner was not working on 01.09.1993 with the Department and therefore, they are not entitled for any absorption.

9. The learned counsel for the Respondent further submits that Multi Tasking Staff Recruitment Rules, 2010 dated 12.12.2010 is not applicable to the Petitioner. As per circular dated 01.11.1995 and 08.11.1995 the following conditions must be fulfilled:-

a) Temporary status on or before 01.09.1993;

b) Full time casual labourer engaged on or before 01.09.1993 &

c) Part-time casual labourer engaged on or before 01.09.1993.

10. The learned counsel for the Respondent contended that Petitioner was not engaged through employment exchange and no appointment letter was issued. He further stated that assumption of the Petitioner that he/she works against the post of MTS is incorrect. The learned counsel further stated that there was no relationship of employer-employee between the Respondent and Petitioner, hence the question of notice or protection u/s.25F of the Industrial Disputes Act, 1947 does not arise.

11. On behalf of the Respondent a circular dated 17.05.1989 has been filed which is marked as Ex.M1, and it clarifies the position of casual labourers and part-time casual labourers in para 2, which reads as under:-

"2. It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under different designations (mazdoor casual labourer, contingent paid staff, daily wagger, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued."

12. The Petitioner in the claim statement stated that the work was performed for a period of more than eight hours per day. The Respondent witness MW1 in his oral evidence nowhere stated that Petitioner did not perform the work about eight or more than 8 hours per day.

13. The Respondent submitted another circular dated 11.09.1991 which is marked as Ex.M2. The subject of this circular is Casual Labourers (Grant of Temporary Status and Regularization) Scheme. This circular did not suggest date of appointment of the labourers which means this circular does not impose a condition that the casual labour must be in service on a particular date.

14. The another circular issued by Respondent, Department of Posts, dated 27.11.1995 marked as Ex.M3, which suggests that full time casual labourers recruited after 29.11.1989 upto 10.09.1993 may also be considered for grant of benefits under the scheme. This circular later specified the particular date i.e., 10.09.1993.

15. The next document marked as Ex.M5 dated 19.11.2010, which states that no casual labour shall be engaged in the administrative office with effect from 01.12.2010. This circular further stated that since the duties of waterman, watch & ward, gardening, cleaning etc. are now part of duties assigned to MTS, the existing practice of engaging casual labourers as waterman, gardener, watch and ward or any other category shall be dispensed with from 01.12.2010. The Petitioner was engaged prior to this circular dated 19.11.2010.

16. The next document filed by the Respondent and marked as Ex.M6 is a circular issued by Ministry of Communications & IT, Department of Posts dated 27.01.2011 regarding filling up of vacancies on the basis of latest recruitment rules for the post of MTS, wherein it was directed to observe the following conditions:-

"i) (a) 25% by appointment of Casual Labourers conferred with temporary status on the basis of Selection-cum-seniority failing which by,

(b) Appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority failing which by,

(c) Appointment of existing part-time Casual Labourers, engaged on or before 1.9.1993, on the basis of selection-cum-seniority failing which by,

(d) *Direct recruitment as per the scheme circulated by the Department of Posts from time to time.*

ii). *75% by direct recruitment as per the scheme circulated by the Department of Posts from time to time.*”

17. This circular clearly suggests that 25% of persons must be appointed from casual labourers, who has been conferred with temporary status on the basis of selection-cum-seniority. The second condition suggests appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority. The third condition suggests that appointment of existing part-time Casual Labourers, engaged on or before 01.09.1993, on the basis of selection-cum-seniority.

It is true that the Respondent department never constituted any committee to select persons who conferred with temporary status by preparing list of selection cum seniority.

18. All the circulars issued by Department of Posts suggest that since the Petitioner was not in service on 01.09.1993, he/she is not entitled for absorption. In the case of *Dharam Singh Vs. State of U.P & Another* in Civil Appeal No.8558 of 2018 dated 19.08.2025, the Hon'ble Supreme Court has held as under:-

“17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running.”

19. In the case of *Jaggo Vs. Union of India* in SLP No.5580 of 2024 (2024) SCC online 3826 and *Shripal & Another Vs. Nagar Nigam, Ghaziabad* (2025) SCC online 221, the Hon'ble Supreme Court has held that long-term “ad hocism”, is denial of basic parity. The Hon'ble Supreme Court denied the contention of the Respondent that daily wagers and temporary employees cannot claim permanent absorption in the absence of statutory Rules. The Hon'ble Court further stated that the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

20. In the present case, the Petitioner has continuously rendered services over several years. The Hon'ble Supreme Court has held in the case of *Shripal & Another* (supra) that Indian Labour Law is

strongly disfavors perpetual daily-wage or contractual engagements in circumstances, where the work is permanent in nature.

21. Further, the Hon'ble Supreme Court in the case of *Jaggo Vs. Union of India* (supra) has observed as under:-

“22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, workers and and fair treatment. Such practices have been criticized for exploiting undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23.....

24.....

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed employees. These practices manifest in several ways:

Misuse of "Temporary" Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

Arbitrary Temporary Termination: employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

Using Outsourcing as Institutions Shield: to increasingly resort outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

22. The learned counsel for the Respondent argued that no appointment order was issued to the Petitioner, and thus no permanent status is allowable to the Petitioner. But the non-issuance of appointment order does not erase the entitlement of the Petitioner since the Petitioner has worked for several years and not days.

AWARD

In view of the foregoing discussion, the appeal filed by the Petitioner is liable to be allowed with the following directions:-

The Petitioner's service shall stand regularized with effect from the date of removal/denial from service and the Petitioner shall be reinstated into service within a period of three months with 50% back wages and consequential & other attendant benefits.

The reference is answered accordingly.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2060.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर; निदेशक, डाक लेखा, कार्यालय महाप्रबंधक, डाक लेखा एवं वित्त, एगमोर के प्रबंधतंत्र के संबद्ध नियोजकों और श्री आर. सेंथमिल, चेन्नई, कामगार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय- चेन्नई पंचाट (संदर्भ संख्या- 148/2019) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है।

[सं. एल -42025/07/2025/258-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2060.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 148/2019) of the **Central Government Industrial Tribunal cum Labour Court - Chennai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **The General Manager, Postal Accounts & Finance, Egmore; The Director Postal Accounts, O/o. General Manager, Postal Accounts & Finance, Egmore and Mr. R. Senthamil, Chennai, worker.**

[No. L-42025/07/2025/258- IR DU]

SALONI, Dy. Director

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL
TRIBUNAL- CUM - LABOUR COURT, CHENNAI

Date:30-10-2025

Present: SUSHIL KUMAR-II,
PRESIDING OFFICER

I.D. No. 148/2019

BETWEEN

Mr.R.Senthamil,
 S/o. K.Raghu,
 No.6/23, Kamaraj Street,
 Otteri, Chennai-12.

: 1st Party/ Petitioner

AND

1.The General Manager,
 Postal Accounts & Finance,
 Tamil Nadu Circle, Ethiraj Salai,
 Egmore-600 008.

2.The Director Postal Accounts,,
 O/o. General Manager,
 Postal Accounts & Finance,
 Tamil Nadu Circle, Ethiraj Salai,
 Egmore-600 008.

: 2ⁿ Party/Respondents

Appearance:

For the 1st Party/ Petitioner : M/s.R.Malaichamy, Advocates

For the 2nd Party/ Respondents : M/s.M.Kumar, Advocates

The Deputy Chief Labour Commissioner (Central), Chennai, (Ministry of Labour & Employment) vide its Order No. M.No.8/9/2019-A1 dated 27.11.2019 referred the following Industrial Dispute to this Tribunal for adjudication.

2. The schedule mentioned in that order is:

“Whether the demand of Mr. R.Senthamil for reinstatement along with all benefits against the management of Department of Postal Accounts and Finance is legal and justified? If not, to what relief the concerned workman is entitled to?”

3. As per the claim statement, the case of the Petitioner is that he entered as casual labourer in the 2nd Party/Management in the year 2010 and was engaged against MTS vacancy. The Petitioner performed his duties of weeding out, arranging old records, maintaining office premises, gardening and scavenging. As per instructions of Department of Post vide letter No.65-24/88-SPB-I dated 17.05.1989, he is entitled to absorption as MTS, since he has completed more than 8 years service as casual labourer. However, the Petitioner was denied work w.e.f 08.05.2018. Therefore, the action of the respondent/Management in removing the Petitioner from service without any order or notice amounts to violation of principles of natural justice u/s.25F of the Industrial Disputes Act, 1947. Therefore, it is prayed that Respondent may be directed to reinstate the Petitioner into service with a direction to absorb him on regular basis with back wages and other attendant benefits.

4. In the counter statement, the Respondent stated that Petitioner is only a casual employee and at no point of time, there was employer-employee relationship. The Petitioner was engaged as an outsider for short spells in respect of housekeeping and allied duties on daily wage basis and against any MTS vacancy. No order of appointment or engagement was issued to the Petitioner. The casual labourers in employment up to 01.09.1993 were only eligible to be conferred with temporary status. The Petitioner was neither engaged through employment exchange nor for any regular work or against any regular vacancy and is not possessing requisite eligibility criteria

for consideration against MTS post. The wages to the Petitioner were paid as per recommendations of District Collectorate. The same was drawn and paid as per envisaged norms from time to time. Therefore, the Petitioner is not entitled to any relief and the claim of the Petitioner is liable to be dismissed.

Witnesses Examined:

For the First Party Petitioner : WW1 Mr. R.Senthamil

For the 2nd Party/Management : MW1 Shri R.Swaminathan,

Asst.Chief Accounts Officer

Documents Marked:

On the Petitioner's side:

Ex.No.	Date	Description
Ex.W1	17.05.1989	Instructions issued by Postal Directorate
Ex.W2	27.04.2000	Remuneration payable to full-time / part time casual labourer.
Ex.W3	30.11.2010	Instruction regarding engagement of casual labourers
Ex.W4	17.06.2016	OM issued by Postal Directorate
Ex.W5	28.11.2016	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W6	15.03.2017	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W7	31.03.2017	OM issued by Postal Directorate
Ex.W8	11.04.2017	Pay sanction order issued by Asst. Chief Accounts Officer, Administration
Ex.W9	21.08.2017	Pay receipt
Ex.W10	09.01.2018	Letter of SC/ST Welfare Association to the 1 st Respondent
Ex.W11	23.08.2018	Petition u/s.2A of Industrial Disputes Act, 1947
Ex.W12	25.09.2018	Parawise comments filed by Asst.Chief Accounts Officer
Ex.W13	05.10.2018	Minutes of conciliation proceedings
Ex.W14	30.10.2018	Minutes of conciliation proceedings
Ex.W15	12.11.2018	Rejoinder by 1 st Party to the parawise comments filed by 2 nd respondent
Ex.W16	30.04.2019	Minutes of conciliation proceedings
Ex.W17	09.05.2019	Minutes of conciliation proceedings
Ex.W18	-	Common representation by the Petitioner and others to conciliation officer with service details
Ex.W19	18.07.2019	Minutes of conciliation proceedings
Ex.W20	15.10.2019	Letter of Regional Labour Commissioner , Chennai to the Deputy Chief Labour Commissioner(C), Chennai.
Ex.W21	27.11.2019	Reference made by Deputy Chief Labour Commissioner(C), Chennai
Ex.W22	13.12.2019	Copy of notice

Documents Marked:

On behalf of Respondent/Management

Ex.No.	Date	Description
Ex.M 1	17.05.1989	Directorate Lr.No.65-24/88-SPB-I
Ex.M 2	12.04.1991	Directorate Lr.No.45-95/87-SPB-I
Ex.M3	1.11.1995&	Lr.No.66-52/92-SEP I

	08.11.1995	
Ex.M4	09.09.2009	Postal Directorate Lr.No.1-10/2009/PCC
Ex.M5`	19.11.2010	Postal Directorate Lr.No.4-4/2009/PCC
Ex.M6	27.01.2011	DOP Lr.No.45-2/2011-SPB-I
Ex.M7	09.07.2019	Lr.No.878/Admn/EA VII/CL/Petition/19-20

5. The Petitioner has submitted proof of affidavit in support of his claim and adduced oral evidence as WW1 and documents filed by him were marked as Ex.W1 to W22. The Respondent has also filed its proof of affidavit and Shri R.Swaminathan, Assistant Chief Accounts Officer was examined as MW1 and documents on behalf of respondent were marked as Ex.M1 to Ex.M7.

6. Heard the learned counsel appearing for either side and perused the records. The point that arises for consideration is “whether the employee of the Respondent is entitled for reinstatement into service along with all benefits against the management of Department of Postal Accounts & Finance? If not to what relief the concerned workman is entitled?”

7. The Petitioner Shri R.Senthamil has stated in his claim statement that he had entered into service of the Respondent in the year 2010. The fact of continuous service is established by the Petitioner by adducing oral evidence as WW1 and filing proof of affidavit and the documents which were marked as Ex.W1 to W22.

8. The Respondent in its reply admitted this fact that Petitioner was engaged with the Department, but stated that engagement was on daily wage basis and not against any MTS vacancies. The Petitioner was not a permanent employee and there was no employer-employee relationship exists between the Respondent and the Petitioner. The Respondent further stated that no appointment or engagement order was issued to the Petitioner and as per circular dated 01.11.1995 and 08.11.1995, casual labourers in employment upto 01.09.1993 were only eligible to be conferred with temporary status and the Petitioner was not working on 01.09.1993 with the Department and therefore, they are not entitled for any absorption.

9. The learned counsel for the Respondent further submits that Multi Tasking Staff Recruitment Rules, 2010 dated 12.12.2010 is not applicable to the Petitioner. As per circular dated 01.11.1995 and 08.11.1995 the following conditions must be fulfilled:-

- Temporary status on or before 01.09.1993;
- Full time casual labourer engaged on or before 01.09.1993 &
- Part-time casual labourer engaged on or before 01.09.1993.

10. The learned counsel for the Respondent contended that Petitioner was not engaged through employment exchange and no appointment letter was issued. He further stated that assumption of the Petitioner that he/she works against the post of MTS is incorrect. The learned counsel further stated that there was no relationship of employer-employee between the Respondent and Petitioner, hence the question of notice or protection u/s.25F of the Industrial Disputes Act, 1947 does not arise.

11. On behalf of the Respondent a circular dated 17.05.1989 has been filed which is marked as Ex.M1, and it clarifies the position of casual labourers and part-time casual labourers in para 2, which reads as under:-

“2. It is hereby clarified that all daily wagers working in Post Offices or in RMS Offices or in Administrative Offices or PSD's/MMS under different designations (mazdoor casual labourer, contingent paid staff, daily wagger, daily rated mazdoor, outsider) are to be treated as casual labourers. Those casual labourers who are engaged for a period of 8 hours a day should be described as full-time casual labourers. Those casual labourers who are engaged for a period of less than 8 hours a day should be described as part-time casual labourers. All other designations should be discontinued.”

12. The Petitioner in the claim statement stated that the work was performed for a period of more than eight hours per day. The Respondent witness MW1 in his oral evidence nowhere stated that Petitioner did not perform the work about eight or more than 8 hours per day.

13. The Respondent submitted another circular dated 11.09.1991 which is marked as Ex.M2. The subject of this circular is Casual Labourers (Grant of Temporary Status and Regularization) Scheme. This circular did not suggest date of appointment of the labourers which means this circular does not impose a condition that the casual labour must be in service on a particular date.

14. The another circular issued by Respondent, Department of Posts, dated 27.11.1995 marked as Ex.M3, which suggests that full time casual labourers recruited after 29.11.1989 upto 10.09.1993 may also be considered for grant of benefits under the scheme. This circular later specified the particular date i.e., 10.09.1993.

15. The next document marked as Ex.M5 dated 19.11.2010, which states that no casual labour shall be engaged in the administrative office with effect from 01.12.2010. This circular further stated that since the duties of waterman, watch & ward, gardening, cleaning etc. are now part of duties assigned to MTS, the existing practice of engaging casual labourers as waterman, gardener, watch and ward or any other category shall be dispensed with from 01.12.2010. The Petitioner was engaged prior to this circular dated 19.11.2010.

16. The next document filed by the Respondent and marked as Ex.M6 is a circular issued by Ministry of Communications & IT, Department of Posts dated 27.01.2011 regarding filling up of vacancies on the basis of latest recruitment rules for the post of MTS, wherein it was directed to observe the following conditions:-

"i) (a) 25% by appointment of Casual Labourers conferred with temporary status on the basis of Selection-cum-seniority failing which by,

(b) Appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority failing which by,

(c) Appointment of existing part-time Casual Labourers, engaged on or before 1.9.1993, on the basis of selection-cum-seniority failing which by,

(d) Direct recruitment as per the scheme circulated by the Department of Posts from time to time.

ii). 75% by direct recruitment as per the scheme circulated by the Department of Posts from time to time."

17. This circular clearly suggests that 25% of persons must be appointed from casual labourers, who has been conferred with temporary status on the basis of selection-cum-seniority. The second condition suggests appointment of existing Casual labourers engaged on or before 1.9.1993 working, for full hours viz. 8 hours, on the basis of selection-cum-seniority. The third condition suggests that appointment of existing part-time Casual Labourers, engaged on or before 01.09.1993, on the basis of selection-cum-seniority.

It is true that the Respondent department never constituted any committee to select persons who conferred with temporary status by preparing list of selection cum seniority.

18. All the circulars issued by Department of Posts suggest that since the Petitioner was not in service on 01.09.1993, he/she is not entitled for absorption. In the case of Dharam Singh Vs State of U.P & Another in Civil Appeal No.8558 of 2018 dated 19.08.2025, the Hon'ble Supreme Court has held as under:-

"17. Before concluding, we think it necessary to recall that the State (here referring to both the Union and the State governments) is not a mere market participant but a constitutional employer. It cannot balance budgets on the backs of those who perform the most basic and recurring public functions. Where work recurs day after day and year after year, the establishment must reflect that reality in its sanctioned strength and engagement practices. The long-term extraction of regular labour under temporary labels corrodes confidence in public administration and offends the promise of equal protection. Financial stringency certainly has a place in public policy, but it is not a talisman that overrides fairness, reason and the duty to organise work on lawful lines.

18. Moreover, it must necessarily be noted that "ad-hocism" thrives where administration is opaque. The State Departments must keep and produce accurate establishment registers, muster rolls and outsourcing arrangements, and they must explain, with evidence, why they prefer precarious engagement over sanctioned posts where the work is perennial. If "constraint" is invoked, the record should show what alternatives were considered, why similarly placed workers were treated differently, and how the chosen course aligns with Articles 14, 16 and 21 of the Constitution of India. Sensitivity to the human consequences of prolonged insecurity is not sentimentality. It is a constitutional discipline that should inform every decision affecting those who keep public offices running."

19. In the case of Jaggo Vs. Union of India in SLP No.5580 of 2024 (2024) SCC online 3826 and Shripal & Another Vs. Nagar Nigam, Ghaziabad (2025) SCC online 221, the Hon'ble Supreme Court has held that long-term "ad hocism", is denial of basic parity. The Hon'ble Supreme Court denied the contention of the Respondent that daily wagers and temporary employees cannot claim permanent absorption in the absence of statutory Rules. The Hon'ble Court further stated that the alleged asserted ban on fresh recruitment, though real, cannot justify indefinite daily-wage status or continued unfair practices.

20. In the present case, the Petitioner has continuously rendered services over several years. The Hon'ble Supreme Court has held in the case of Shripal & Another (supra) that Indian Labour Law is

strongly disfavors perpetual daily-wage or contractual engagements in circumstances, where the work is permanent in nature.

21. Further, the Hon'ble Supreme Court in the case of Jaggo Vs. Union of India (supra) has observed as under:-

"22. The pervasive misuse of temporary employment contracts, as exemplified in this case, reflects a broader systemic issue that adversely affects workers' rights and job security. In the private sector, the rise of the gig economy has led to an increase in precarious employment arrangements, often characterized by lack of benefits, job security, workers and fair treatment. Such practices have been criticized for exploiting undermining labour standards. Government institutions, entrusted with upholding the principles of fairness and justice, bear an even greater responsibility to avoid such exploitative employment practices. When public sector entities engage in misuse of temporary contracts, it not only mirrors the detrimental trends observed in the gig economy but also sets a concerning precedent that can erode public trust in governmental operations.

23.....

24.....

25. It is a disconcerting reality that temporary employees, particularly in government institutions, often face multifaceted forms of exploitation. While the foundational purpose of temporary contracts may have been to address short-term or seasonal needs, they have increasingly become a mechanism to evade long-term obligations owed employees. These practices manifest in several ways:

Misuse of "Temporary" Labels: Employees engaged for work that is essential, recurring, and integral to the functioning of an institution are often labelled as "temporary" or "contractual," even when their roles mirror those of regular employees. Such misclassification deprives workers of the dignity, security, and benefits that regular employees are entitled to, despite performing identical tasks.

Arbitrary Temporary Termination: employees are frequently dismissed without cause or notice, as seen in the present case. This practice undermines the principles of natural justice and subjects workers to a state of constant insecurity, regardless of the quality or duration of their service.

Lack of Career Progression: Temporary employees often find themselves excluded from opportunities for skill development, promotions, or incremental pay raises. They remain stagnant in their roles, creating a systemic disparity between them and their regular counterparts, despite their contributions being equally significant.

Using Outsourcing as Institutions Shield: to increasingly resort outsourcing roles performed by temporary employees, effectively replacing one set of exploited workers with another. This practice not only perpetuates exploitation but also demonstrates a deliberate effort to bypass the obligation to offer regular employment.

Denial of Basic Rights and Benefits: Temporary employees are often denied fundamental benefits such as pension, provident fund, health insurance, and paid leave, even when their tenure spans decades. This lack of social security subjects them and their families to undue hardship, especially in cases of illness, retirement, or unforeseen circumstances."

22. The learned counsel for the Respondent argued that no appointment order was issued to the Petitioner, and thus no permanent status is allowable to the Petitioner. But the non-issuance of appointment order does not erase the entitlement of the Petitioner since the Petitioner has worked for several years and not days.

AWARD

In view of the foregoing discussion, the appeal filed by the Petitioner is liable to be allowed with the following directions:-

The Petitioner's service shall stand regularized with effect from the date of removal/denial from service and the Petitioner shall be reinstated into service within a period of three months with 50% back wages and consequential & other attendant benefits.

The reference is answered accordingly.

Record be consigned to the record room.

SUSHIL KUMAR-II, Presiding Officer

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2061.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, तेलंगाना, निदेशक (प्राधिकृत हस्ताक्षरकर्ता), स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद, सहायक महाप्रबंधक, समूह मानव संसाधन, स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद के प्रबंधन के संबंध में नियोजकों और श्री थुमती माधव राव, आंध्र प्रदेश, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय हैदराबाद पंचाट (संदर्भ संख्या- 3/2021) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल -42025/07/2025/233-आईआर-(डीयू)]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2061.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 3/2021) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Highways Authority of India, Telangana, The Director (Authorised Signatory), Swarna Tollway Private Limited, Hyderabad, The Asst. General Manger, Group H.R., Swarna Tollway Private Limited, Hyderabad** and **Sh. Thumati Madhava Rao, Andhra Pradesh**, workman.

[No. L-42025/07/2025/233- IR (DU)]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated 3rd day of November 2025

INDUSTRIAL DISPUTE L.C.No. 3 / 2021

Between:

Thumati Madhava Rao,
Employee No.211,
Aged 43 years,
S/o.Balakrishnaiah,
D.No. 22/157, Bodivari Street,
Big Bazar, Nellore,
S.P.S.R. Nellore District.
Andhra Pradesh.

... Petitioner

AND

1. National Highways Authority of India,
Rep. by Executive Engineer - Chief Engineer-Regional Officer,
First Floor, New Building Administrative Staff College of India (ASCI),
College Park Campus, Road No.3,
Banjara Hills, Hyderabad, Telangana 500034
2. The Director (Authorised Signatory),
Swarna Tollway Private Limited,
D.No.6-3-1090, 4n Floor, C. Block, TSR Towers,
Raja Bhavan Road, Somajiguda,
Hyderabad. Rep. by its Director
3. The Asst. General Manger, Group H.R.
Swarna Tollway Private Limited,
Plot No. 1-89/1. Plot No. 42 & 43.
Kavuri Hills, Phase -I Madhapur, Hyderabad.

...Respondents

Appearances:

For the Petitioner: M/s. S. Chakrapani, T. Naveen Chowdary and M. Ravi Kiran, Advocates

For the Respondent: M/s. CRS Associates, Advocates

1. This Petition has been filed by the Petitioner workman under section 2(A) (2) of Industrial Dispute Act 1947 with the prayer to set aside his dismissal order dated 27th May 2016 passed by the Respondent Management and to direct the Respondent to reinstate Petitioner in the service with continuity of service with all back wages and all other attendant benefits.

2. The facts in brief culled out from the petition are that the Petitioner workman was appointed as a Toll Collector in Swarna Tollway Private Limited Organization on 2nd December 2004.

Further, Petitioner submitted that he was placed under suspension with issuing Charge sheet on 9th September 2015, and without considering his explanation Respondent has dismissed him vide order dated 27th May 2016. Further, Petitioner submitted that on 1st September 2015 he was member of Swarna Toll Employees Union, and he went to Budanam Base Camp office to meet with office bearer of the union and number of employees, union president and some other office bearers were also present at Budanam base camp office to meet with the COM to represent their demands. When the union leader entered into the Chamber of COM. Other employees were waiting outside camp office of COM and Some discussions took place between Union leaders and the management. As per petitioner COM did not consider the lawful demands of the employees and union leaders came outside and explained to other employees. Since lawful demands were not considered by the Respondent COM, Union leaders and employees expressed their protest against the Respondent Management by shouting slogans. COM and other managers foisted a false case against the petitioner and rest of the employees present there at Chillakuru Police Station. The Police authority registered a case in Crime No.154/2015 against the 28 employees and they sent the there employees to remand. The Chief of operation and maintenance and other Toll Managers made a complaint what has been alleged in the charge sheet. Further, Petitioner stated that he was no way concerned in the said incident there was no specific allegation against him. The allegations made against all the 28 employees are in common Petitioner contended that before issuing charge sheet, the copy of complaint was not supplied to him to submit his explanation and he never committed any misconduct of willful in subordination or disobedience with the lawful and reasonable order of superior. He never damage the employer's business or property and did not instigate co-workman to misbehave with official of Management. He never committed any act subversive of discipline and I never assaulted and grievously hurting the management as alleged in the charge sheet. Further, Petitioner submitted that enquiry has been conducted by the enquiry officer into the allegations without following principle of natural justice. There was no corroborative evidence to prove the guilt of Petitioner and only management witness were examined in the enquiry. The management witness nowhere has stated that what acts, and omission committed by C.S.E and, there was no legal evidence to prove the allegations against C.S.E. Thus, enquiry officer has also failed to bring home the guilt of C.S.E and gave common findings of all the 28 C.S.E which is not legal. Enquiry officer has conducted enquiry an empty formality, and submitted his report holding that the allegation are proved. The procedure followed by the enquiry office, and enquiry findings are not fair, proper and not maintainable under law. Respondent management had issued show cause notice to petitioner and without considering his explanation the Respondent management passed his dismissal order on 27-05-2016 that is not sustainable under law.

Further, Petitioner submitted that the allegation leveled against him were false and fabricated and there was no specific allegation against him for violation of any acts or omissions. All the common allegations has been made against the 28 employees. There was no willful in subordination or disobedience of instruction in connection with the order of the superior and no damages done with the employer business or property. There was no unprovoked behavior with customers riotous disorderly or indecent behavior in premises of the establishment. There was no act subversive of discipline. It is submitted that Petitioner had not committed due serious misconduct to dismiss him from service. Further it is submitted that Petitioner filed the ID No 14 of 2017 before the labour Court Guntur and labour court passed the order dated 31 -8-2019 thereby rejecting the petition on the ground of lack jurisdiction. Therefore, any delay in filing the appeal is on account of COVID-19 pandemic situations prevailing all over the world. Therefore, prayed to set aside the order dated 27-05-2016 passed by Respondent and to reinstate the Petitioner in the service,

3. Per contra Respondent 1 has filed counter therein he has contended that the Respondent No.1 NHAI unnecessarily has been made party in the present Petition as there is no employee relationship between the Petitioner and Respondent No.1. Further, it is submitted that the Respondent No.1 is neither concerned nor related to allegation made in the petition hence denied. Respondent has unnecessarily been made party to the present proceeding and petition is liable to be dismissed against Respondent No.1 with cost.

Respondent No. 2 and 3 has filed counter and has contended there in that present petition has been filed by the Petitioner under section 2(A) (2) of the Industrial Disputes Act challenging the dismissal order dated 30th August 2016 issued by Respondent no. 2 which is barred by the limitation prescribed under section 2A (3) of the Act. Respondent contended that the present ID has been raised by the Petitioner on 30th September 2021, i.e., after a lapse of over five years and as such is liable to be dismissed by the court in limine as a time-barred one. Further, it is submitted that Labour Court, Guntur, vide order dated 31st August 2019 has returned the petition for want of jurisdiction while holding that Petitioner may raise dispute before the competent court of appropriate jurisdiction. However, the present ID has been raised before this Hon'ble Court after a lapse of two years without any explanation for the delay, and not maintainable on the ground of barred by limitation.

Further, Respondent contended that Petitioner was found guilty of riotous, disorderly, unruly behavior of mob attack on the chief Operation and Maintenance, Mr. Hari Panduranga swamy madusa, Mr. S. Vijay Deepak, and other toll managers at Budanam Base camp of the Respondent no. 2 company on 1st September 2015, Domestic inquiry against Petitioner workman has been held by following principle of natural justice and dismissal order dated 30th August 2016 is not liable to be interfered with by this court under any circumstances. Further, it is submitted that the Petitioner and other workmen assaulted and has beaten the manager by giving them punches, kicking with legs, and hitting with iron rods, and in the said attack by the Petitioner and other workmen, Chief Operation and Maintenance, Mr. Hari Panduranga Swamy Madusa, sustained grievous bleedings injuries to his eye and suffered injuries of jaws dislocation and he was hospitalized. Further, Respondent contended that Petitioner with other workmen, also damaged the property of the Respondent No.2 in the said mob attack.

10) Respondent contended that on 01/09/2015, an important meeting was going on between a supplier and the senior management of Toll Plazas at Base Camp office off the Respondent No.2 Company at Budhanam Village, Chillakuru Mandal, SPSR Nellore District, to discuss about the toll collection system related issues, at about 16:20 Hours. Petitioner along with Mr. M. Chaitanya, who was the President of Swarna Toll way Employees' Union and other Toll Collectors working at Venkatachalam, Bhudanam and sullurpet Toll Plazas, concertedly and forcibly entered into the base camp office and barged into the room of Chief Operations Manager (COM), Mr. Hari Pandu Ranga Swamy Madasu in a most indecent and insubordinate Manner and insisted that COM should come out of the ongoing meeting and discuss with them on some pending issues in the Conference Hall. Petitioner and co-workman insisted for an Immediate settlement of their COM tried to convince Petitioner and other mob of workmen and asked to give two days' time to resolve their issues and grievances, but it was in vain and workman started using abusive language against him and against other officials too.

In the meantime, one of the Toll Collectors under suspension, Mr. Daggu Satish and also other employees, caught hold of Mr. S. Vejay Deepak, Maintenance Manager and brought him to the Union President, Mr. M. Chaitanya, who started assaulting him and beating him indiscriminately. When the COM and the Toll Manager tried to save him from the mob, Petitioner and the workman present there acted in a most riotous and disorderly manner and in utter disregard of the discipline in the office premises of the Respondent No.2 Company. Thereafter, S. Vejay Deepak Was taken to the COM's Chamber, but Petitioner and other mob of workmen also went there and again started beating Mr. S. Vejay Deepak by throwing water glass and laptop on him and they also broken the glass panes of the room.

Respondent further submitted that Mr. M. Chaitanya, started beating the COM and he also instigated Petitioner and others workman to beat COM, and Mr. S. Vijay Deepak and other Toll Managers with kicks and punches. Two of the workmen punched the COM on his face causing dislocation of lower jaw teeth, while one Mr. D. Satish pounced on him with fist punches on his face and shoulder, Mr. S. Murali and Mr. M. Chaitanya has hit COM with an iron rod on the left side of his eye, whereby he suffered a serious and grievous injuries to his lower jaw and a bleeding injury near his left eye and he fell unconscious and later was shifted to Hospital. Mr. M. Chaitanya also threatened to kill the officials of the Respondent and their family members, if they did not heed to his orders, thereby created a great tension and fears in their minds. The above-mentioned acts of the Petitioner and other workmen/union leaders of instigating assaulting, beating, threatening and abusing the officials of Respondent No.2 was of highly intolerable, illegal, mischievous and unruly, which have caused a serious disturbance at the Base Camp Office and adversely affected the discipline in general and safety of the other Workmen and Officers of the Respondent as well.

Respondent contended that in view of the gravity and severity of the acts of misconduct reported against the Petitioner, he was placed under suspension pending enquiry and was issued with detailed charge-sheet dated 09/09/2015, with the following Charges as per Clauses 19(a), (b),(c), (d), (e) and (f) of the A.P. Shops and Establishments Rules, 1990 detailed as her under:-

"(a) Wilful insubordination or disobedience of instruction, whether alone or in combination with others of any lawful and reasonable order of a Superior;

(b) Damage or dishonesty in connection with the employer's business or property;

(c) unprovoked misbehaviour with customers, riotous, disorderly, or indecent behaviour in the premises of the establishment.

(d) Any act subversive of discipline;

(e) Assaulting and grievously hurting the managerial staff"

The Petitioner he submitted his explanation dated 30/09/201 and management considered his explanation but that was found unconvincing and unsatisfactory, and in view of the seriousness to the acts of misconduct, management decided to hold an enquiry into the charges levelled against Petitioner.

During the inquiry Petitioner was permitted to avail the assistance of a co-workman and enquiry was conducted in Telugu and proceedings thereof were also recorded in Telugu. The management has examined ten witnesses (MW-1 to MW-10) in Support of the charges, Management witness were cross-examined by the Petitioner

with the aid of his co-Workman/Defence Assistant. The management has also produced documents, and same has been marked Exhibits M-1 to M-10. Petitioner has examined WW1 in defence and Enquiry Officer, after due appraisal of oral and documentary evidence submitted his Report & Findings holding workman guilty of charges levelled against him. The Enquiry Officer had assigned cogent reasons reference to the evidence brought on record for holding the with Petitioner guilty of the charges. Upon receipt of the above Enquiry Report, Final Show-Cause Notice dated 02/05/2016 was issued calling upon the Petitioner to show-cause as to why he should not be dismissed from the services of the Respondent No.2, while enclosing a copy of the Enquiry Report & Findings dated 16/02/2016 and seeking his comments, if any, thereon. The Petitioner submitted his explanation to the above Final Show-Cause Notice dated 02/05/2016, vide his letter dated 18/05/2016 and the same was found not convincing. Respondent contended that Disciplinary Authority has also evaluated the proportionality of the punishment to be imposed and in the light of the gravity of the acts of misconduct proved and its adverse impact on the discipline and safety of officials within the Respondent No.2 Company Establishment and as there were no extenuating and/or mitigating circumstances to take any lenient view in the matter, after having been convinced, that no punishment lesser than that of dismissal can be imposed, and Petitioner was dismissed from the services of the Respondent No.2 Company vide Dismissal Order dated 30/08/2016.

Therefore, in view of the seriousness of the acts of misconduct proved against the Petitioner, the dismissal order is fully justified and is not liable to be interfered with by this Hon'ble Court under any circumstances. Hence, this Hon'ble Court, at any rate, may not direct reinstatement of the Petitioner. The Respondent No.2 conducted that the enquiry conducted against the Petitioner is fully in accordance law and principles of natural justice and is valid. Petitioner was given all reasonable opportunities to himself by cross-examining the witnesses examined in of the charges and also to adduce evidence, both oral and documentary. Therefore, the enquiry so conducted was fair & proper and is also not liable to be interfered with by this Hon'ble Court. Should this Hon'ble Court, for some reason, find that the enquiry conducted is not valid, without prejudice to its contentions that the enquiry is valid and legal.

In support of his contention Respondent has relied upon the certain decisions of the Hon'ble Supreme Court which are detailed as here under: -

1. Hombe Gouda Educational Trust Vs. State of Karnataka – (2006) 1 SCC 430
2. M.P. Electricity Board Vs. Jagadish Chandra Sharma – (2005) 3 SCC 401
3. Usha Breco Mazdoor Sangh Vs Management of Usha Breco Limited 2008 SCC Page 554
4. Mulchandni electricals and Radio Industries limited Vs Workman 1975 SCC page 731.
5. Ch. Ramakoteswar Rao Vs GM, APS RTC 2000 (4) ALD Ald page 208
6. M/s Bharath Iron works Vs Bhagubhai patel (1976) 1 SCC page 518
7. S.S.P. sharma Vs Industrial Tribunal- II Hyderabad 2016 (2) ALD page 107
8. State bank of Bikaner and Jaipur Vs Nemi Chand Nalwaya (2011) 4 SCC page 584
9. Dig of police Vs S. Samuthiram 2013 1 SCC page 598
10. State bank of BNikaner & Jaipur Vs Srinath Gupta (1996) 6 SCC page 486
11. Commissioner of police Vs Narender Singh (2006) 4 SCC 265

The Law laid down by the Hon'ble Court in the above-mentioned cases will be discussed at the appropriate stage of this judgement. Therefore, Respondent contended that Petitioner does not deserve any leniency and the punishment of dismissal is just proper and under in any circumstances Petitioner may not be directed to be reinstated into the service.

Therefore, prayed to dismiss the petition with exemplary costs.

Heard the argument of learned counsel for petitioner as well as Respondent. Both the parties have also filed their written submission. Pursue the record.

4. On the basis of submission of either parties, following issues arise for determination in the present matter: -

1. Whether the departmental enquiry held against the Petitioner is legal and valid?
2. Whether present petition filed by Petitioner raising industrial Dispute against his dismissal order 30-08-2016 is barred by limitation?
3. Whether action of Respondent management Director, Swarna Toll way private Limited, Hyderabad, vide order dated 30-08-2016 whereby in terminating the services of the Petitioner is legal and justified?
4. To what relief If any, Petitioner, is entitled for?

Findings: -**Issue No. I**

The Departmental inquiry conducted against the Workman Sri. Daggu Sathish has been held legal and valid, by this court vide order dated 11th November 2024.

Thus, issue is decided accordingly.

Issue No. II

In this context, Respondent No.2 and 3 contended that the present Industrial Dispute has been raised by the Petitioner on 2nd August 2021 after the lapse of five years from the date of his dismissal order dated 27th May 2016. Therefore, in view of the provision contained under section 2-A (3) of the Industrial Disputes Act, this claim could be filed by the Petitioner before the expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service as specified in (1) of section 2-A. Therefore, the present claim Petition raising the Industrial Dispute by Petitioner under section 2A (2) of the ID Act, is barred by limitation.

The perusal of claim petition goes to reveals that Petitioner has raised the Industrial Dispute against his dismissal order, dated 30th august 2016 passed the by the Respondent Management by filing claim petition in the year 2021. In the para 11 of claim petition, Petitioner has averred that against his termination order, he approached to the Deputy Labour Commissioner of Labor, Nellore for cancellation and same was dismissed without considering the merit. Thereafter, he filed petition before Labour court, Guntur, which got registered as ID Number 158/2016. Labour Court, Guntur, vide order dated 31st August 2019, has returned his petition on the ground of lack of jurisdiction. Thereafter due to COVID-19 pandemic situation Petitioner could not approach this court within time. Petitioner has also filed the copy of the order dated 31-08-2019 passed by the Presiding Officer, Labour Court, Guntur, in ID no. 158/2016, whereby Labour Court Guntur has returned petition of the Petitioner for presentation before the appropriate court of jurisdiction. It is established fact that in the year 2020, there was a prevailing situation of COVID-19 pandemic and Petitioner was not able to approach this court to present petition at Hyderabad. Thus, Petitioner has furnished cogent and sufficient explanation of delay in filing the present petition and same is not fatal to present Industrial Dispute. Therefore, in view of the above present petition raising the Industrial Dispute under section 2-A (2) of the ID Act, against the dismissal order dated 30-08-2016 is not barred by limitation. Issue is decided in favor of the Petitioner.

Issue No. III

The perusal of record goes to reveal that in this claim petition, petitioner has challenged his dismissal order dated 30th August 2016, passed by Respondent Management on the grounds alleged in petition. Furthermore, perusal of the record of inquiry proceeding along with inquiry report, goes to reveal that the Petitioner was given fair opportunity of hearing at every stage of proceedings, which he availed, without raising any objection complaining of any prejudice of any nature caused to him before the inquiry officer at any point of time. Further, it is noticed that the Workman CSC received all the documents filed and relied upon by the Respondent management in support of the charge sheet, and CSC workman also filed a reply, cross-examined the management witnesses, and also examined himself as a witness in defense. Thus, the workman CSC has participated in the inquiry proceeding at every stage. Inquiry officer, on appreciation of evidence recorded in inquiry has submitted his reasoned report holding the workman guilty of the charges. Therefore, in the opinion of the court, no case is made out to hold that the domestic inquiry suffers from any procedural lapses or was conducted in violation of principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Moreover, validity and legality of the domestic inquiry has been upheld by the court vide order dated 11th November 2024. Thus, the plea of the Petitioner that the domestic inquiry was conducted against the Petitioner in violation of principle of natural justice is untenable.

It is settled law that once it is held that the domestic inquiry is legal and proper, the next question arises for consideration whether the punishment imposed on the Petitioner is just and legal, or it is disproportionate to the gravity of the charges. Petitioner has challenged his dismissal order on the ground that the allegations leveled against him are false and fabricated, and during the inquiry no other employee as witness was examined to prove the charges and there was no corroborating evidence to prove the guilt and only that management witness were examined in the inquiry. Further, it is contended that there was no legal evidence before enquiry to prove the allegations, and the inquiry officer had also failed to bring home the charge against the Petitioner. Further, Petitioner has strenuously argued that the inquiry officer conducted the inquiry as empty formality and without having any valid and legal evidence and came to the conclusion that allegations are proved. Further, it is urged Petitioner that had not committed any misconduct as alleged in the charge sheet, and there was no evidence of loss of revenue to the corporation. Further, it is contended that there was no willful insubordination or disobedience of instructions in connection with the orders of the superior. There was no damage or dishonesty in connection with the employer's business or property, and Petitioner was not involved in unprovoked misbehavior with the customer, riotous, disorderly, or indecent behavior in the premises of the establishment. Lastly it is pleaded that the dismissal order passed by the Respondent management is grossly disproportionate to the gravity of the offense, and same is liable to be set aside. In view of plea taken by Petitioner, peruse the record of inquiry proceeding.

5. The record of proceeding goes to reveal that charge sheet dated 9th September 2015 was furnished to CSE Workman and inquiry was conducted by the inquiry officer, in the presence of CSC workman, as well as his defense representative and management witness were examined during the inquiry proceedings. In support of Charge sheet against the CSC workman, Respondent management has examined as many as ten witnesses namely, Mr. Subramanyam Vijay deepak (MW1), Mr. Hari pandarunga Swami MW2, Mr. Vikram Simha Reddy MW3, Mr. R.V. Prasad (MW4), Mr. T. Krishna Kishore (MW5), Mr. Vijay Kumar (MW6), Mr. L. Elvis Lionel (MW7), Mr. K.V. Ramprasad (MW8), and Mr. B. Vijay Sarathi Babu (MW9), and lastly, Mr. D. Veera swami (MW10). All the above stated witnesses, in their deposition have substantiated the allegations of the charge sheet issued against the CSC workman. The charge Sheet contains the allegation against CSE workman extracted as here under: -

“You have been working as a "Toll Collector” at our Nellore Toll Plaza On 1 September 2015 you were on duty in 'A' shift, which is from 6 Am to 2 Pm.

It has been reported against you that on 1st September 2015 at about 16.20 hours, you along with your union president Mr. M Chaitanya. Mr. D. Satish (Toll Collector under suspension). S Murali ATS, and TC's Mr. Penchalaiah. Mr. Turaka Ramprasad. Mr. Turaka Sudhakar Mr. Deendayal, Mr. Ch. Srinivasulu, Mr. Subba Reddy Mr. Md Hussain Mr. S Hurairah, Mr. J Srinivasulu ATS Mr. N Srinivasulu and others from Venkatachalam, Budanam and Sullurpet Toll Plazas and about 14 others forcibly enter into our base camp office situated at Km 125, NH-5. Bhdhanam Village, Chillakur Mandal, Nellore district, without any prior appointment or intimation

It is reported that at the time you went to our base camp office, a meeting was going on with M/s Kent (A supplier) at our Budanam Base camp office with our staff from HQ and Toll Plazas viz., Mr. Vijay Kumar, Mr. RV Prasad, Mr. Kishore. Mr. Ramprasad, Mr. Aylwin Lionel, Mr. Dilipu kumar Reddy. Mr. Vikram Simha Reddy. Mr. B. V Saradhi Babu, Mr. DV Swamy. Ms. Sunitha and Mr. Baburao and Staff from M/s Kent (Mr. Sandeep Pawar. Mr. Bhatta, Mr. Swapnil and Mr. Kiran) to discuss on the Toll collection system related issues.

While the said meeting was going on. Mr. M. Chaitanya along with you and 26 associates barged into the COM's room and insisted that the COM Mr. Hari Pandu Range Swamy should come along with you to the conference hall immediately, leaving the said meeting, in a most high handed and insubordinate manner. The COM, however, came along with you Thereafter, you along with your union leaders started raising all the issues and insisted him to settle the issues then and there itself. Though, the COM tried to convince you to give him two days' time to resolve the issues you and your union leaders started using abusive language against him and other officials of the company.

Meanwhile, you along with the suspended Toll Collector Mr. D. Satish and other associates caught hold of Mr Vijay Deepak (Maintenance Manager) and brought him to your union leader Mr. M. Chaitanya who started assaulting and beating Mr. Vijay Deepak indiscriminately. When the COM and Toil Managers tried to protect Mr. Vijay Deepak, you and your associates also beat the said officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises With great difficulty Mr. Deepak was taken to COM chamber, but you, and other union leaders went to COM chamber and again beat Mr. Vijay Deepak by throwing water glass, laptop on him and you and others also broke the glass panes of the room

Further, your leader Mr. M Chaitanya started beating the COM and instigated you and others to beat him You along with your other associates have severely beaten the COM and other Toli Managers. In the said attack, the COM suffered serious and grievous injuries to his lower jaw and a bleeding injury near his left eye who subsequently fell unconscious and later he was shifted to the Hospital by the police for treatment.

It is further reported that you also instigated the others to beat the officials and their family members if they did not need to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that your union leader Mr. Chaitanya, in your presence also threatened the officials of our company that he will kill the officials and their family members if they did not heed to nis orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that you also instigated the others to beat the officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises.

Due to your illegal and unruly actions, there was serious disturbance at our base camp office You are aware that it is the utmost responsibility of the management to maintain discipline and peace in the office premises Instigating your co-employees, assaulting threatening and abusing the officials of the company are highly objectionable, illegal, and mischievous.

Your above actions are clearly unwarranted, grave and serious in nature and also have adverse affect on the discipline and personal safety of the other employees in the office.”

6. MW1 in his deposition has categorically stated that on the evening of 1st September 2015, a meeting was going on with the representative of the company called Kent in the chamber of Chief of Operation and Maintenance, Shri Hari panduranga swami, at Budanam Base Camp. At that time, the witness was present in his chamber. Around 4:15 P.M., security guard Kotaiah came into his chamber and said that their union president Chaitanya and some other toll

collectors, about 30 people in total, had come to meet COM. Further MW1 deposed that he went to the COM chamber and called Alvin Lionel, who was the Buddhanam toll manager and told him about the matter. Meanwhile, Chaitanya and thirty other people went to the COM chamber. Then COM, Garu, and Vikram who is the manager of Venkatachalam Toll Plaza, Dilip Kumar Reddy of Sullurupet Toll Plaza, and Lionel Daru came out of the COM Chamber and went to the conference hall. Further, MW1 deposed that he saw from the glass door of his chamber and after some time the sound of bells was heard from the conference room. The witness further deposed that he saw toll collector penchalaiah hitting the ground with an iron rod in the open area outside. There were 29 other toll collectors standing next to him. Later, MW1 came to his chamber from the cashier room. Further, witness added that Vijay Deepak and Shri Srinivasulu, the assistant supervisor, came to his chamber. Then he went to the cashier room next to his chamber and informed COM sir. Further, MW1 Added that C.O.M. told him that Chaitanya would come here, and he would discuss with him. Further, MW1 states that Chaitanya and other co-worker started to beat him. As soon as he came out other toll collector also started to beat witness, while Shyam and Maria Lion, who had come there, stood between him and C.S.C. for his protection. Further, MW1 stated that immediately he went to the cashier chamber and locked himself inside. Thereafter, toll collectors rushed to his chamber and kicked the door with their feet to open it. Then he went into the chamber of the C.O.M. next to it through the partition door, and there representative of Kent company and staff of his company were present.

Further, witness stated that Satish, Srinivasa, Penchalaiah, and four other toll collectors whose name he didn't know, came from outside in the C.O.M. chamber, threw above seven people out of chamber, and also threw the laptop at the witness. Satish also threw a bottle and a water glass at him. Window glass was broken by it. COM and Leonel Garu had already come to rescue him so that none of the things they were throwing at him could hit. However, the bottle hit witness on the stomach. The glass hit the window glass behind the witness and that glass was broken. Further man states that, meanwhile, Chaitanya, who was outside, came into the room and approached to the witness, and brought the burning cigarette in his hand near his eyes, and threatened to kill him and his wife. Then J. Shrinivas lifted the chair and charged at him to throw it upon witness, but he did not do it. Later, J. Shrinivas and Satish left the chamber. The other toll collectors who remained in the chamber said that MW1 and management should apologize to the Chaitanya Garu. They forcefully grabbed the witness and dragged him to Chaitanya, who was outside, they tied his legs. Tumati Madhava Rao was also present there. Therefore, they took him to his chamber and pushed him inside. Payment manager Nagarjuna was present in his chamber and Vikram had already come to his chamber and these people also witnessed this incident noticed from the glass window that Chaitanya, C.O.M. Garu Dileep Kumar Reddy, and Lionel Garu were in the lobby outside. Further, MW1 added that he saw at the spot that Assistant Toll supervisor Murali was beating to COM, and he was hit above the left eye. MW1 added that he saw from glass window that CSE and other co-employee has beaten COM by slap and kick. Thereafter, Police arrived at the spot, and all toll collectors were present in the open area of base camp MW1 added that between 7:30 or 8:30 a.m., C.O.M. and he went to the Guntur government hospital for treatment of their injury. The C.O.M. was treated there for his bleeding injuries. He did not suffer any bleeding injuries. However, he was suffering pain in his stomach due to a water bottle hit thrown by Satish, and he was also given painkiller injection. Further, witness added that Lionel and Vikram, who were also injured, accompanied them to the hospital. For their treatment but they did not suffer from any bleeding injuries.

7. MW1 was cross-examined by the defense representative, but nothing has been elicited to discredit or disbelieve the testimony of witness. However, MW1 was not questioned during the cross-examination on the point of occurrence of incident on 1st September 2015, as narrated by this witness in his chief statement. Thus, the version of MW1 regarding incident remained uncontroverted. Whereas CSE has admitted in his cross-examination that he along with other toll collectors were present at spot on the date and time of occurrence and they were raising the demand and shouting the slogans in support of their demands against the Respondent Management. Thus, it is established that C.S.C. workmen, along with the other toll collectors, was present on the spot at the date and time of the alleged incident, and he also participated in the incident assault and beating to C.O.M and managers of Respondent in concert of co- employee and in common intention as narrated in the charge sheet. Further, testimony of M.W1 is also corroborated by the testimony of rest of management witness M.W. 2, MW 3, MW 4, MW 5, MW 6, MW 7, MW 10. And also, documentary evidence. It is not the case of the petitioner that these management witnesses have any grudge or enmity with CSE for any reason whatsoever. Therefore, there is no reason for these management witnesses to depose against the CSE workman in support of charges regarding incident.

8. Furthermore, Respondent Management has examined Shri Hari Panduranga Swamy Chief of operations and Maintenance, C.O.M. as MW2 who is said to be got injured during the incident of 1st November 2015. MW2 in his testimony has given a vivid description of the said incident, which further, support the allegation of charges leveled against the CSE Workman in this case. MW2 was cross-examined by the defense, but nothing has been elicited in the cross-examination to discredit the testimony of this witness. Moreover, it is not the plea of the CSE workman that either due to animosity or personal grudge, MW2 has deposed falsely against the CSE. However, the testimony of MW2 is corroborated by oral and documentary evidence produced before the inquiry.

9. Moreover, the defense witness, WW1 in his cross examination has admitted that on the date of the incident, he went to the base camp of Respondent Management along with the union leader and other co-employees to discuss their demands, but they did not beat anyone. Further, witness admitted that they were shouting slogans in support of

their demand. The CSE in his statement has not disclosed the details of demands of workman which were said to be pending with the Respondent Management. There is no evidence on record that CSE, along with the union leader and other co-employee, assembled at the base camp of the Respondent Management on the date of the incident with prior intimation and permission of Respondent. Further, CSE failed to plead and prove the Justifications of their actions on 1-09-2015 in support of their demands. Therefore, in view of the principle of preponderance of the probability it is established from the evidence on record that the CSE workman has participated along with the union leader and other co-workers in the incident of violence and Fracas in common intention on 01-09-2015 at Base Camp of Respondent and also damages the property Respondent.

10. Moreover, the management has also produced the documentary evidence in support of the charge leveled against the CSE workman. These documents namely are Ex M1 charge sheet dated 9th September 2015; ExM2 is the explanation to the notice submitted by the workman, Ex M3 appointment letter of the Inquiry Officer, Ex M4 Outpatient ticket dated 1st September, 2009 of M. Hari Pandya and Exhibit M5 includes fifteen photographs with depicts that injured witness getting treated in the hospital for his injuries caused to his body in the alleged incident of 1st September 2015. Further, ExM6 are the photographs which show that the office of the COM has been damaged by the CSE along with other workers in the alleged incident. ExM7 is the copy of the FIR which discloses that Hari Panduranga Swami Madasu complaint got registered FIR against the petitioner and other workers at Shri Potti Sri Ramulu Nellore District Police Station under Section 147, 148, 452, 307, 506 R/W 149 IPC on 2nd September 2015 at 00.30 AM regarding the incident dated 1-09-2025 and details of the suspected, accused in the FIR is mentioned as here under: -

1. Chaithanya Malapatti. 2. Sathish, 3 Srinivasulu, 4. Sudhakar Thuraka, 5. Prasad Thuraka, 6. Deendayal, 7. Hussain Mohammad, and 8. Balakrishnan Srinivasulu, M9 Srinivasulu N, 10. Srinivasulu 11.C H, Murari 12. Penchalaiah. Thus, the testimony of witness about the incident as alleged in charge sheet is corroborated by the testimonies of other management witnesses i.e. MW1 to MW10 and also by the documentary evidence, on record.

11. Further, domestic inquiry against CSE has been conducted strictly in accordance with the principle of natural justice and workman CSE has been found guilty of grave and serious acts of misconduct. Thus, finding of the inquiry officer is based on of oral and documentary evidence recorded during enquiry and report of inquiry officer do not suffers from any illegality or perversely. The inquiry officer report goes to reveal that on 1-09-2015 CSE workman, has committed the misconduct of physical assault to the official of Respondent Management and he has been rightly held guilty of committing misconduct. The details of specific acts of misconduct allegedly committed by the Petitioner along with other co-workman on 1-09-2015 including physical assault on Respondent staff are as follows: -

That the Petitioner workman has physically assaulted Mr. Hari Pandu Ranga Swamy Madasu, the Chief Operations and Maintenance, thereby causing grievous injuries. The act not only endangered the safety of a senior official but also disrupted the discipline and harmony of the workplace. Further, Petitioner workman actively participated in a riotous mob attack, leading to the damage of company property, and creating an atmosphere of fear and disorder within the establishment. Such conduct undermines the safety and security of the workplace environment and lastly. The Petitioner workman exhibited willful insubordination by disobeying lawful and reasonable orders of his superiors. Furthermore, he threatened senior officials, displaying gross indiscipline and a blatant disregard for the hierarchical structure and decorum expected within the organization.

12. The findings of enquiry officer are based on cogent and credible evidence, including eyewitness testimonies and documentary proof. The enquiry was conducted in accordance with the principles of natural justice, providing the Petitioner ample opportunity to defend himself. Thus, the aforementioned acts committed by the Petitioner workman squarely fall under the category of serious misconduct as defined under Clauses 19(a), (c), (d) and (e) of the Andhra Pradesh Shops and establishments Rules, 1990.

Rules 19 (a), (b), (c), (d) and (e) of AP Shops & Establishment Rules provides as here under: -

- i. Clause 19(a): Willful insubordination or disobedience of any lawful and reasonable order of a superior.
- ii. Clause 19(C): Damage to the employer's property.
- iii. Clause 19(d): Riotous or disorderly behavior in the premises of the establishment.
- iv. Clause 19(e): Threatening or intimidating any employee or superior.

The misconduct committed by the workman along with employees of assaulting superiors, instigating others, and participating in the riotous violent activities constitute serious act of misconduct which strike at the root of workplace discipline. The act of workman causing grievous injuries to managerial staff is a grave and serious misconduct that is not condonable. Therefore, the dismissal order passed by Respondent against the workman is justified and appropriate action.

13. Respondent has relied upon the few decisions of Hon'ble Supreme Court which are relevant to the point and discussed as here under: -

- (a) Hon'ble Supreme Court in *Krishnakali Tea Estate Bharatiya Vs. Aknn Chah Mazdoor Sanah* - (2004) 8 SCC 200 upheld the dismissal of workmen who had assaulted managerial personnel causing damage to property, gherao of the management, wrongfully confining manager. The Apex Court observed that such violent Conduct cannot be taken lightly, and the punishment of dismissal was warranted to preserve discipline and safety at the workplace.
- (b) Similarly, Hon'ble Supreme Court in the case of *Muriadih Colliery Vs. Bihar Colliery Kamgar Union* - (2005) 3 SCC 331, held that the dismissal of employees who participated in a violent mob attack, causing injury to the General Manager, was justified, and interference by the Labour Court under Section 11-A of the ID Act was disapproved and the punishment proportionate to the misconduct. was upheld.
- (c) The Hon'ble Supreme Court in the case of *M.P, Electricity Board Vs. Jagdish Chandra Sharma* - order (2005) 3 SCC 401. of dismissal of a Workman who assaulted a senior officer, restored the decision of the Industrial Court, thereby reiterating that acts of violence by employees, particularly against their superiors, must be dealt with strictly and are not open to lenient treatment. The reinstatement ordered by the Labour Court was reversed, affirming the employer's authority to maintain discipline through dismissal.

(d) In the case of *Hombe Gowda Educational Trust Vs. State of Karnataka* - (2006) 1

SSC 430, the Hon'ble Supreme Court underscored the importance of workplace discipline and held that even provoked assault on a superior, amounts to gross indiscipline. The Court stated: "30. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by the rule of law. All actions, therefore, must be taken in accordance with law."

- (e) In the case of *Usha Breco Mazdoor Sangh Vs. Management of M/S. Usha Breco Ltd* – (2008) 5 SCC 554, Hon'ble Supreme Court while reaffirming the legal position laid down by it is in the case *firestone Tyre and Rubber Co. Vs. The management and Others* – (1973) 1 SCC 813, held: -

"31. It is one thing to say that finding of an Enquiry Officer is perverse or betrays the well-known doctrine of proportionality another thing to say that only because two views are possible, the Labour Court shall interfere therewith. In other words, it is one thing to say that on the basis of the materials on record, the Labour Court comes to a conclusion that a verdict of guilt has been arrived at by the Enquiry Officer whereas the materials suggested otherwise but it is another thing to say that such a verdict was also a possible view.

39. The upshot of our discussion is that the decision of the labour Court should not be based on mere hypothesis. It cannot overturn a decision of the Management on ipse dixit. Its jurisdiction under section 11-A of the Act although is a wide one, must be judiciously exercise either whimsically or capriciously. It may scrutinize and analyze the evidence but what is important is how it does so."

(f) Further, in the case of **New Shorrock Mills vs Maheshbhai T. Rao, 1996 SCC page 590**. Hon'ble Supreme Court held: -

"35. In the case of *New Shorrock Mills Vs. (1996) Maheshbhai T Rao* 6 of SCC 590, held that:

"Labour Court in the present case having come to a Conclusion that the finding of the departmental enquiry was legal and proper, the Respondents order of discharge was not by way of victimization and that the Respondent workman had Seriously misbehaved and was thus guilty of misconduct, ought not to have interfered with the punishment, which was awarded, in the manner it did. This is not a case where the Court Could Come to the conclusion that the punishment was awarded was shockingly disproportionate to the employee's conduct and his past service record."

(g) The Supreme Court in the case of **Northeastern Karnataka RTC Vs. Ashappa 2006 (5) SCC 137** reaffirmed that the Tribunal must not lightly interfere with the employer's disciplinary decisions and reiterated the "shockingly disproportionate" standard.

(h) In **Hombe Gowda Educational Trust Vs. State of Karnataka (cupra)**, the Hon'ble Supreme Court clarified that the days of automatic sympathy towards the workman are over, and that discipline must be maintained at all costs in light of contemporary industrial conditions. The Tribunal's power to substitute the employer's decision must be exercised with restraint.

(i) In the case of **Muriadih Colliery (Supra) & Krishnakali Tea**

Estate (Supra), the Apex Court expressly held that interference by Labour Courts with dismissal orders passed for acts involving violence and assault was not permissible under section 11-A of the ID Act, as the punishment was not disproportionate.

Thus, in view of the principles laid down by the Honorable Apex Court as discussed above, there is ample oral and documentary evidence on record to substantiate the charges against the petitioner workman, and it cannot be said that the order of dismissal of Petitioner is perverse or shockingly disproportionate.

14. As regard the plea of the petitioner workman that Respondent Management has victimize him due to the being member of the union and also for raising the demand related to welfare of the workman.

In this context, Respondent has relied upon the decision of the Supreme Court in the case of **Bharat Iron Works versus Bhagobhai Balubhai Patel, 1976 SCC page 518**. Therein Hon'ble Supreme Court has laid down the legal test for establishing the plea of victimization as discussed here under: -

"11. The onus of establishing plea of victimisation will be upon the person pleading

it. Since a charge of victimisation is a serious matter reflecting, to a degree, subjective upon the attitude of the employer evidenced by acts and conduct, it has to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

The Apex Court further held:

"12. Once, in the opinion of the Tribunal a gross misconduct is established, as required, on legal evidence either in a fairly conducted domestic enquiry or before the Tribunal on merits, the plea of victimisation will not carry the case of the employee any further. A proved misconduct is antithesis of victimisation as understood in industrial relations."

15. Thus, in view of the principle laid down by Hon'ble Apex Court, as discussed above the petitioner workman has failed to produce any evidence in support of the plea that the action of Respondent management in dismissing him from service is victimization of the petitioner workman. The petitioner workman has failed to discharge his burden of proof regarding plea of victimization or unfair labor practices hence same is untenable.

16. As regard the plea of the petitioner that they he has been acquitted from the criminal trial by court in respect of the alleged acts of misconduct. In this context, the decision of Honorable Supreme Court in the case of Deputy Inspector General of Police versus Sethu . Thiruvani, 2013 SCC page 598 is relevant, wherein Honorable Apex Court have held that mere acquittal in a criminal trial does not nullify or override the finding of a valid domestic inquiry. Further, Honorable Apex Court held that the standard of proof in a criminal trial is proof beyond reasonable doubt, whereas in a domestic inquiry it is only preponderance of the probability.

In the case of Commissioner of Police vs Narendra Singh, 2006 SCC page 265, Honorable Apex Court held that the disciplinary proceeding can proceed independently and that an employee can be dismissed from service based on finding of a department inquiry even if no conviction is recorded in the criminal trial. The finding in the inquiry against the workman is based on credible evidence, including eyewitness testimonies and documentary records and same does not warrant any interference.

17. Hon'ble Supreme Court in the case of Employers Management **West Bokaro Gallery Colly of TISCO Limited vs Concern Workman Ram Prakash Singh, 2008 LLR, page 432**,

"16. In U.P State Road Transport Corporation Vinod Kumar, 2007 (13) SCALE 690 this Court again observed that in the absence of a challenge to the legality or fairness of the domestic enquiry the Court should be reluctant to either interfere with the finding recorded by the Enquiry officer or the punishment awarded by the Punishing Authority.

17. After going through the order of the industrial Tribunal, were are of the opinion that the Tribunal has interfered with the findings recorded by the domestic. Tribunal as if it was the appellate Tribunal. There was evidence present on record regarding indecent riotous and disorderly behavior of the Respondent towards his superiors. The management witness who were present at the scene of occurrence have unequivocally deposed about the misbehavior of the Respondent towards his superiors. Their evidence has been discarded by the Tribunals by observing that in the absence of independent evidence, the statements of the workmen who were present at the scene of occurrence could not be believed. Industrial Tribunal tell in error in discarding the evidence produce by the management only because the independent witnesses were not produce them. It is possible that at the time of occurrence, only the workers of the Management and the persons who were truing to put up the constructions dependent evidence was available. Statements of the fellow workmen had established the misconduct of the Respondent. Enquiry officer accepted the testimony of the witness produced by the management who had clearly implicated the Respondent. It was a legitimate conclusion which could be arrived at and it would not be open to the industrial Tribunal to substitute the said opinion by its own opinion.

19. Tribunal has set aside the report of the enquiry Officer and the order of dismissal passed by the punishing Authority by observing that the charges against the Respondent were not proved beyond reasonable doubt. It has repeatedly had been held by the court that the acquittal in a criminal case could not operate as a bar for drawing up of a disciplinary proceeding against a delinquent. It is well settled principle of law that yardstick and standard proof in a criminal case is different from the one disciplinary proceeding. While the standard of proof in a criminal case is proof beyond all reasonable doubt, the standard of proof in a departmental proceeding is preponderance of probabilities."

Further, the Honorable Supreme Court has observed that in a case where two views are possible on the evidence on record, then the Industrial Tribunal should be very slow in coming to a conclusion other than the one arrived at by the domestic Tribunal, by substituting its opinion in place of the opinion of the domestic tribunal.

Thus, in view of the law laid down by the apex court, as discussed above, the plea of the petitioner that there is no legal evidence on record is untenable, as there is sufficient evidence on record of the domestic inquiry to prove the guilt of the workman in the alleged misconduct.

18. Further, as regard the appreciation and evaluation of the evidence in matter of domestic inquiry, Hon'ble Supreme Court, in the case of **State of Rajasthan and others Vs Him Singh, Civil Appeal Number 3340 of 2020**, date of decision: 29th October 2021, has laid down the principles extracted as here under: -

"Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.

To determine whether the finding in a disciplinary inquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the courts that there is some evidence to support the charge of misconduct and to guard against perversity, but this does not allow the court to re- appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."

19. In the case of **Hombe Gouda Education Trust Vs State of Karnataka, 2006 SCC**, page 430: Hon'ble Supreme Court have held that assaulting a superior at a workplace amount to an act of gross indiscipline. The respondent is a teacher. Even under grave provocation, a teacher is not expected to abuse the head of the institution in a filthy language and assault him with a chappal. Punishment of dismissal from service, therefore, cannot be said to be wholly disproportionate so as to shock one's conscience. Further, Hon'ble Supreme Court held that a person, when dismissed from service, is put to great hardship, but that would not mean that a grave misconduct (assault on superior at workplace) should go unpunished. Maintenance of discipline of an institution is equally important.

20. Further, In the case of **MP Electricity Board Vs Jagdish Sharma, 2005 SCC**, page 401, Hon'ble Supreme Court have held:

"9. In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the workplace obviously in the breach of Presence of other employees This clearly amounted to a discipline in the organisation Discipline at the workplace organisation like the employer herein, is the sine qua non for the efficient working of the organisation, when an employee breaches such discipline and the employer terminates his services it is not open to a Labour Court of an Industrial Tribunal to take view that the punishment awarded is shockingly disproportionate to the charge proved. We have already

referred to the views of this Court. To quote Jack Chan,

'Discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large.'

Obviously, this idea is more relevant in considering the working of an organisation like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. It is essential for the prosperity of the organisation as well as that of its employee's. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion."

21. Further, in the case of **Ajit Kumar Nag Vs Indian Oil Corporation Limited, 2005 SCC page 764**, the Honorable Supreme Court has held, in a three-judge bench, in paragraph 56, "It is well settled that the burden of proving malafide is on the person making the allegation, and the burden is very heavy. There is every presumption in favor of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of malafide are often more easily made than made out, and the very seriousness of such allegations demands proof of a high degree of credibility."

Further, Hon'ble Supreme Court held that assault, intimidation are penal offences. A workman indulging in commission of criminal offenses should not be spared only because he happens to be a union leader. The act does not encourage indiscipline. It will be a matter of some concern if the opinion of the inquiry officer can be totally ignored, despite the fact that the management is precluded from adducing any fresh evidence before the labor court. A union leader does not enjoy immunity from being proceeded with in a case of misconduct.

22. In the case of D. Mulchandani Electric and Radio Industries Limited Vs Workman, 1975 Supreme Court Cases page 731, Hon'ble Supreme Court have held:

establishment

"It was not disputed before us that the allegation of assault, if proved, would be an act subversive of discipline: what was contended on behalf of the respondent was between Thana and the premises was that the alleged assault having taken place in the train Mulund which was obviously outside the or precincts of the establishment, was not covered by Standing Order.

24(1). The Labour Court also found that the alleged assault did not In our amount to misconduct under Standing Order 24(1) which, it was held was restricted to acts and omissions inside the premises of the establish opinion, Lon a plain reading of the clause, the words "within the premises or precincts of the establishment" refer not to the place where the act which is subversive of discipline or good behaviour is committed but where the consequence of such an act manifests itself. In other words, an act, wherever committed, if it has the effect of sub- verting discipline or good behaviour within the premises or precincts of the establishment, will amount to misconduct under Standing Order 24(1) We are unable to agree that Standing Order 24(l) leaves out of its scone an act committed outside though it may result in subversion of discipline or good behaviour within the premises or precincts of the establishment in question. Such a construction in our view would be quite unreasonable."

23. In the case of **State bank of Bikaner and Jaipur vs Nemi Channel via 2011 Supreme Court cases page 580** Hon'ble Supreme Court have held that subsequent acquittal by criminal court will not in any way render completed discipline proceeding invalid, nor affect the validity of finding of the guilt and consequential punishment.

24. Thus, in view of the foregone discussion and law laid down by the apex court as discussed above, in the instant matter all the charges framed and proved in domestic inquiry against the workman being serious and grave in nature and stands proved by oral and documentary evidence recorded and produced bin the inquiry. Further, the evidence produced by the management before inquiry is legal and admissible as per principle of preponderance of probability laid down by Hon'ble Supreme Court in its various decisions as discussed in preceding paragraph of this Award. Therefore, order of dismissal of Petitioner workman cannot be faulted with, nor it can be said to be in any way disproportionate to the gravity of the charges. Thus, the punishment of dismissal of the workman is proportionate to the gravity of the charges, and hence deserve to be upheld. Thus, the action of the respondent management in dismissing the services of the workman is held legal and justified.

This issue is decided against the workman and in favor of the respondent management.

Issue No: IV

In view of foregone discussion and finding given at issue No. I, II and III, I am of the considered opinion that the action of Respondent management in dismissing the Petitioner from service vide order dated 27-05-2016 is legal and justified. Therefore, no interference warrants in the punishment of dismissal order dated 27-05-2016 of the Petitioner and the action of Respondent Management is held legal and justified and liable to be confirmed.

AWARD

In view of the foregone discussion and finding given at issue No. I, II, III, and IV, the action of Respondent Management in dismissing the service of the Petitioner workman vide order dated 27-05-2016 is held legal and justified. Petition filed by the Petitioner sans merit hence dismissed.

Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected, and signed by me on this the 3rd day of November, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2062.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, तेलंगाना, निदेशक (प्राधिकृत हस्ताक्षरकर्ता), स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद, सहायक महाप्रबंधक, समूह मानव संसाधन, स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद के प्रबंधन के संबंध में नियोजकों और श्री दग्गू सतीश, आंध्र प्रदेश, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह-श्रम न्यायालय हैदराबाद पंचाट (संदर्भ संख्या- 5/2021) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल -42025/07/2025/234-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2062.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 5/2021) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Highways Authority of India, Telangana, The Director (Authorised Signatory), Swarna Tollway Private Limited, Hyderabad, The Asst. General Manager, Group H.R., Swarna Tollway Private Limited, Hyderabad** and **Sh. Daggu Satish, Andhra Pradesh**, workman.

[No. L-42025/07/2025/234- IR DU]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated 23rd October, 2025**INDUSTRIAL DISPUTE L.C.No. 5 / 2021**

Between:

Daggu Satish,

Aged about 41 years, Employ No. STPLO||

S/o. Parandhamaiah, M.D. Agraharam (V),

Mungaladoruvu Village, Chinthopu Post,

Thotapalli Gudur Mandal,

SPSR. Nellore District. A.P. - 524 320.

... Petitioner

AND

1. National Highways Authority of India,
Rep. by Executive Engineer - Chief Engineer-Regional Officer,
First Floor, New Building Administrative Staff College of India (ASCI),
College Park Campus, Road No.3,
Banjara Hills, Hyderabad, Telangana 500034
2. The Director (Authorised Signatory),
Swarna Tollway Private Limited,
D.No.6-3-1090, 4n Floor, C. Block, TSR Towers,
Raja Bhavan Road, Somajiguda,
Hyderabad. Rep. by its Director

3. The Asst. General Manger, Group H.R.
Swarna Tollway Private Limited,
Plot No. 1-89/1. Plot No. 42 & 43.
Kavuri Hills, Phase -I Madhapur, Hyderabad. ...Respondents

Appearances:

For the Petitioner: M/s. S. Chakrapani, T. Naveen Chowdary and M. Ravi Kiran, Advocates

For the Respondent: M/s. CRS Associates, Advocates

1. This Petition has been filed by the Petitioner workman under section 2(A) (2) of Industrial Dispute Act 1947 with the prayer to set aside his dismissal order dated 30th August 2016 passed by the Respondent Management and to direct the Respondent to reinstate Petitioner in the service with continuity of service with all back wages and all other attendant benefits.

2. The facts in brief culled out from the petition are that the Petitioner workman was appointed as a Toll Collector in Swarna Tollway Private Limited Organization in the year 2004 and his services was confirmed by the Respondent Management on 2nd December 2004.

Further, Petitioner submitted that he was placed under suspension with issuing Charge sheet on 9th September 2015, and without considering his explanation Respondent has dismissed him vide order dated 30th August 2016. Further, Petitioner submitted that on 1st September 2015 he was member of Swarna Toll Employees Union, and he went to Budanam Base Camp office to meet with office bearer of the union and number of employees, union president and some other office bearers were also present at Budanam base camp office to meet with the COM to represent their demands. When the union leader entered into the Chamber of COM. Other employees were waiting outside camp office of COM and Some discussions took place between Union leaders and the management. As per petitioner COM did not consider the lawful demands of the employees and union leaders came outside and explained to other employees. Since lawful demands were not considered by the Respondent COM, Union leaders and employees expressed their protest against the Respondent Management by shouting slogans. COM and other managers foisted a false case against the petitioner and rest of the employees present there at Chillakuru Police Station. The Police authority registered a case in Crime No.154/2015 against the 28 employees and they sent the there employees to remand. The Chief of operation and maintenance and other Toll Managers made a complaint what has been alleged in the charge sheet. Further, Petitioner stated that he was no way concerned in the said incident there was no specific allegation against him. The allegations made against all the 28 employees are in common Petitioner contended that before issuing charge sheet, the copy of complaint was not supplied to him to submit his explanation and he never committed any misconduct of willful in subordination or disobedience with the lawful and reasonable order of superior. He never damage the employer's business or property and did not instigate co-workman to misbehave with official of Management. He never committed any act subversive of discipline and I never assaulted and grievously hurting the management as alleged in the charge sheet. Further, Petitioner submitted that enquiry has been conducted by the enquiry officer into the allegations without following principle of natural justice. There was no corroborative evidence to prove the guilt of Petitioner and only management witness were examined in the enquiry. The management witness nowhere has stated that what acts, and omission committed by C.S.E and, there was no legal evidence to prove the allegations against C.S.E. Thus, enquiry officer has also failed to bring home the guilt of C.S.E and gave common findings of all the 28 C.S.E which is not legal. Enquiry officer has conducted enquiry an empty formality, and submitted his report holding that the allegation are proved. The procedure followed by the enquiry office, and enquiry findings are not fair, proper and not maintainable under law. Respondent management had issued show cause notice to petitioner and without considering his explanation the Respondent management passed his dismissal order on 27-05-2016 that is not sustainable under law.

Further, Petitioner submitted that the allegation leveled against him were false and fabricated and there was no specific allegation against him for violation of any acts or omissions. All the common allegations has been made against the 28 employees. There was no willful in subordination or disobedience of instruction in connection with the order of the superior and no damages done with the employer business or property. There was no unprovoked behavior with customers riotous disorderly or indecent behavior in premises of the establishment. There was no act subversive of discipline. It is submitted that Petitioner had not committed due serious misconduct to dismiss him from service. Further it is submitted that Petitioner filed the ID No 14 of 2017 before the labour Court Guntur and labour court passed the order dated 31 -8-2019 thereby rejecting the petition on the ground of lack jurisdiction. Therefore, any delay in filing the appeal is on account of COVID-19 pandemic situations prevailing all over the world. Therefore, prayed to set aside the order dated 30-08-2016 passed by Respondent and to reinstate the Petitioner in the service,

3. Per contra Respondent 1 has filed counter therein he has contended that the Respondent No.1 NHAI unnecessarily has been made party in the present Petition as there is no employee relationship between the Petitioner

and Respondent No.1. Further, it is submitted that the Respondent No.1 is neither concerned nor related to allegation made in the petition hence denied. Respondent has unnecessarily been made party to the present proceeding and petition is liable to be dismissed against Respondent No.1 with cost.

Respondent No. 2 and 3 has filed counter and has contended there in that present petition has been filed by the Petitioner under section 2(A) (2) of the Industrial Disputes Act challenging the dismissal order dated 30th August 2016 issued by Respondent no. 2 which is barred by the limitation prescribed under section 2A (3) of the Act. Respondent contended that the present ID has been raised by the Petitioner on 30th September 2021, i.e., after a lapse of over five years and as such is liable to be dismissed by the court in limine as a time-barred one. Further, it is submitted that Labour Court, Guntur, vide order dated 31st August 2019 has returned the petition for want of jurisdiction while holding that Petitioner may raise dispute before the competent court of appropriate jurisdiction. However, the present ID has been raised before this Hon'ble Court after a lapse of two years without any explanation for the delay, and not maintainable on the ground of barred by limitation.

Further, Respondent contended that Petitioner was found guilty of riotous, disorderly, unruly behavior of mob attack on the chief Operation and Maintenance, Mr. Hari Panduranga swamy madusa, Mr. S. Vijay Deepak, and other toll managers at Budanam Base camp of the Respondent no. 2 company on 1st September 2015, Domestic inquiry against Petitioner workman has been held by following principle of natural justice and dismissal order dated 30th August 2016 is not liable to be interfered with by this court under any circumstances. Further, it is submitted that the Petitioner and other workmen assaulted and has beaten the manager by giving them punches, kicking with legs, and hitting with iron rods, and in the said attack by the Petitioner and other workmen, Chief Operation and Maintenance, Mr. Hari Panduranga Swamy Madusa, sustained grievous bleedings injuries to his eye and suffered injuries of jaws dislocation and he was hospitalized. Further, Respondent contended that Petitioner with other workmen, also damaged the property of the Respondent No.2 in the said mob attack.

10) Respondent contended that on 01/09/2015, an important meeting was going on between a supplier and the senior management of Toll Plazas at Base Camp office off the Respondent No.2 Company at Budhanam Village, Chillakuru Mandal, SPSR Nellore District, to discuss about the toll collection system related issues, at about 16:20 Hours. Petitioner along with Mr. M. Chaitanya, who was the President of Swarna Toll way Employees' Union and other Toll Collectors working at Venkatachalam, Bhudanam and sullurpet Toll Plazas, concertedly and forcibly entered into the base camp office and barged into the room of Chief Operations Manager (COM), Mr. Hari Pandu Ranga Swamy Madasu in a most indecent and insubordinate Manner and insisted that COM should come out of the ongoing meeting and discuss with them on some pending issues in the Conference Hall. Petitioner and co-workman insisted for an Immediate settlement of their COM tried to convince Petitioner and other mob of workmen and asked to give two days' time to resolve their issues and grievances but it was in vain and workman started using abusive language against him and against other officials too.

In the meantime, one of the Toll Collectors under suspension, Mr. Daggu Satish and also other employees, caught hold of Mr.S.Vejay Deepak, Maintenance Manager and brought him to the Union President, Mr. M. Chaitanya, who started assaulting him and beating him indiscriminately., When the COM and the Toll Manager tried to save him from the mob, Petitioner and the workman present there acted in a most riotous and disorderly manner and in utter disregard of the discipline in the office premises of the Respondent No.2 Company. Thereafter, S. Vejay Deepak Was taken to the COM's Chamber, but Petitioner and other mob of workmen also went there and again started beating Mr. S. Vejay Deepak by throwing water glass and laptop on him and they also broken the glass panes of the room.

Respondent further submitted that Mr. M. Chaitanya, started beating the COM and he also instigated Petitioner and others workman to beat COM, and Mr. S. Vijay Deepak and other Toll Managers with kicks and punches. Two of the workmen punched the COM on his face causing dislocation of lower jaw teeth, while one Mr. D. Satish pounced on him with fist punches on his face and shoulder, Mr. S. Murali and Mr. M. Chaitanya has hit COM with an iron rod on the left side of his eye, whereby he suffered a serious and grievous injuries to his lower jaw and a bleeding injury near his left eye and he fell unconscious and later was shifted to Hospital. Mr. M. Chaitanya also threatened to kill the officials of the Respondent and their family members, if they did not heed to his orders, thereby created a great tension and fears in their minds. The above-mentioned acts of the Petitioner and other workmen/union leaders of instigating assaulting, beating, threatening and abusing the officials of Respondent No.2 was of highly intolerable, illegal, mischievous and unruly, which have caused a serious disturbance at the Base Camp Office and adversely affected the discipline in general and safety of the other Workmen and Officers of the Respondent as well.

Respondent contended that in view of the gravity and severity of the acts of misconduct reported against the Petitioner, he was placed under suspension pending enquiry and was issued with detailed charge-sheet dated 09/09/2015, with the following Charges as per Clauses 19(a), (b) ,(c), (d), (e) and (f) of the A.P. Shops and Establishments Rules, 1990 detailed as her under:-

"(a) Wilful insubordination or disobedience of instruction, whether alone or in combination with others of any lawful and reasonable order of a Superior;

(b) Damage or dishonesty in connection with the employer's business or property;

(c) unprovoked misbehaviour with customers, riotous, disorderly, or indecent behaviour in the premises of the establishment.

(d) Any act subversive of discipline;

(e) Assaulting and grievously hurting the managerial staff"

The Petitioner he submitted his explanation dated 30/09/201 and management considered his explanation but that was found unconvincing and unsatisfactory, and in view of the seriousness to the acts of misconduct, management decided to hold an enquiry into the charges levelled against Petitioner.

During the inquiry Petitioner was permitted to avail the assistance of a co-workman and enquiry was conducted in Telugu and proceedings thereof were also recorded in Telugu. The management has examined ten witnesses (MW-1 to MW-10) in Support of the charges, Management witness were cross-examined by the Petitioner with the aid of his co-Workman/Defence Assistant. The management has also produced documents, and same has been marked Exhibits M-1 to M-10. Petitioner has examined WW1 in defence and Enquiry Officer, after due appraisal of oral and documentary evidence submitted his Report & Findings holding workman guilty of charges levelled against him. The Enquiry Officer had assigned cogent reasons reference to the evidence brought on record for holding the with Petitioner guilty of the charges. Upon receipt of the above Enquiry Report, Final Show-Cause Notice dated 02/05/2016 was issued calling upon the Petitioner to show-cause as to why he should not be dismissed from the services of the Respondent No.2, while enclosing a copy of the Enquiry Report & Findings dated 16/02/2016 and seeking his comments, if any, thereon. The Petitioner submitted his explanation to the above Final Show-Cause Notice dated 02/05/2016, vide his letter dated 18/05/2016 and the same was found not convincing. Respondent contended that Disciplinary Authority has also evaluated the proportionality of the punishment to be imposed and in the light of the gravity of the acts of misconduct proved and its adverse impact on the discipline and safety of officials within the Respondent No.2 Company/ Establishment and as there were no extenuating and/or mitigating circumstances to take any lenient view in the matter, after having been convinced, that no punishment lesser than that of dismissal can be imposed, and Petitioner was dismissed from the services of the Respondent No.2 Company vide Dismissal Order dated 30/08/2016.

Therefore, in view of the seriousness of the acts of misconduct proved against the Petitioner, the dismissal order is fully justified and is not liable to be interfered with by this Hon'ble Court under any circumstances. Hence, this Hon'ble Court, at any rate, may not direct reinstatement of the Petitioner. The Respondent No.2 conducted that the enquiry conducted against the Petitioner is fully in accordance law and principles of natural justice and is valid. Petitioner was given all reasonable opportunities to himself by cross-examining the witnesses examined in of the charges and also to adduce evidence, both oral and documentary. Therefore, the enquiry so conducted was fair & proper and is also not liable to be interfered with by this Hon'ble Court. Should this Hon'ble Court, for some reason, find that the enquiry conducted is not valid, without prejudice to its contentions that the enquiry is valid and legal.

In support of his contention Respondent has relied upon the certain decisions of the Hon'ble Supreme Court which are detailed as here under: -

1. Hombe Gouda Educational Trust Vs. State of Karnataka – (2006) 1 SCC 430
2. M.P. Electricity Board Vs. Jagadish Chandra Sharma – (2005) 3 SCC 401
3. Usha Breco Mazdoor Sangh Vs Management of Usha Breco Limited 2008 SCC Page 554
4. Mulchandni electricals and Radio Industries limited Vs Workman 1975 SCC page 731.
5. Ch. Ramakoteswar Rao Vs GM, APS RTC 2000 (4) ALD Ald page 208
6. M/s Bharath Iron works Vs Bhagubhai patel (1976) 1 SCC page 518
7. S.S.P. sharma Vs Industrial Tribunal- II Hyderabad 2016 (2) ALD page 107
8. State bank of Bikaner and Jaipur Vs Nemi Chand Nalwaya (2011) 4 SCC page 584
9. Dig of police Vs S. Samuthiram 2013 1 SCC page 598
10. State bank of BNikaner & Jaipur Vs Srinath Gupta (1996) 6 SCC page 486
11. Commissioner of police Vs Narender Singh (2006) 4 SCC 265

The Law laid down by the Hon'ble Court in the above-mentioned cases will be discussed at the appropriate stage of this judgement. Therefore, Respondent contended that Petitioner does not deserve any leniency and the punishment of dismissal is just proper and under in any circumstances Petitioner may not be directed to be reinstated into the service.

Therefore, prayed to dismiss the petition with exemplary costs.

Heard the argument of learned counsel for petitioner as well as Respondent. Both the parties have also filed their written submission. Pursue the record.

5. On the basis of submission of either parties, following issues arise for determination in the present matter: -

5. Whether the departmental enquiry held against the Petitioner is legal and valid?
6. Whether present petition filed by Petitioner raising industrial Dispute against his dismissal order 30-08-2016 is barred by limitation?
7. Whether action of Respondent management Director, Swarna Toll way private Limited, Hyderabad, vide order dated 30-08-2016 whereby in terminating the services of the Petitioner is legal and justified?
8. To what relief If any, Petitioner, is entitled for?

Findings: -

Issue No. I

The Departmental inquiry conducted against the Workman Sri. Daggu Sathish has been held legal and valid, by this court vide order dated 11th November 2024.

Thus, issue is decided accordingly.

Issue No. II

In this context, Respondent No.2 and 3 contended that the present Industrial Dispute has been raised by the Petitioner on 2nd August 2021 after the lapse of five years from the date of his dismissal order dated 27th May 2016. Therefore, in view of the provision contained under section 2-A (3) of the Industrial Disputes Act, this claim could be filed by the Petitioner before the expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service as specified in (1) of section 2-A. Therefore, the present claim Petition raising the Industrial Dispute by Petitioner under section 2A (2) of the ID Act, is barred by limitation.

The perusal of claim petition goes to reveals that Petitioner has raised the Industrial Dispute against his dismissal order, dated 30th august 2016 passed the by the Respondent Management by filing claim petition in the year 2021. In the para 7 of claim petition, Petitioner has averred that against his termination order, he approached to the Deputy Labour Commissioner of Labor, Nellore for cancellation and same was dismissed without considering the merit. Thereafter, he filed petition before Labour court, Guntur, which got registered as ID Number 14/2017. Labour Court, Guntur, vide order dated 31st August 2019, has returned his petition on the ground of lack of jurisdiction. Thereafter due to COVID-19 pandemic situation Petitioner could not approach this court within time. Petitioner has also filed the copy of the order dated 31-08-2019 passed by the Presiding Officer, Labour Court, Guntur, in ID no. 14/2017, whereby Labour Court Guntur has returned petition of the Petitioner for presentation before the appropriate court of jurisdiction. It is established fact that in the year 2020, there was a prevailing situation of COVID-19 pandemic and Petitioner was not able to approach this court to present petition at Hyderabad. Thus, Petitioner has furnished cogent and sufficient explanation of delay in filing the present petition and same is not fatal to present Industrial Dispute. Therefore, in view of the above present petition raising the Industrial Dispute under section 2-A (2) of the ID Act, against the dismissal order dated 30-08-2016 is not barred by limitation. Issue is decided in favor of the Petitioner.

Issue No. III

The perusal of record goes to reveal that in this claim petition, petitioner has challenged his dismissal order dated 30th August 2016, passed by Respondent Management on the grounds alleged in petition. Furthermore, perusal of the record of inquiry proceeding along with inquiry report, goes to reveal that the Petitioner was given fair opportunity of hearing at every stage of proceedings, which he availed, without raising any objection complaining of any prejudice of any nature caused to him before the inquiry officer at any point of time. Further, it is noticed that the Workman CSC received all the documents filed and relied upon by the Respondent management in support of the charge sheet, and CSC workman also filed a reply, cross-examined the management witnesses, and also examined himself as a witness in defense. Thus, the workman CSC has participated in the inquiry proceeding at every stage. Inquiry officer, on appreciation of evidence recorded in inquiry has submitted his reasoned report holding the workman guilty of the charges. Therefore, in the opinion of the court, no case is made out to hold that the domestic inquiry suffers from any procedural lapses or was conducted in violation of principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Moreover, validity and legality of the domestic inquiry has been upheld by the court vide order dated 11th November 2024. Thus, the plea of the Petitioner that the domestic inquiry was conducted against the Petitioner in violation of principle of natural justice is untenable.

It is settled law that once it is held that the domestic inquiry is legal and proper, the next question arises for consideration whether the punishment imposed on the Petitioner is just and legal, or it is disproportionate to the gravity of the charges. Petitioner has challenged his dismissal order on the ground that the allegations leveled against him are false and fabricated, and during the inquiry no other employee as witness was examined to prove the charges

and there was no corroborating evidence to prove the guilt and only that management witness were examined in the inquiry. Further, it is contended that there was no legal evidence before enquiry to prove the allegations, and the inquiry officer had also failed to bring home the charge against the Petitioner. Further, Petitioner has strenuously argued that the inquiry officer conducted the inquiry as empty formality and without having any valid and legal evidence and came to the conclusion that allegations are proved. Further, it is urged Petitioner that had not committed any misconduct as alleged in the charge sheet, and there was no evidence of loss of revenue to the corporation. Further, it is contended that there was no willful insubordination or disobedience of instructions in connection with the orders of the superior. There was no damage or dishonesty in connection with the employer's business or property, and Petitioner was not involved in unprovoked misbehavior with the customer, riotous, disorderly, or indecent behavior in the premises of the establishment. Lastly it is pleaded that the dismissal order passed by the Respondent management is grossly disproportionate to the gravity of the offense, and same is liable to be set aside. In view of plea taken by Petitioner, peruse the record of inquiry proceeding.

5. The record of proceeding goes to reveal that charge sheet dated 9th September 2015 was furnished to CSE Workman and inquiry was conducted by the inquiry officer, in the presence of CSC workman, as well as his defence representative and management witness were examined during the inquiry proceedings. In support of Charge sheet against the CSC workman, Respondent management has examined as many as ten witnesses namely, Mr. Subramanyam Vijay deepak (MW1), Mr. Hari pandarunga Swami MW2, Mr. Vikram Simha Reddy MW3, Mr. R.V. Prasad (MW4), Mr. T. Krishna Kishore (MW5), Mr. Vijay Kumar (MW6), Mr. L. Elvis Lionel (MW7), Mr. K.V. Ramprasad (MW8), and Mr. B. Vijay Sarathi Babu (MW9), and lastly, Mr. D. Veera swami (MW10). All the above stated witnesses, in their deposition have substantiated the allegations of the charge sheet issued against the CSC workman.

6. MW1 in his deposition has categorically stated that on the evening of 1st September 2015, a meeting was going on with the representative of the company called Kent in the chamber of Chief of Operation and Maintenance, Shri Hari panduranga swami, at Budanam Base Camp. At that time, the witness was present in his chamber. Around 4:15 P.M., security guard Kotaiah came into his chamber and said that their union president Chaitanya and some other toll collectors, about 30 people in total, had come to meet COM. Further MW1 deposed that he went to the COM chamber and called Alvin Lionel, who was the Buddhanam toll manager and told him about the matter. Meanwhile, Chaitanya and thirty other people went to the COM chamber. Then COM, Garu, and Vikram who is the manager of Venkatachalam Toll Plaza, Dilip Kumar Reddy of Sullurupet Toll Plaza, and Lionel Daru came out of the COM Chamber and went to the conference hall. Further, MW1 deposed that he saw from the glass door of his chamber and after some time the sound of bells was heard from the conference room. The witness further deposed that he saw toll collector penchalaiah hitting the ground with an iron rod in the open area outside. There were 29 other toll collectors standing next to him. Later, MW1 came to his chamber from the cashier room. Further, witness added that Vijay Deepak and Shri Srinivasulu, the assistant supervisor, came to his chamber. Then he went to the cashier room next to his chamber and informed COM sir Further, MW1 Added that C.O.M. told him that Chaitanya would come here, and he would discuss with him. Further, MW1 states that Chaitanya and other co-worker started to beat him. As soon as he came out other toll collector also started to beat witness, while Shyam and Maria Lion, who had come there, stood between him and C.S.C. for his protection. Further, MW1 stated that immediately he went to the cashier chamber and locked himself inside. Thereafter, toll collectors rushed to his chamber and kicked the door with their feet to open it. Then he went into the chamber of the C.O.M. next to it through the partition door, and there representative of kent company and staff of his company were present.

Further, witness stated that Satish, Srinivasa, Penchalaiah, and four other toll collectors whose name he didn't know, came from outside in the C.O.M. chamber, threw above seven people out of chamber, and also threw the laptop at the witness. Satish also threw a bottle and a water glass at him. Window glass was broken by it. COM and Leonel Garu had already come to rescue him so that none of the things they were throwing at him could hit. However, the bottle hit witness on the stomach. The glass hit the window glass behind the witness and that glass was broken. Further man states that meanwhile, Chaitanya, who was outside, came into the room and approached to the witness, and brought the burning cigarette in his hand near his eyes, and threatened to kill him and his wife. Then J. Shrinivas lifted the chair and charged at him to throw it upon witness, but he did not do it. Later, J. Shrinivas and Satish left the chamber. The other toll collectors who remained in the chamber said that MW1 and management should apologize to the Chaitanya Garu. They forcefully grabbed the witness and dragged him to Chaitanya, who was outside, they tied his legs. Tumati Madhava Rao, was also present there. Therefore, they took him to his chamber and pushed him inside. Payment manager Nagarjuna was present in his chamber and Vikram had already come to his chamber and these people also witnessed this incident noticed from the glass window that Chaitanya, C.O.M. Garu Dileep Kumar Reddy, and Lionel Garu were in the lobby outside. Further, MW1 added that he saw at the spot that Assistant Toll supervisor Murali was beating to COM, and he was hit above the left eye. MW1 added that he saw from glass window that CSE and other co-employee has beaten COM by slap and kick. Thereafter, Police arrived at the spot, and all toll collectors were present in the open area of base camp MW1 added that between 7:30 or 8:30 a.m., C.O.M. and he went to the Guntur government hospital for treatment of their injury. The C.O.M. was treated there for his bleeding injuries. He did not suffer any bleeding injuries. However, he was suffering pain in his stomach due to a water bottle hit thrown by Satish, and he was also given painkiller injection. Further, witness added that Lionel and Vikram, who were also

injured, accompanied them to the hospital. For their treatment but they did not suffer from any bleeding injuries.

7.. Further, MW1 was cross-examined by the defense representative, but nothing has been elicited to discredit or disbelieve the testimony of witness. However, MW1 was not questioned during the cross-examination on the point of occurrence of incident on 1st September 2015, as narrated by this witness in his chief statement. Thus, the version of MW1 regarding incident remained uncontroverted. Whereas CSE has admitted in his cross-examination that he along with other toll collectors were present at spot on the date and time of occurrence and they were raising the demand and shouting the slogans in support of their demands against the Respondent Management. Thus, it is established that C.S.C. workmen, along with the other toll collectors, was present on the spot at the date and time of the alleged incident, and he also participated in the incident assault and beating to C.O.M and managers of Respondent in concert of co- employee and in common intention as narrated in the charge sheet. Further, testimony of M.W1 is also corroborated by the testimony of rest of management witness M.W. 2, MW 3, MW 4, MW 5, MW 6, MW 7, MW 10. And also, documentary evidence. It is not the case of the petitioner that these management witnesses have any grudge or enmity with CSE for any reason whatsoever. Therefore, there is no reason for these management witnesses to depose against the CSE workman in support of charges regarding incident.

8.. Moreover, the management has also produced the documentary evidence in support of the charge leveled against the CSE workman. These documents namely are Ex M1 charge sheet dated 9th September 2015; ExM2 is the explanation to the notice submitted by the workman, Ex M3 appointment letter of the Inquiry Officer, Ex M4 Outpatient ticket dated 1st September, 2009 of M. Hari Pandya and Exhibit M5 includes fifteen photographs with depicts that injured witness getting treated in the hospital for his injuries caused to his body in the alleged incident of 1st September 2015. Further, ExM6 are the photographs which show that the office of the COM has been damaged by the CSE along with other workers in the alleged incident. ExM7 is the copy of the FIR which discloses that Hari Panduranga Swami Madasu complaint got registered FIR against the petitioner and other workers at Shri Potti Sri Ramulu Nellore District Police Station under Section 147, 148, 452, 307, 506 R/W 149 IPC on 2nd September 2015 at 00.30 AM regarding the incident dated 1-09-2025 and details of the suspected, accused in the FIR are as following:

1. Chaithanya Malapatti. 2. Sathish, 3 Srinivasulu, 4. Sudhakar Thuraka, 5. Prasad Thuraka, 6. Deendayal, 7. Hussain Mohammad, and 8. Balakrishnan Srinivasulu, M9 Srinivasulu N, 10. Srinivasulu 11.C H, Murari 12. Penchalaiah K has been mentioned, FIR. Thus, the testimony of witness about the incident as alleged in charge sheet is corroborated by the testimonies of other management witnesses i.e. MW1 and MW10 and also by the documentary evidence, on record.

9.. Further, domestic inquiry against CSE has been conducted strictly in accordance with the principle of natural justice and that workman CSE has been found guilty of grave and serious acts of misconduct. Thus, finding of the inquiry officer is based on of oral and documentary evidence recorded during enquiry and report of inquiry officer do not suffers from any illegality or perversely. The inquiry officer report goes to reveal that on 1-09-2015 CSE workman, has committed the misconduct of physical assault to the official of Respondent Management and he has been rightly held guilty of committing misconduct. The details of specific acts of misconduct allegedly committed by the Petitioner along with other co-workman on 1-09-2015 including physical assault on Respondent staff are as follows: -

That the Petitioner workman has physically assaulted Mr. Hari Pandu Ranga Swamy Madasu, the Chief Operations and Maintenance, thereby causing grievous injuries. The act not only endangered the safety of a senior official but also disrupted the discipline and harmony of the workplace. Further, Petitioner workman actively participated in a riotous mob attack, leading to the damage of company property, and creating an atmosphere of fear and disorder within the establishment. Such conduct undermines the safety and security of the workplace environment.

And lastly, The Petitioner workman exhibited willful insubordination by disobeying lawful and reasonable orders of his superiors. Furthermore, he threatened senior officials, displaying gross indiscipline and a blatant disregard for the hierarchical structure and decorum expected within the organization.

10. The findings of enquiry officer are based on cogent and credible evidence, including eyewitness testimonies and documentary proof. The enquiry was conducted in accordance with the principles of natural justice, providing the Petitioner ample opportunity to defend himself. Thus, the aforementioned acts committed by the Petitioner workman squarely fall under the category of serious misconduct as defined under Clauses 19(a), (c), (d) and (e) of the Andhra Pradesh Shops and establishments Rules, 1990.

Rules 19 (a) (b) (c) (d) and (e) of AP Shops & Establishment Rules provides as here under:-

- i. Clause 19(a): Willful insubordination or disobedience of any lawful and reasonable order of a superior.
- ii. Clause 19(C): Damage to the employer's property.
- iii. Clause 19(d): Riotous or disorderly behavior in the premises of the establishment.
- iv. Clause 19(e): Threatening or intimidating any employee or superior.

Thus, in view of the aforementioned misconduct workman, has committed grave and serious misconduct which warrant action of dismissal from service. The misconduct committed by workman of assaulting superiors, instigating others, and participating in the riotous violent activities constitute serious act of misconduct which strike at the root of workplace discipline. The act of workman causing grievous injuries to managerial staff is a grave and serious misconduct that cannot be condoned. Therefore, the dismissal order passed by Respondent against the workman is justified and appropriate action.

(11.) Respondent has relied upon the few decisions of Hon'ble Supreme Court which are relevant to the point and discussed as here under: -

(a) Hon'ble Supreme Court in *Krishnakali Tea Estate Bharatiya Vs. Aknn Chah Mazdoor Sanah* - (2004) 8 SCC 200 upheld the dismissal of workmen who had assaulted managerial personnel causing damage to property, gherao of the management, wrongfully confining manager. The Apex Court observed that such violent Conduct cannot be taken lightly, and the punishment of dismissal was warranted to preserve discipline and safety at the workplace

(b) Similarly, Hon'ble Supreme Court in the case of *Muriadih Colliery Vs. Bihar Colliery Kamgar Union* - (2005) 3 SCC 331, held that the dismissal of employees who participated in a violent mob attack, causing injury to the General Manager, was justified, and interference by the Labour Court under Section 11-A of the ID Act was disapproved and the punishment proportionate to the misconduct. was upheld.

(c) The Hon'ble Supreme Court in the case of *M.P, Electricity Board Vs. Jagdish Chandra Sharma* - order (2005) 3 SCC 401. of dismissal of a Workman who assaulted a senior officer, restored the decision of the Industrial Court, thereby reiterating that acts of violence by employees, particularly against their superiors, must be dealt with strictly and are not open to lenient treatment. The reinstatement ordered by the Labour Court was reversed, affirming the employer's authority to maintain discipline through dismissal.

(d) In the case of *Hombe Gowda Educational Trust Vs. State of Karnataka* - (2006) 1

SSC 430, the Hon'ble Supreme Court underscored the importance of workplace discipline and held that even provoked assault on a superior, amounts to gross indiscipline. The Court stated:

"30. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by the rule of law. All actions, therefore, must be taken in accordance with law."

(e) In the case of *Usha Breco Mazdoor Sangh Vs. Management of M/S. Usha Breco Ltd* – (2008) 5 SCC 554, Hon'ble Supreme Court while reaffirming the legal position laid down by it is in the case *firestone Tyre and Rubber Co. Vs. The management and Others* – (1973) 1 SCC 813, held: -

"31. It is one thing to say that finding of an Enquiry Officer is perverse or betrays the well-known doctrine of proportionality another thing to say that only because two views are possible, the Labour Court shall interfere therewith. In other words, it is one thing to say that on the basis of the materials on record, the Labour Court comes to a conclusion that a verdict of guilt has been arrived at by the Enquiry Officer whereas the materials suggested otherwise but it is another thing to say that such a verdict was also a possible view.

39. The upshot of our discussion is that the decision of the labour Court should not be based on mere hypothesis. It cannot overturn a decision of the Management on ipse dixit. Its jurisdiction under section 11-A of the Act although is a wide one, must be judiciously exercise either whimsically or capriciously. It may scrutinize and analyze the evidence but what is important is how it does so.

(f) Further, in the case of **New Shorrock Mills vs Maheshbhai T. Rao, 1996 SCC page 590**. Hon'ble Supreme Court held: -

"35. In the case of *New Shorrock Mills Vs. (1996) Maheshbhai T Rao* 6 of SCC 590, held that:

"Labour Court in the present case having come to a Conclusion that the finding of the departmental enquiry was legal and proper, the Respondents order of discharge was not by way of victimization and that the Respondent workman had Seriously misbehaved and was thus guilty of misconduct, ought not to have interfered with the punishment, which was awarded, in the manner it did. This is not a case where the Court Could Come to the conclusion that the punishment was awarded was shockingly disproportionate to the employee's conduct and his past service record."

(g) The Supreme Court in the case of **Northeastern Karnataka RTC Vs. Ashappa 2006 (5) SCC 137** reaffirmed that the Tribunal must not lightly interfere with the employer's disciplinary decisions and reiterated the "shockingly disproportionate" standard.

(h) In **Hombe Gowda Educational Trust Vs. State of Karnataka (cupra)**, the Hon'ble Supreme Court clarified that the days of automatic sympathy towards the workman are over, and that discipline must be maintained at all costs in light of contemporary industrial conditions. The Tribunal's power to substitute the employer's decision must be exercised with restraint.

(i) In the case of **Muriadih Colliery (Supra) & Krishnakali Tea**

Estate (Supra), the Apex Court expressly held that interference by Labour Courts with dismissal orders passed for acts involving violence and assault was not permissible under section 11-A of the ID Act, as the punishment was not disproportionate.

Thus, in view of the principles laid down by the Honorable Apex Court as discussed above, there is ample oral and documentary evidence on record to substantiate the charges against the petitioner workman, and it cannot be said that the order of dismissal of Petitioner is perverse or shockingly disproportionate.

() As regard the plea of the petitioner workman that Respondent Management has victimize him due to the being member of the union and also for raising the demand related to welfare of the workman.

In this context, Respondent has relied upon the decision of the Supreme Court in the case of **Bharat Iron Works versus Bhagobhai Balubhai Patel, 1976 SCC page 518**. Therein Hon'ble Supreme Court has laid down the legal test for establishing the plea of victimization as discussed here under: -

"11. The onus of establishing plea of victimisation will be upon the person pleading

it. Since a charge of victimisation is a serious matter reflecting, to a degree, subjective upon the attitude of the employer evidenced by acts and conduct, it has to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

The Apex Court further held:

"12. Once, in the opinion of the Tribunal a gross misconduct is established, as required, on legal evidence either in a fairly conducted domestic enquiry or before the Tribunal on merits, the plea of victimisation will not carry the case of the employee any further. A proved misconduct is antithesis of victimisation as understood in industrial relations."

(13) Thus, in view of the principle laid down by Hon'ble Apex Court, as discussed above the petitioner workman has failed to produce any evidence in support of the plea that the action of Respondent management in dismissing him from service is victimization of the petitioner workman. The petitioner workman has failed to discharge his burden of proof regarding plea of victimization or unfair labor practices hence same is untenable.

(14) As regard the plea of the petitioner that they he has been acquitted from the criminal trial by court in respect of the alleged acts of misconduct. In this context, the decision of Honorable Supreme Court in the case of Deputy Inspector General of Police versus Sethu . Thiruvan, 2013 SCC page 598 is relevant, wherein Honorable Apex Court have held that mere acquittal in a criminal trial does not nullify or override the finding of a valid domestic inquiry. Further, Honorable Apex Court held that the standard of proof in a criminal trial is proof beyond reasonable doubt, whereas in a domestic inquiry it is only preponderance of the probability.

In the case of Commissioner of Police vs Narendra Singh, 2006 SCC page 265, Honorable Apex Court held that the disciplinary proceeding can proceed independently and that an employee can be dismissed from service based on finding of a department inquiry even if no conviction is recorded in the criminal trial. The finding in the inquiry against the workman is based on credible evidence, including eyewitness testimonies and documentary records and same does not warrant any interference.

15. Hon'ble Supreme Court in the case of Employers Management **West Bokaro Gallery Colly of TISCO Limited vs Concern Workman Ram Prakash Singh, 2008 LLR, page 432,**

"16. In U.P State Road Transport Corporation Vinod Kumar, 2007 (13) SCALE 690 this Court again observed that in the absence of a challenge to the legality or fairness of the domestic enquiry the Court should be reluctant to either interfere with the finding recorded by the Enquiry officer or the punishment awarded by the Punishing Authority.

17. After going through the order of the industrial Tribunal, were are of the opinion that the Tribunal has interfered with the findings recorded by the domestic. Tribunal as if it was the appellate Tribunal. There was evidence present on record regarding indecent riotous and disorderly behavior of the Respondent towards his superiors. The management witness who were present at the scene of occurrence have unequivocally deposed about the misbehavior of the Respondent towards his superiors. Their evidence has been discarded by the Tribunals by observing that in the absence of independent evidence, the statements of the workmen who were present at the scene of occurrence could not be believed. Industrial Tribunal tell in error in discarding the evidence produce by the management only because the independent witnesses were not produce them. It is possible that at the time of occurrence, only the workers of the Management and the persons who were truing to put up the constructions dependent evidence was available.

Statements of the fellow workmen had established the misconduct of the Respondent. Enquiry officer accepted the testimony of the witness produced by the management who had clearly implicated the Respondent. It was a legitimate conclusion which could be arrived at and it would not be open to the industrial Tribunal to substitute the said opinion by its own opinion.

19. Tribunal has set aside the report of the enquiry Officer and the order of dismissal passed by the punishing Authority by observing that the charges against the Respondent were not proved beyond reasonable doubt. It has repeatedly had been held by the court that the acquittal in a criminal case could not operate as a bar for drawing up of a disciplinary proceeding against a delinquent. It is well settled principle of law that yardstick and standard proof in a criminal case is different from the one disciplinary proceeding. While the standard of proof in a criminal case is proof beyond all reasonable doubt, the standard of proof in a departmental proceeding is preponderance of probabilities.”

Further, the Honorable Supreme Court has observed that in a case where two views are possible on the evidence on record, then the Industrial Tribunal should be very slow in coming to a conclusion other than the one arrived at by the domestic Tribunal, by substituting its opinion in place of the opinion of the domestic tribunal.

Thus, in view of the law laid down by the apex court, as discussed above, the plea of the petitioner that there is no legal evidence on record is untenable, as there is sufficient evidence on record of the domestic inquiry to prove the guilt of the workman in the alleged misconduct.

16 Further, as regard the appreciation and evaluation of the evidence in matter of domestic inquiry, Hon’ble Supreme Court, in the case of **State of Rajasthan and others Vs Him Singh, Civil Appeal Number 3340 of 2020**, date of decision: 29th October 2021, has laid down the principles extracted as here under: -

“Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.

To determine whether the finding in a disciplinary inquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the courts that there is some evidence to support the charge of misconduct and to guard against perversity, but this does not allow the court to re- appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain.”

17 In the case of **Hombe Gouda Education Trust Vs State of Karnataka**, 2006 SCC, page 430: Hon’ble Supreme Court have held that assaulting a superior at a workplace amount to an act of gross indiscipline. The respondent is a teacher. Even under grave provocation, a teacher is not expected to abuse the head of the institution in a filthy language and assault him with a chappal. punishment of dismissal from service, therefore, cannot be said to be wholly disproportionate so as to shock one's conscience. Further, Hon’ble Supreme Court held that a person, when dismissed from service, is put to great hardship, but that would not mean that a grave misconduct (assault on superior at workplace) should go unpunished. Maintenance of discipline of an institution is equally important.

Further, In the case of **MP Electricity Board Vs Jagdish Sharma**, 2005 SCC, page 401, Hon’ble Supreme Court have held:

“9. In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the workplace obviously in the breach of Presence of other employees This clearly amounted in an discipline in the organisation Discipline at the workplace organisation like the employer herein, is the sine qua non for the efficient working of the organisation, when an employee breaches such discipline and the employer terminates his services it is not open to a Labour Court of an Industrial Tribunal to take view that the punishment awarded is shockingly disproportionate to the charge proved. We have already

referred to the views of this Court. To quote Jack Chan,

‘Discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large.’

Obviously, this idea is more relevant in considering the working of an organisation like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. It is essential for the prosperity of the organisation as well as that of its employee's. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed

unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion."

18. In the case of **Usha Breco Mazdoor Sangh versus Management of Usha Breco Limited, 2008 Supreme Court Cases, page 554**, Hon'ble Supreme Court held that in a departmental proceeding, the standard of proof is not that the misconduct must be proved,

beyond all reasonable doubt, but the standard of proof is as to whether test of preponderance of probability has been met.

In this case, the fact of case are that the workman started misbehaving with the said persons, using indecent and unparliamentary languages. They were abused in a harsh tone, where to an objection was raised by Shri Dhara Singh, whereupon he was abused in filthy language and threatened with dire consequences. He was also subjected to an assault with an iron rod by the intervener herein. Thereafter, Shiv Dhara Singh R.P. Singh both picked up an iron rod in their hands. However, with the intervention of the officers and some workers, they were separated. The said workman thereafter instigated the worker to stop the work. In the departmental proceeding, they were found guilty. In this case, Hon'ble Supreme Court held that the validity or legality of domestic inquiry, as also the question of whether the principles of natural justice have been complied with or not, could be determined by way of a preliminary issue. What would be the extent of the jurisdiction of the labor court in this behalf had come up for consideration before this court in a large number of decisions. The view taken by the court was that if the conclusion arrived at by the inquiry officer on the material placed before it was a possible view, the labor court would have no jurisdiction to substitute its own judgment, although it could itself have arrived at a different conclusion on the same material.

19. Further, in the case of **Ajit Kumar Nag Vs Indian Oil Corporation Limited, 2005 SCC page 764, the Honorable Supreme Court has held, in a three-judge bench, in paragraph 56**, "It is well settled that the burden of proving malafide is on the person making the allegation, and the burden is very heavy. There is every presumption in favor of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of malafide are often more easily made than made out, and the very seriousness of such allegations demands proof of a high degree of credibility."

Further, Hon'ble Supreme Court held that assault, intimidation are penal offences. A workman indulging in commission of criminal offenses should not be spared only because he happens to be a union leader. The act does not encourage indiscipline. It will be a matter of some concern if the opinion of the inquiry officer can be totally ignored, despite the fact that the management is precluded from adducing any fresh evidence before the labor court. A union leader does not enjoy immunity from being proceeded with in a case of misconduct.

20 In the case of **D. Mulchandani Electric and Radio Industries Limited Vs Workman, 1975 Supreme Court Cases page 731**, Hon'ble Supreme Court have held:

establishment

"It was not disputed before us that the allegation of assault, if proved, would be an act subversive of discipline: what was contended on behalf of the respondent was between Thana and the premises was that the alleged assault having taken place in the train Mulund which was obviously outside the Or precincts of the establishment, was not covered by Standing Order.

24(1). The Labour Court also found that the alleged assault did not In our amount to misconduct under Standing Order 24(1) which, it was held was restricted to acts and omissions inside the premises of the establish opinion, Lon a plain reading of the clause, the words "within the premises or precincts of the establishment" refer not to the place where the act which is subversive of discipline or good behaviour is committed but where the consequence of such an act manifests itself. In other words, an act, wherever committed, if it has the effect of sub- verting discipline or good behaviour within the premises or precincts of the establishment, will amount to misconduct under Standing Order 24(1) We are unable to agree that Standing Order 24(l) leaves out of its scone an act committed outside though it may result in subversion of discipline or good behaviour within the premises or precincts of the establishment in question. Such a construction in our view would be quite unreasonable."

(21) In the case of **State bank of Bikaner and Jaipur vs Nemi Channel via 2011 Supreme Court cases page 580** Hon'ble Supreme Court have held that subsequent acquittal by criminal court will not in any way render completed discipline proceeding invalid, nor affect the validity of finding of the guilt and consequential punishment.

(22) Thus, in view of the foregone discussion and law laid down by the apex court as discussed above, in the instant matter all the charges framed and proved in domestic inquiry petitioner against the workman being serious in nature therefore, the order of dismissal passed against the appellant cannot be faulted with, nor it can be said to be in any way disproportionate to the gravity of the charges. Therefore, the punishment of dismissal of the workman is proportionate to the gravity of the charges, and hence deserve to be upheld. Thus, the action of the respondent management in dismissing the services of the workman is held legal and justified.

This issue is decided against the workman and in favor of the respondent management.

Issue no. IV:

In view of foregone discussion and finding given at issue No. I, II and III, I am of the considered opinion that the action of Respondent management in dismissing the Petitioner from service vide order dated 30-08-2016 is legal and justified. Therefore, no interference warrants in the punishment of dismissal order dated 30-08-2016 of the Petitioner and the action of Respondent management is held legal and justified and liable to be confirmed.

AWARD

In view of the foregone discussion and finding given at issue No. I, II, III, and IV, the action of Respondent Management in dismissing the service of the Petitioner workman vide order dated 30-08-2016 is held legal and justified. Petition filed by the Petitioner sans merit hence dismissed.

Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected, and signed by me on this the 23rd day of October, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2063.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, तेलंगाना, निदेशक (प्राधिकृत हस्ताक्षरकर्ता), स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद, सहायक महाप्रबंधक, समूह मानव संसाधन, स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद के प्रबंधन के संबंध में नियोजकों और श्री जथिकार्थ श्रीनिवासुलु, आंध्र प्रदेश, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय हैदराबाद पंचाट (संदर्भ संख्या- 6/2021) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल -42025/07/2025/235-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2063.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 6/2021) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Highways Authority of India, Telangana, The Director (Authorised Signatory), Swarna Tollway Private Limited, Hyderabad, The Asst. General Manager, Group H.R., Swarna Tollway Private Limited, Hyderabad** and **Sh. Jathikartha Srinivasulu, Andhra Pradesh, workman.**

[No. L-42025/07/2025/235- IR DU]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**Present: - **Sri Irfan Qamar**

Presiding Officer

Dated 31st day of October 2025**INDUSTRIAL DISPUTE L.C.No. 6 / 2021**

Between:

Jathikartha Srinivasulu,

Aged about 51 years,

Employ No. STPLO 109

S/o. J.K.P. Swamy,

D.No.25/9/199. Z.P. Colony,

A.K.Nagar Post, SPSR. Nellore District,

Andhra Pradesh State- 524 044.

... Petitioner

AND

1. National Highways Authority of India,
Rep. by Executive Engineer - Chief Engineer-Regional Officer,
First Floor, New Building Administrative Staff College of India (ASCI),
College Park Campus, Road No.3,
Banjara Hills, Hyderabad, Telangana 500034
2. The Director (Authorised Signatory),
Swarna Tollway Private Limited,
D.No.6-3-1090, 4n Floor, C. Block, TSR Towers,
Raja Bhavan Road, Somajiguda,
Hyderabad. Rep. by its Director
3. The Asst. General Manger, Group H.R.
Swarna Tollway Private Limited,
Plot No. 1-89/1. Plot No. 42 & 43.
Kavuri Hills, Phase -I Madhapur, Hyderabad. ...Respondents

Appearances:

For the Petitioner: M/s. S. Chakrapani, T. Naveen Chowdary and M. Ravi Kiran, Advocates

For the Respondent: M/s. CRS Associates, Advocates

1. This Petition has been filed by the Petitioner workman under section 2(A) (2) of Industrial Dispute Act 1947 with the prayer to set aside his dismissal order dated 27th May 2016 passed by the Respondent Management and to direct the Respondent to reinstate Petitioner in the service with continuity of service with all back wages and all other attendant benefits.

2. The facts in brief culled out from the petition are that the Petitioner workman was appointed as a Toll Collector in Swarna Tollway Private Limited Organization on 2nd December 2004.

Further, Petitioner submitted that he was placed under suspension with issuing Charge sheet on 9th September 2015, and without considering his explanation Respondent has dismissed him vide order dated 27th May 2016. Further, Petitioner submitted that on 1st September 2015 he was member of Swarna Toll Employees Union, and he went to Budanam Base Camp office to meet with office bearer of the union and number of employees, union

president and some other office bearers were also present at Budanam base camp office to meet with the COM to represent their demands. When the union leader entered into the Chamber of COM. Other employees were waiting outside camp office of COM and Some discussions took place between Union leaders and the management. As per petitioner COM did not consider the lawful demands of the employees and union leaders came outside and explained to other employees. Since lawful demands were not considered by the Respondent COM, Union leaders and employees expressed their protest against the Respondent Management by shouting slogans. COM and other managers foisted a false case against the petitioner and rest of the employees present there at Chillakuru Police Station. The Police authority registered a case in Crime No.154/2015 against the 28 employees and they sent the there employees to remand. The Chief of operation and maintenance and other Toll Managers made a complaint what has been alleged in the charge sheet. Further, Petitioner stated that he was no way concerned in the said incident there was no specific allegation against him. The allegations made against all the 28 employees are in common Petitioner contended that before issuing charge sheet, the copy of complaint was not supplied to him to submit his explanation and he never committed any misconduct of willful in subordination or disobedience with the lawful and reasonable order of superior. He never damage the employer's business or property and did not instigate co-workman to misbehave with official of Management. He never committed any act subversive of discipline and I never assaulted and grievously hurting the management as alleged in the charge sheet. Further, Petitioner submitted that enquiry has been conducted by the enquiry officer into the allegations without following principle of natural justice. There was no corroborative evidence to prove the guilt of Petitioner and only management witness were examined in the enquiry. The management witness nowhere has stated that what acts, and omission committed by C.S.E and, there was no legal evidence to prove the allegations against C.S.E. Thus, enquiry officer has also failed to bring home the guilt of C.S.E and gave common findings of all the 28 C.S.E which is not legal. Enquiry officer has conducted enquiry an empty formality, and submitted his report holding that the allegation are proved. The procedure followed by the enquiry office, and enquiry findings are not fair, proper and not maintainable under law. Respondent management had issued show cause notice to petitioner and without considering his explanation the Respondent management passed his dismissal order on 27-05-2016 that is not sustainable under law.

Further, Petitioner submitted that the allegation leveled against him were false and fabricated and there was no specific allegation against him for violation of any acts or omissions. All the common allegations has been made against the 28 employees. There was no willful in subordination or disobedience of instruction in connection with the order of the superior and no damages done with the employer business or property. There was no unprovoked behavior with customers riotous disorderly or indecent behavior in premises of the establishment. There was no act subversive of discipline. It is submitted that Petitioner had not committed due serious misconduct to dismiss him from service. Further it is submitted that Petitioner filed the ID No 14 of 2017 before the labour Court Guntur and labour court passed the order dated 31 -8-2019 thereby rejecting the petition on the ground of lack jurisdiction. Therefore, any delay in filing the appeal is on account of COVID-19 pandemic situations prevailing all over the world. Therefore, prayed to set aside the order dated 30-08-2016 passed by Respondent and to reinstate the Petitioner in the service,

3. Per contra Respondent 1 has filed counter therein he has contended that the Respondent No.1 NHAH unnecessarily has been made party in the present Petition as there is no employe relationship between the Petitioner and Respondent No.1. Further, it is submitted that the Respondent No.1 is neither concerned nor related to allegation made in the petition hence denied. Respondent has unnecessarily been made party to the present proceeding and petition is liable to be dismissed against Respondent No.1 with cost.

Respondent No. 2 and 3 has filed counter and has contended there in that present petition has been filed by the Petitioner under section 2(A) (2) of the Industrial Disputes Act challenging the dismissal order dated 30th August 2016 issued by Respondent no. 2 which is barred by the limitation prescribed under section 2A (3) of the Act. Respondent contended that the present ID has been raised by the Petitioner on 30th September 2021, i.e., after a lapse of over five years and as such is liable to be dismissed by the court in limine as a time-barred one. Further, it is submitted that Labour Court, Guntur, vide order dated 31st August 2019 has returned the petition for want of jurisdiction while holding that Petitioner may raise dispute before the competent court of appropriate jurisdiction. However, the present ID has been raised before this Hon'ble Court after a lapse of two years without any explanation for the delay, and not maintainable on the ground of barred by limitation.

Further, Respondent contended that Petitioner was found guilty of riotous, disorderly, unruly behavior of mob attack on the chief Operation and Maintenance, Mr. Hari Panduranga swamy madusa, Mr. S. Vijay Deepak, and other toll managers at Budanam Base camp of the Respondent no. 2 company on 1st September 2015, Domestic inquiry against Petitioner workman has been held by following principle of natural justice and dismissal order dated 30th August 2016 is not liable to be interfered with by this court under any circumstances. Further, it is submitted that the Petitioner and other workmen assaulted and has beaten the manager by giving them punches, kicking with legs, and hitting with iron rods, and in the said attack by the Petitioner and other workmen, Chief Operation and Maintenance, Mr. Hari Panduranga Swamy Madusa, sustained grievous bleedings injuries to his eye and suffered injuries of jaws dislocation and he was hospitalized. Further, Respondent contended that Petitioner with other workmen, also damaged the property of the Respondent No.2 in the said mob attack.

10) Respondent contended that on 01/09/2015, an important meeting was going on between a supplier and the senior management of Toll Plazas at Base Camp office off the Respondent No.2 Company at Budhanam Village, Chillakuru Mandal, SPSR Nellore District, to discuss about the toll collection system related issues, at about 16:20 Hours. Petitioner along with Mr. M. Chaitanya, who was the President of Swarna Toll way Employees' Union and other Toll Collectors working at Venkatachalam, Bhudanam and sullurpet Toll Plazas, concertedly and forcibly entered into the base camp office and barged into the room of Chief Operations Manager (COM), Mr. Hari Pandu Ranga Swamy Madasu in a most indecent and insubordinate Manner and insisted that COM should come out of the ongoing meeting and discuss with them on some pending issues in the Conference Hall. Petitioner and co-workman insisted for an Immediate settlement of their COM tried to convince Petitioner and other mob of workmen and asked to give two days' time to resolve their issues and grievances, but it was in vain and workman started using abusive language against him and against other officials too.

In the meantime, one of the Toll Collectors under suspension, Mr. Daggu Satish and also other employees, caught hold of Mr. S. Vejay Deepak, Maintenance Manager and brought him to the Union President, Mr. M. Chaitanya, who started assaulting him and beating him indiscriminately. When the COM and the Toll Manager tried to save him from the mob, Petitioner and the workman present there acted in a most riotous and disorderly manner and in utter disregard of the discipline in the office premises of the Respondent No.2 Company. Thereafter, S. Vejay Deepak Was taken to the COM's Chamber, but Petitioner and other mob of workmen also went there and again started beating Mr. S. Vejay Deepak by throwing water glass and laptop on him and they also broken the glass panes of the room.

Respondent further submitted that Mr. M. Chaitanya, started beating the COM and he also instigated Petitioner and others workman to beat COM, and Mr. S. Vijay Deepak and other Toll Managers with kicks and punches. Two of the workmen punched the COM on his face causing dislocation of lower jaw teeth, while one Mr. D. Satish pounced on him with fist punches on his face and shoulder, Mr. S. Murali and Mr. M. Chaitanya has hit COM with an iron rod on the left side of his eye, whereby he suffered a serious and grievous injuries to his lower jaw and a bleeding injury near his left eye and he fell unconscious and later was shifted to Hospital. Mr. M. Chaitanya also threatened to kill the officials of the Respondent and their family members, if they did not heed to his orders, thereby created a great tension and fears in their minds. The above-mentioned acts of the Petitioner and other workmen/union leaders of instigating assaulting, beating, threatening and abusing the officials of Respondent No.2 was of highly intolerable, illegal, mischievous and unruly, which have caused a serious disturbance at the Base Camp Office and adversely affected the discipline in general and safety of the other Workmen and Officers of the Respondent as well.

Respondent contended that in view of the gravity and severity of the acts of misconduct reported against the Petitioner, he was placed under suspension pending enquiry and was issued with detailed charge-sheet dated 09/09/2015, with the following Charges as per Clauses 19(a), (b),(c), (d), (e) and (f) of the A.P. Shops and Establishments Rules, 1990 detailed as her under:-

"(a) Wilful insubordination or disobedience of instruction, whether alone or in combination with others of any lawful and reasonable order of a Superior;

(b) Damage or dishonesty in connection with the employer's business or property;

(c) unprovoked misbehaviour with customers, riotous, disorderly, or indecent behaviour in the premises of the establishment.

(d) Any act subversive of discipline;

(e) Assaulting and grievously hurting the managerial staff"

The Petitioner he submitted his explanation dated 30/09/201 and management considered his explanation but that was found unconvincing and unsatisfactory, and in view of the seriousness to the acts of misconduct, management decided to hold an enquiry into the charges levelled against Petitioner.

During the inquiry Petitioner was permitted to avail the assistance of a co-workman and enquiry was conducted in Telugu and proceedings thereof were also recorded in Telugu. The management has examined ten witnesses (MW-1 to MW-10) in Support of the charges, Management witness were cross-examined by the Petitioner with the aid of his co-Workman/Defence Assistant. The management has also produced documents, and same has been marked Exhibits M-1 to M-10. Petitioner has examined WW1 in defence and Enquiry Officer, after due appraisal of oral and documentary evidence submitted his Report & Findings holding workman guilty of charges levelled against him. The Enquiry Officer had assigned cogent reasons reference to the evidence brought on record for holding the with Petitioner guilty of the charges. Upon receipt of the above Enquiry Report, Final Show-Cause Notice dated 02/05/2016 was issued calling upon the Petitioner to show-cause as to why he should not be dismissed from the services of the Respondent No.2, while enclosing a copy of the Enquiry Report & Findings dated 16/02/2016 and seeking his comments, if any, thereon. The Petitioner submitted his explanation to the above Final Show-Cause Notice dated 02/05/2016, vide his letter dated 18/05/2016 and the same was found not convincing. Respondent contended that Disciplinary Authority has also evaluated the proportionality of the punishment to be imposed and in the light of the gravity of the acts of misconduct proved and its adverse impact on the discipline and safety of officials

within the Respondent No.2 Company Establishment and as there were no extenuating and/or mitigating circumstances to take any lenient view in the matter, after having been convinced, that no punishment lesser than that of dismissal can be imposed, and Petitioner was dismissed from the services of the Respondent No.2 Company vide Dismissal Order dated 30/08/2016.

Therefore, in view of the seriousness of the acts of misconduct proved against the Petitioner, the dismissal order is fully justified and is not liable to be interfered with by this Hon'ble Court under any circumstances. Hence, this Hon'ble Court, at any rate, may not direct reinstatement of the Petitioner. The Respondent No.2 conducted that the enquiry conducted against the Petitioner is fully in accordance law and principles of natural justice and is valid. Petitioner was given all reasonable opportunities to himself by cross-examining the witnesses examined in of the charges and also to adduce evidence, both oral and documentary. Therefore, the enquiry so conducted was fair & proper and is also not liable to be interfered with by this Hon'ble Court. Should this Hon'ble Court, for some reason, find that the enquiry conducted is not valid, without prejudice to its contentions that the enquiry is valid and legal.

In support of his contention Respondent has relied upon the certain decisions of the Hon'ble Supreme Court which are detailed as here under: -

1. Hombe Gouda Educational Trust Vs. State of Karnataka – (2006) 1 SCC 430
2. M.P. Electricity Board Vs. Jagadish Chandra Sharma – (2005) 3 SCC 401
3. Usha Breco Mazdoor Sangh Vs Management of Usha Breco Limited 2008 SCC Page 554
4. Mulchandni electricals and Radio Industries limited Vs Workman 1975 SCC page 731.
5. Ch. Ramakoteswar Rao Vs GM, APS RTC 2000 (4) ALD Ald page 208
6. M/s Bharath Iron works Vs Bhagubhai patel (1976) 1 SCC page 518
7. S.S.P. sharma Vs Industrial Tribunal- II Hyderabad 2016 (2) ALD page 107
8. State bank of Bikaner and Jaipur Vs Nemi Chand Nalwaya (2011) 4 SCC page 584
9. Dig of police Vs S. Samuthiram 2013 1 SCC page 598
10. State bank of BNikaner & Jaipur Vs Srinath Gupta (1996) 6 SCC page 486
11. Commissioner of police Vs Narender Singh (2006) 4 SCC 265

The Law laid down by the Hon'ble Court in the above-mentioned cases will be discussed at the appropriate stage of this judgement. Therefore, Respondent contended that Petitioner does not deserve any leniency and the punishment of dismissal is just proper and under in any circumstances Petitioner may not be directed to be reinstated into the service.

Therefore, prayed to dismiss the petition with exemplary costs.

Heard the argument of learned counsel for petitioner as well as Respondent. Both the parties have also filed their written submission. Pursue the record.

4. On the basis of submission of either parties, following issues arise for determination in the present matter: -

1. Whether the departmental enquiry held against the Petitioner is legal and valid?
2. Whether present petition filed by Petitioner raising industrial Dispute against his dismissal order 30-08-2016 is barred by limitation?
3. Whether action of Respondent management Director, Swarna Toll way private Limited, Hyderabad, vide order dated 30-08-2016 whereby in terminating the services of the Petitioner is legal and justified?
4. To what relief If any, Petitioner, is entitled for?

Findings: -

Issue No. I

The Departmental inquiry conducted against the Workman Sri. Daggu Sathish has been held legal and valid, by this court vide order dated 11th November 2024.

Thus, issue is decided accordingly.

Issue No. II

In this context, Respondent No.2 and 3 contended that the present Industrial Dispute has been raised by the Petitioner on 2nd August 2021 after the lapse of five years from the date of his dismissal order dated 27th May 2016. Therefore, in view of the provision contained under section 2-A (3) of the Industrial Disputes Act, this claim could be

filed by the Petitioner before the expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service as specified in (1) of section 2-A. Therefore, the present claim Petition raising the Industrial Dispute by Petitioner under section 2A (2) of the ID Act, is barred by limitation.

The perusal of claim petition goes to reveals that Petitioner has raised the Industrial Dispute against his dismissal order, dated 30th August 2016 passed the by the Respondent Management by filing claim petition in the year 2021. In the para 11 of claim petition, Petitioner has averred that against his termination order, he approached to the Deputy Labour Commissioner of Labor, Nellore for cancellation and same was dismissed without considering the merit. Thereafter, he filed petition before Labour court, Guntur, which got registered as ID Number 11/2017. Labour Court, Guntur, vide order dated 31st August 2019, has returned his petition on the ground of lack of jurisdiction. Thereafter due to COVID-19 pandemic situation Petitioner could not approach this court within time. Petitioner has also filed the copy of the order dated 31-08-2019 passed by the Presiding Officer, Labour Court, Guntur, in ID no. 11/2017, whereby Labour Court Guntur has returned petition of the Petitioner for presentation before the appropriate court of jurisdiction. It is established fact that in the year 2020, there was a prevailing situation of COVID-19 pandemic and Petitioner was not able to approach this court to present petition at Hyderabad. Thus, Petitioner has furnished cogent and sufficient explanation of delay in filing the present petition and same is not fatal to present Industrial Dispute. Therefore, in view of the above present petition raising the Industrial Dispute under section 2-A (2) of the ID Act, against the dismissal order dated 30-08-2016 is not barred by limitation. Issue is decided in favor of the Petitioner.

Issue No. III

The perusal of record goes to reveal that in this claim petition, petitioner has challenged his dismissal order dated 30th August 2016, passed by Respondent Management on the grounds alleged in petition. Furthermore, perusal of the record of inquiry proceeding along with inquiry report, goes to reveal that the Petitioner was given fair opportunity of hearing at every stage of proceedings, which he availed, without raising any objection complaining of any prejudice of any nature caused to him before the inquiry officer at any point of time. Further, it is noticed that the Workman CSC received all the documents filed and relied upon by the Respondent management in support of the charge sheet, and CSC workman also filed a reply, cross-examined the management witnesses, and also examined himself as a witness in defense. Thus, the workman CSC has participated in the inquiry proceeding at every stage. Inquiry officer, on appreciation of evidence recorded in inquiry has submitted his reasoned report holding the workman guilty of the charges. Therefore, in the opinion of the court, no case is made out to hold that the domestic inquiry suffers from any procedural lapses or was conducted in violation of principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Moreover, validity and legality of the domestic inquiry has been upheld by the court vide order dated 11th November 2024. Thus, the plea of the Petitioner that the domestic inquiry was conducted against the Petitioner in violation of principle of natural justice is untenable.

It is settled law that once it is held that the domestic inquiry is legal and proper, the next question arises for consideration whether the punishment imposed on the Petitioner is just and legal, or it is disproportionate to the gravity of the charges. Petitioner has challenged his dismissal order on the ground that the allegations leveled against him are false and fabricated, and during the inquiry no other employee as witness was examined to prove the charges and there was no corroborating evidence to prove the guilt and only that management witness were examined in the inquiry. Further, it is contended that there was no legal evidence before enquiry to prove the allegations, and the inquiry officer had also failed to bring home the charge against the Petitioner. Further, Petitioner has strenuously argued that the inquiry officer conducted the inquiry as empty formality and without having any valid and legal evidence and came to the conclusion that allegations are proved. Further, it is urged Petitioner that had not committed any misconduct as alleged in the charge sheet, and there was no evidence of loss of revenue to the corporation. Further, it is contended that there was no willful insubordination or disobedience of instructions in connection with the orders of the superior. There was no damage or dishonesty in connection with the employer's business or property, and Petitioner was not involved in unprovoked misbehavior with the customer, riotous, disorderly, or indecent behavior in the premises of the establishment. Lastly it is pleaded that the dismissal order passed by the Respondent management is grossly disproportionate to the gravity of the offense, and same is liable to be set aside. In view of plea taken by Petitioner, peruse the record of inquiry proceeding.

5. The record of proceeding goes to reveal that charge sheet dated 9th September 2015 was furnished to CSE Workman and inquiry was conducted by the inquiry officer, in the presence of CSC workman, as well as his defense representative and management witness were examined during the inquiry proceedings. In support of Charge sheet against the CSC workman, Respondent management has examined as many as ten witnesses namely, Mr. Subramanyam Vijay deepak (MW1), Mr. Hari pandarunga Swami MW2, Mr. Vikram Simha Reddy MW3, Mr. R.V. Prasad (MW4), Mr. T. Krishna Kishore (MW5), Mr. Vijay Kumar (MW6), Mr. L. Elvis Lionel (MW7), Mr. K.V. Ramprasad (MW8), and Mr. B. Vijay Sarathi Babu (MW9), and lastly, Mr. D. Veera swami (MW10). All the above stated witnesses, in their deposition have substantiated the allegations of the charge sheet issued against the CSC workman. The charge Sheet contains the allegation against CSE workman extracted as here under: -

“You have been working as a "Toll Collector" at our Budanam Toll Plaza On 1 September 2015 you were on duty in 'A' shift, which is from 6 Am to 2 Pm.

It has been reported against you that on 1st September 2015 at about 16.20 hours, you along with your union president Mr. M Chaitanya. Mr. D. Satish (Toll Collector under suspension). S Murali ATS, and TC's Mr. Penchalaiah. Mr. Turaka Ramprasad. Mr. Turaka Sudhakar Mr. Deendayal, Mr. Ch. Srinivasulu, Mr. Subba Reddy Mr. Md Hussain Mr. S Hurairah, Mr. J Srinivasulu ATS Mr. N Srinivasulu and others from Venkatachalam, Budanam and Sullurpet Toll Plazas and about 14 others forcibly enter into our base camp office situated at Km 125, NH-5. Bhdhanam Village, Chillakur Mandal, Nellore district, without any prior appointment or intimation

It is reported that at the time you went to our base camp office, a meeting was going on with M/s Kent (A supplier) at our Budanam Base camp office with our staff from HQ and Toll Plazas viz., Mr. Vijay Kumar, Mr. RV Prasad, Mr. Kishore. Mr. Ramprasad, Mr. Aylwin Lionel, Mr. Dilipu kumar Reddy. Mr. Vikram Simha Reddy. Mr. B. V Saradhi Babu, Mr. DV Swamy. Ms. Sunitha and Mr. Baburao and Staff from M/s Kent (Mr. Sandeep Pawar. Mr. Bhatta, Mr. Swapnil and Mr. Kiran) to discuss on the Toll collection system related issues.

While the said meeting was going on. Mr. M. Chaitanya along with you and 26 associates barged into the COM's room and insisted that the COM Mr. Hari Pandu Range Swamy should come along with you to the conference hall immediately, leaving the said meeting, in a most high handed and insubordinate manner. The COM, however, came along with you Thereafter, you along with your union leaders started raising all the issues and insisted him to settle the issues then and there itself. Though, the COM tried to convince you to give him two days' time to resolve the issues you and your union leaders started using abusive language against him and other officials of the company.

Meanwhile, you along with the suspended Toll Collector Mr. D. Satish and other associates caught hold of Mr Vijay Deepak (Maintenance Manager) and brought him to your union leader Mr. M. Chaitanya who started assaulting and beating Mr. Vijay Deepak indiscriminately. When the COM and Toil Managers tried to protect Mr. Vijay Deepak, you and your associates also beat the said officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises With great difficulty Mr. Deepak was taken to COM chamber, but you, and other union leaders went to COM chamber and again beat Mr. Vijay Deepak by throwing water glass, laptop on him and you and others also broke the glass panes of the room

Further, your leader Mr. M Chaitanya started beating the COM and instigated you and others to beat him You along with your other associates have severely beaten the COM and other Toli Managers. In the said attack, the COM suffered serious and grievous injuries to his lower jaw and a bleeding injury near his left eye who subsequently fell unconscious and later he was shifted to the Hospital by the police for treatment.

It is further reported that you also instigated the others to beat the officials and their family members if they did not need to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that your union leader Mr. Chaitanya, in your presence also threatened the officials of our company that he will kill the officials and their family members if they did not heed to nis orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that you also instigated the others to beat the officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises.

Due to your illegal and unruly actions, there was serious disturbance at our base camp office You are aware that it is the utmost responsibility of the management to maintain discipline and peace in the office premises Instigating your co-employees, assaulting threatening and abusing the officials of the company are highly objectionable, illegal, and mischievous.

Your above actions are clearly unwarranted, grave and serious in nature and also have adverse affect on the discipline and personal safety of the other employees in the office.”

6. MW1 in his deposition has categorically stated that on the evening of 1st September 2015, a meeting was going on with the representative of the company called Kent in the chamber of Chief of Operation and Maintenance, Shri Hari panduranga swami, at Budanam Base Camp. At that time, the witness was present in his chamber. Around 4:15 P.M., security guard Kotaiah came into his chamber and said that their union president Chaitanya and some other toll collectors, about 30 people in total, had come to meet COM. Further MW1 deposed that he went to the COM chamber and called Alvin Lionel, who was the Buddhanam toll manager and told him about the matter. Meanwhile, Chaitanya and thirty other people went to the COM chamber. Then COM, Garu, and Vikram who is the manager of Venkatachalam Toll Plaza, Dilip Kumar Reddy of Sullurupet Toll Plaza, and Lionel Daru came out of the COM Chamber and went to the conference hall. Further, MW1 deposed that he saw from the glass door of his chamber and after some time the sound of bells was heard from the conference room. The witness further deposed that he saw toll collector penchalaiah hitting the ground with an iron rod in the open area outside. There were 29 other toll collectors standing next to him. Later, MW1 came to his chamber from the cashier room. Further, witness added that Vijay Deepak and Shri Srinivasulu, the assistant supervisor, came to his chamber. Then he went to the cashier room next to his chamber and informed COM sir Further, MW1 Added that C.O.M. told him that Chaitanya would come here, and he would discuss with him. Further, MW1 states that Chaitanya and other co-worker started to beat him. As soon as he came out other toll collector also started to beat witness, while Shyam and Maria Lion, who had come there, stood

between him and C.S.C. for his protection. Further, MW1 stated that immediately he went to the cashier chamber and locked himself inside. Thereafter, toll collectors rushed to his chamber and kicked the door with their feet to open it. Then he went into the chamber of the C.O.M. next to it through the partition door, and there representative of Kent company and staff of his company were present.

Further, witness stated that Satish, Srinivasa, Penchalaiah, and four other toll collectors whose name he didn't know, came from outside in the C.O.M. chamber, threw above seven people out of chamber, and also threw the laptop at the witness. Satish also threw a bottle and a water glass at him. Window glass was broken by it. COM and Leonel Garu had already come to rescue him so that none of the things they were throwing at him could hit. However, the bottle hit witness on the stomach. The glass hit the window glass behind the witness and that glass was broken. Further man states that, meanwhile, Chaitanya, who was outside, came into the room and approached to the witness, and brought the burning cigarette in his hand near his eyes, and threatened to kill him and his wife. Then J. Shrinivas lifted the chair and charged at him to throw it upon witness, but he did not do it. Later, J. Shrinivas and Satish left the chamber. The other toll collectors who remained in the chamber said that MW1 and management should apologize to the Chaitanya Garu. They forcefully grabbed the witness and dragged him to Chaitanya, who was outside, they tied his legs. Tumati Madhava Rao was also present there. Therefore, they took him to his chamber and pushed him inside. Payment manager Nagarjuna was present in his chamber and Vikram had already come to his chamber and these people also witnessed this incident noticed from the glass window that Chaitanya, C.O.M. Garu Dileep Kumar Reddy, and Lionel Garu were in the lobby outside. Further, MW1 added that he saw at the spot that Assistant Toll supervisor Murali was beating to COM, and he was hit above the left eye. MW1 added that he saw from glass window that CSE and other co-employee has beaten COM by slap and kick. Thereafter, Police arrived at the spot, and all toll collectors were present in the open area of base camp MW1 added that between 7:30 or 8:30 a.m., C.O.M. and he went to the Guntur government hospital for treatment of their injury. The C.O.M. was treated there for his bleeding injuries. He did not suffer any bleeding injuries. However, he was suffering pain in his stomach due to a water bottle hit thrown by Satish, and he was also given painkiller injection. Further, witness added that Lionel and Vikram, who were also injured, accompanied them to the hospital. For their treatment but they did not suffer from any bleeding injuries.

7. MW1 was cross-examined by the defense representative, but nothing has been elicited to discredit or disbelieve the testimony of witness. However, MW1 was not questioned during the cross-examined on the point of occurrence of incident on 1st September 2015, as narrated by this witness in his chief statement. Thus, the version of MW1 regarding incident remained uncontroverted. Whereas CSE has admitted in his cross-examination that he along with other toll collectors were present at spot on the date and time of occurrence and they were raising the demand and shouting the slogans in support of their demands against the Respondent Management. Thus, it is established that C.S.C. workmen, along with the other toll collectors, was present on the spot at the date and time of the alleged incident, and he also participated in the incident assault and beating to C.O.M and managers of Respondent in concert of co- employee and in common intention as narrated in the charge sheet. Further, testimony of M.W1 is also corroborated by the testimony of rest of management witness M.W. 2, MW 3, MW 4, MW 5, MW 6, MW 7, MW 10. And also, documentary evidence. It is not the case of the petitioner that these management witnesses have any grudge or enmity with CSE for any reason whatsoever. Therefore, there is no reason for these management witnesses to depose against the CSE workman in support of charges regarding incident.

8. Moreover, the management has also produced the documentary evidence in support of the charge leveled against the CSE workman. These documents namely are Ex M1 charge sheet dated 9th September 2015; ExM2 is the explanation to the notice submitted by the workman, Ex M3 appointment letter of the Inquiry Officer, Ex M4 Outpatient ticket dated 1st September, 2009 of M. Hari Pandya and Exhibit M5 includes fifteen photographs with depicts that injured witness getting treated in the hospital for his injuries caused to his body in the alleged incident of 1st September 2015. Further, ExM6 are the photographs which show that the office of the COM has been damaged by the CSE along with other workers in the alleged incident. ExM7 is the copy of the FIR which discloses that Hari Panduranga Swami Madasu complaint got registered FIR against the petitioner and other workers at Shri Potti Sri Ramulu Nellore District Police Station under Section 147, 148, 452, 307, 506 R/W 149 IPC on 2nd September 2015 at 00.30 AM regarding the incident dated 1-09-2025 and details of the suspected, accused in the FIR is mentioned as here under: -

1. Chaithanya Malapatti. 2. Sathish, 3 Srinivasulu, 4. Sudhakar Thuraka, 5. Prasad Thuraka, 6. Deendayal, 7. Hussain Mohammad, and 8. Balakrishnan Srinivasulu, M9 Srinivasulu N, 10. Srinivasulu 11.C H, Murari 12. Penchalaiah. Thus, the testimony of witness about the incident as alleged in charge sheet is corroborated by the testimonies of other management witnesses i.e. MW1 to MW10 and also by the documentary evidence, on record.

9. Further, domestic inquiry against CSE has been conducted strictly in accordance with the principle of natural justice and workman CSE has been found guilty of grave and serious acts of misconduct. Thus, finding of the inquiry officer is based on of oral and documentary evidence recorded during enquiry and report of inquiry officer do not suffers from any illegality or perversely. The inquiry officer report goes to reveal that on 1-09-2015 CSE workman, has committed the misconduct of physical assault to the official of Respondent Management and he has been rightly held guilty of committing misconduct. The details of specific acts of misconduct allegedly committed by the

Petitioner along with other co-workman on 1-09-2015 including physical assault on Respondent staff are as follows: -

That the Petitioner workman has physically assaulted Mr. Hari Pandu Ranga Swamy Madasu, the Chief Operations and Maintenance, thereby causing grievous injuries. The act not only endangered the safety of a senior official but also disrupted the discipline and harmony of the workplace. Further, Petitioner workman actively participated in a riotous mob attack, leading to the damage of company property, and creating an atmosphere of fear and disorder within the establishment. Such conduct undermines the safety and security of the workplace environment and lastly. The Petitioner workman exhibited willful insubordination by disobeying lawful and reasonable orders of his superiors. Furthermore, he threatened senior officials, displaying gross indiscipline and a blatant disregard for the hierarchical structure and decorum expected within the organization.

10. The findings of enquiry officer are based on cogent and credible evidence, including eyewitness testimonies and documentary proof. The enquiry was conducted in accordance with the principles of natural justice, providing the Petitioner ample opportunity to defend himself. Thus, the aforementioned acts committed by the Petitioner workman squarely fall under the category of serious misconduct as defined under Clauses 19(a), (c), (d) and (e) of the Andhra Pradesh Shops and establishments Rules, 1990.

Rules 19 (a), (b), (c), (d) and (e) of AP Shops & Establishment Rules provides as here under: -

- i. Clause 19(a): Willful insubordination or disobedience of any lawful and reasonable order of a superior.
- ii. Clause 19(C): Damage to the employer's property.
- iii. Clause 19(d): Riotous or disorderly behavior in the premises of the establishment.
- iv. Clause 19(e): Threatening or intimidating any employee or superior.

The misconduct committed by the workman along with employees of assaulting superiors, instigating others, and participating in the riotous violent activities constitute serious act of misconduct which strike at the root of workplace discipline. The act of workman causing grievous injuries to managerial staff is a grave and serious misconduct that is not condonable. Therefore, the dismissal order passed by Respondent against the workman is justified and appropriate action.

11. Respondent has relied upon the few decisions of Hon'ble Supreme Court which are relevant to the point and discussed as here under: -

- (a) Hon'ble Supreme Court in Krishnakali Tea Estate Bharatiya Vs. Aknn Chah Mazdoor Sanah - (2004) 8 SCC 200 upheld the dismissal of workmen who had assaulted managerial personnel causing damage to property, gherao of the management, wrongfully confining manager. The Apex Court observed that such violent Conduct cannot be taken lightly, and the punishment of dismissal was warranted to preserve discipline and safety at the workplace.
- (b) Similarly, Hon'ble Supreme Court in the case of Muriadih Colliery Vs. Bihar Colliery Kamgar Union - (2005) 3 SCC 331, held that the dismissal of employees who participated in a violent mob attack, causing injury to the General Manager, was justified, and interference by the Labour Court under Section 11-A of the ID Act was disapproved and the punishment proportionate to the misconduct. was upheld.
- (c) The Hon'ble Supreme Court in the case of M.P, Electricity Board Vs. Jagdish Chandra Sharma - order (2005) 3 SCC 401. of dismissal of a Workman who assaulted a senior officer, restored the decision of the Industrial Court, thereby reiterating that acts of violence by employees, particularly against their superiors, must be dealt with strictly and are not open to lenient treatment. The reinstatement ordered by the Labour Court was reversed, affirming the employer's authority to maintain discipline through dismissal.

(d) In the case of Hombe Gowda Educational Trust Vs. State of Karnataka - (2006) 1

SSC 430, the Hon'ble Supreme Court underscored the importance of workplace discipline and held that even provoked assault on a superior, amounts to gross indiscipline. The Court stated: "30. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by the rule of law. All actions, therefore, must be taken in accordance with law."

- (f) In the case of Usha Breco Mazdoor Sangh Vs. Management of M/S. Usha Breco Ltd – (2008) 5 SCC 554, Hon'ble Supreme Court while reaffirming the legal position laid down by it is in the case firestone Tyre and Rubber Co. Vs. The management and Others – (1973) 1 SCC 813, held: -

"31. It is one thing to say that finding of an Enquiry Officer is perverse or betrays the well-known doctrine of proportionality another thing to say that only because two views are possible, the Labour Court shall interfere therewith. In other words, it is one thing to say that on the basis of the materials on record, the Labour Court comes to a conclusion that a verdict of guilt has been arrived at by the Enquiry Officer whereas the materials suggested otherwise but it is another thing to say that such a verdict was also a possible view.

39. The upshot of our discussion is that the decision of the labour Court should not be based on mere hypothesis. It cannot overturn a decision of the Management on ipse dixit. Its jurisdiction under section 11-A of the Act although is a wide one, must be judiciously exercise either whimsically or capriciously. It may scrutinize and analyze the evidence but what is important is how it does so."

(f) Further, in the case of **New Shorrock Mills vs Maheshbhai T. Rao, 1996 SCC page 590**. Hon'ble Supreme Court held: -

"35. In the case of New Shorrock Mills Vs. (1996) Maheshbhai T Rao 6 of SCC 590, held that:

"Labour Court in the present case having come to a Conclusion that the finding of the departmental enquiry was legal and proper, the Respondents order of discharge was not by way of victimization and that the Respondent workman had Seriously misbehaved and was thus guilty of misconduct, ought not to have interfered with the punishment, which was awarded, in the manner it did. This is not a case where the Court Could Come to the conclusion that the punishment was awarded was shockingly disproportionate to the employee's conduct and his past service record."

(g) The Supreme Court in the case of **Northeastern Karnataka RTC Vs. Ashappa 2006 (5) SCC 137** reaffirmed that the Tribunal must not lightly interfere with the employer's disciplinary decisions and reiterated the "shockingly disproportionate" standard.

(h) In **Hombe Gowda Educational Trust Vs. State of Karnataka (supra)**, the Hon'ble Supreme Court clarified that the days of automatic sympathy towards the workman are over, and that discipline must be maintained at all costs in light of contemporary industrial conditions. The Tribunal's power to substitute the employer's decision must be exercised with restraint.

(i) In the case of **Muriadih Colliery (Supra) & Krishnakali Tea**

Estate (Supra), the Apex Court expressly held that interference by Labour Courts with dismissal orders passed for acts involving violence and assault was not permissible under section 11-A of the ID Act, as the punishment was not disproportionate.

Thus, in view of the principles laid down by the Honorable Apex Court as discussed above, there is ample oral and documentary evidence on record to substantiate the charges against the petitioner workman, and it cannot be said that the order of dismissal of Petitioner is perverse or shockingly disproportionate.

12. As regard the plea of the petitioner workman that Respondent Management has victimize him due to the being member of the union and also for raising the demand related to welfare of the workman.

In this context, Respondent has relied upon the decision of the Supreme Court in the case of **Bharat Iron Works versus Bhagobhai Balubhai Patel, 1976 SCC page 518**. Therein Hon'ble Supreme Court has laid down the legal test for establishing the plea of victimization as discussed here under: -

"11. The onus of establishing plea of victimisation will be upon the person pleading

it. Since a charge of victimisation is a serious matter reflecting, to a degree, subjective upon the attitude of the employer evidenced by acts and conduct, it has to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

The Apex Court further held:

"12. Once, in the opinion of the Tribunal a gross misconduct is established, as required, on legal evidence either in a fairly conducted domestic enquiry or before the Tribunal on merits, the plea of victimisation will not carry the case of the employee any further. A proved misconduct is antithesis of victimisation as understood in industrial relations."

13. Thus, in view of the principle laid down by Hon'ble Apex Court, as discussed above the petitioner workman has failed to produce any evidence in support of the plea that the action of Respondent management in dismissing him from service is victimization of the petitioner workman. The petitioner workman has failed to discharge his burden of proof regarding plea of victimization or unfair labor practices hence same is untenable.

14. As regard the plea of the petitioner that they he has been acquitted from the criminal trial by court in respect of the alleged acts of misconduct. In this context, the decision of Honorable Supreme Court in the case of Deputy Inspector General of Police versus Sethu . Thiruvan, 2013 SCC page 598 is relevant, wherein Honorable Apex Court have held that mere acquittal in a criminal trial does not nullify or override the finding of a valid domestic inquiry. Further, Honorable Apex Court held that the standard of proof in a criminal trial is proof beyond reasonable doubt, whereas in a domestic inquiry it is only preponderance of the probability.

In the case of Commissioner of Police vs Narendra Singh, 2006 SCC page 265, Honorable Apex Court held that the disciplinary proceeding can proceed independently and that an employee can be dismissed from service based on finding of a department inquiry even if no conviction is recorded in the criminal trial. The finding in the inquiry

against the workman is based on credible evidence, including eyewitness testimonies and documentary records and same does not warrant any interference.

15. Hon'ble Supreme Court in the case of Employers Management **West Bokaro Gallery Colly of TISCO Limited vs Concern Workman Ram Prakash Singh, 2008 LLR, page 432,**

“16. In U.P State Road Transport Corporation Vinod Kumar, 2007 (13) SCALE 690 this Court again observed that in the absence of a challenge to the legality or fairness of the domestic enquiry the Court should be reluctant to either interfere with the finding recorded by the Enquiry officer or the punishment awarded by the Punishing Authority.

17. After going through the order of the industrial Tribunal, were are of the opinion that the Tribunal has interfered with the findings recorded by the domestic. Tribunal as if it was the appellate Tribunal. There was evidence present on record regarding indecent riotous and disorderly behavior of the Respondent towards his superiors. The management witness who were present at the scene of occurrence have unequivocally deposed about the misbehavior of the Respondent towards his superiors. Their evidence has been discarded by the Tribunals by observing that in the absence of independent evidence, the statements of the workmen who were present at the scene of occurrence could not be believed. Industrial Tribunal tell in error in discarding the evidence produce by the management only because the independent witnesses were not produce them. It is possible that at the time of occurrence, only the workers of the Management and the persons who were truing to put up the constructions dependent evidence was available. Statements of the fellow workmen had established the misconduct of the Respondent. Enquiry officer accepted the testimony of the witness produced by the management who had clearly implicated the Respondent. It was a legitimate conclusion which could be arrived at and it would not be open to the industrial Tribunal to substitute the said opinion by its own opinion.

19. Tribunal has set aside the report of the enquiry Officer and the order of dismissal passed by the punishing Authority by observing that the charges against the Respondent were not proved beyond reasonable doubt. It has repeatedly had been held by the court that the acquittal in a criminal case could not operate as a bar for drawing up of a disciplinary proceeding against a delinquent. It is well settled principle of law that yardstick and standard proof in a criminal case is different from the one disciplinary proceeding. While the standard of proof in a criminal case is proof beyond all reasonable doubt, the standard of proof in a departmental proceeding is preponderance of probabilities.”

Further, the Honorable Supreme Court has observed that in a case where two views are possible on the evidence on record, then the Industrial Tribunal should be very slow in coming to a conclusion other than the one arrived at by the domestic Tribunal, by substituting its opinion in place of the opinion of the domestic tribunal.

Thus, in view of the law laid down by the apex court, as discussed above, the plea of the petitioner that there is no legal evidence on record is untenable, as there is sufficient evidence on record of the domestic inquiry to prove the guilt of the workman in the alleged misconduct.

16. Further, as regard the appreciation and evaluation of the evidence in matter of domestic inquiry, Hon'ble Supreme Court, in the case of **State of Rajasthan and others Vs Him Singh, Civil Appeal Number 3340 of 2020,** date of decision: 29th October 2021, has laid down the principles extracted as here under: -

“Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof be yond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. A1 the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.

To determine whether the finding in a disciplinary inquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the courts that there is some evidence to support the charge of misconduct and to guard against perversity, but this does not allow the court to re- appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears lo the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain.”

17. In the case of **Hombe Gouda Education Trust Vs State of Karnataka, 2006 SCC, page 430:** Hon'ble Supreme Court have held that assaulting a superior at a workplace amount to an act of gross indiscipline. The respondent is a teacher. Even under grave provocation, a teacher is not expected to abuse the head of the institution in a filthy language and assault him with a chappal. punishment of dismissal from service, therefore, cannot be said to be wholly disproportionate so as to shock one's conscience. Further, Hon'ble Supreme Court held that a person, when dismissed from service, is put to great hardship, but that would not mean that a grave misconduct (assault on superior at workplace) should go unpunished. Maintenance of discipline of an institution is equally important.

18. Further, In the case of MP Electricity Board Vs Jagdish Sharma, 2005 SCC, page 401, Hon'ble Supreme Court have held:

"9. In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the workplace obviously in the breach of Presence of other employees This clearly amounted in an discipline in the organisation Discipline at the workplace organisation like the employer herein, is the sine qua non for the efficient working of the organisation, when an employee breaches such discipline and the employer terminates his services it is not open to a Labour Court of an Industrial Tribunal to take view that the punishment awarded is shockingly disproportionate to the charge proved. We have already

referred to the views of this Court. To quote Jack Chan,

'Discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large.'

Obviously, this idea is more relevant in considering the working of an organisation like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. It is essential for the prosperity of the organisation as well as that of its employee's. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion."

19. Further, in the case of **Ajit Kumar Nag Vs Indian Oil Corporation Limited, 2005 SCC page 764, the Honorable Supreme Court has held, in a three-judge bench, in paragraph 56,** "It is well settled that the burden of proving malafide is on the person making the allegation, and the burden is very heavy. There is every presumption in favor of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of malafide are often more easily made than made out, and the very seriousness of such allegations demands proof of a high degree of credibility."

Further, Hon'ble Supreme Court held that assault, intimidation are penal offences. A workman indulging in commission of criminal offenses should not be spared only because he happens to be a union leader. The act does not encourage indiscipline. It will be a matter of some concern if the opinion of the inquiry officer can be totally ignored, despite the fact that the management is precluded from adducing any fresh evidence before the labor court. A union leader does not enjoy immunity from being proceeded with in a case of misconduct.

20. In the case of D. Mulchandani Electric and Radio Industries Limited Vs Workman, 1975 Supreme Court Cases page 731, Hon'ble Supreme Court have held:

establishment

"It was not disputed before us that the allegation of assault, if proved, would be an act subversive of discipline: what was contended on behalf of the respondent was between Thana and the premises was that the alleged assault having taken place in the train Mulund which was obviously outside the or precincts of the establishment, was not covered by Standing Order.

24(1). The Labour Court also found that the alleged assault did not In our amount to misconduct under Standing Order 24(1) which, it was held was restricted to acts and omissions inside the premises of the establish opinion, Lon a plain reading of the clause, the words "within the premises or precincts of the establishment" refer not to the place where the act which is subversive of discipline or good behaviour is committed but where the consequence of such an act manifests itself. In other words, an act, wherever committed, if it has the effect of sub-verting discipline or good behaviour within the premises or precincts of the establishment, will amount to misconduct under Standing Order 24(1) We are unable to agree that Standing Order 24(1) leaves out of its scone an act committed outside though it may result in subversion of discipline or good behaviour within the premises or precincts of the establishment in question. Such a construction in our view would be quite unreasonable."

21. In the case of **State bank of Bikaner and Jaipur vs Nemi Channel via 2011 Supreme Court cases page 580** Hon'ble Supreme Court have held that subsequent acquittal by criminal court will not in any way render completed discipline proceeding invalid, nor affect the validity of finding of the guilt and consequential punishment.

22. Thus, in view of the foregone discussion and law laid down by the apex court as discussed above, in the instant matter all the charges framed and proved in domestic inquiry against the workman being serious and grave in nature and stands proved by oral and documentary evidence recorded and produced bin the inquiry. Further, the evidence produced by the management before inquiry is legal and admissible as per principle of preponderance of probability laid down by Hon'ble Supreme Court in its various decisions as discussed in preceding paragraph of this Award. Therefore, order of dismissal of Petitioner workman cannot be faulted with, nor it can be said to be in any way disproportionate to the gravity of the charges. Thus, the punishment of dismissal of the workman is proportionate to the gravity of the charges, and hence deserve to be upheld. Thus, the action of the respondent management in dismissing the services of the workman is held legal and justified.

This issue is decided against the workman and in favor of the respondent management.

Issue No: IV

In view of foregone discussion and finding given at issue No. I, II and III, I am of the considered opinion that the action of Respondent management in dismissing the Petitioner from service vide order dated 30-08-2016 is legal and justified. Therefore, no interference warrants in the punishment of dismissal order dated 30-08-2016 of the Petitioner and the action of Respondent Management is held legal and justified and liable to be confirmed.

AWARD

In view of the foregone discussion and finding given at issue No. I, II, III, and IV, the action of Respondent Management in dismissing the service of the Petitioner workman vide order dated 30-08-2016 is held legal and justified. Petition filed by the Petitioner sans merit hence dismissed.

Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected, and signed by me on this the 31st day of October, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2064.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, तेलंगाना, निदेशक (प्राधिकृत हस्ताक्षरकर्ता), स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद, सहायक महाप्रबंधक, समूह मानव संसाधन, स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद के प्रबंधन के संबंध में नियोजकों और श्री तुर्का राम प्रसाद, आंध्र प्रदेश, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय हैदराबाद पंचाट(संदर्भ संख्या- 7/2021) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल -42025/07/2025/236-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2064.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 7/2021) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Highways Authority of India, Telangana, The Director (Authorised Signatory), Swarna Tollway Private Limited, Hyderabad, The Asst. General Manager, Group H.R., Swarna Tollway Private Limited, Hyderabad** and **Sh. Turka Rama Prasad, Andhra Pradesh**, workman.

[No. L-42025/07/2025/236- IR DU]

SALONI, Dy. Director

ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated 3rd day of November 2025

INDUSTRIAL DISPUTE L.C.No. 7/ 2021

Between:

Turka Rama Prasad,
Aged about 41 years,
Employ No.STPLO 105
S/o. Venkata Krishnaiah,
Vaddipalem Village,
Venkatachalam post & Mandal,
S.P.S.R. Nellore District.
Andhra Pradesh – 524 320.

... Petitioner

AND

1. National Highways Authority of India,
Rep. by Executive Engineer - Chief Engineer-Regional Officer,
First Floor, New Building Administrative Staff College of India (ASCI),
College Park Campus, Road No.3,
Banjara Hills, Hyderabad, Telangana 500034
2. The Director (Authorised Signatory),
Swarna Tollway Private Limited,
D.No.6-3-1090, 4th Floor, C. Block, TSR Towers,
Raja Bhavan Road, Somajiguda,
Hyderabad. Rep. by its Director
3. The Asst. General Manager, Group H.R.
Swarna Tollway Private Limited,
Plot No. 1-89/1. Plot No. 42 & 43.
Kavuri Hills, Phase -I Madhapur, Hyderabad. ...Respondents

Appearances:

For the Petitioner: M/s. S. Chakrapani, T. Naveen Chowdary and M. Ravi Kiran, Advocates

For the Respondent: M/s. CRS Associates, Advocates

1. This Petition has been filed by the Petitioner workman under section 2(A) (2) of Industrial Dispute Act 1947 with the prayer to set aside his dismissal order dated 27th May 2016 passed by the Respondent Management and to direct the Respondent to reinstate Petitioner in the service with continuity of service with all back wages and all other attendant benefits.

2. The facts in brief culled out from the petition are that the Petitioner workman was appointed as a Toll Collector in Swarna Tollway Private Limited Organization on 2nd December 2004.

Further, Petitioner submitted that he was placed under suspension with issuing Charge sheet on 9th September 2015, and without considering his explanation Respondent has dismissed him vide order dated 27th May 2016.

Further, Petitioner submitted that on 1st September 2015 he was member of Swarna Toll Employees Union, and he went to Budanam Base Camp office to meet with office bearer of the union and number of employees, union president and some other office bearers were also present at Budanam base camp office to meet with the COM to represent their demands. When the union leader entered into the Chamber of COM. Other employees were waiting outside camp office of COM and Some discussions took place between Union leaders and the management. As per petitioner COM did not consider the lawful demands of the employees and union leaders came outside and explained to other employees. Since lawful demands were not considered by the Respondent COM, Union leaders and employees expressed their protest against the Respondent Management by shouting slogans. COM and other managers foisted a false case against the petitioner and rest of the employees present there at Chillakuru Police Station. The Police authority registered a case in Crime No.154/2015 against the 28 employees and they sent the there employees to remand. The Chief of operation and maintenance and other Toll Managers made a complaint what has been alleged in the charge sheet. Further, Petitioner stated that he was no way concerned in the said incident there was no specific allegation against him. The allegations made against all the 28 employees are in common Petitioner contended that before issuing charge sheet, the copy of complaint was not supplied to him to submit his explanation and he never committed any misconduct of willful in subordination or disobedience with the lawful and reasonable order of superior. He never damage the employer's business or property and did not instigate co-workman to misbehave with official of Management. He never committed any act subversive of discipline and I never assaulted and grievously hurting the management as alleged in the charge sheet. Further, Petitioner submitted that enquiry has been conducted by the enquiry officer into the allegations without following principle of natural justice. There was no corroborative evidence to prove the guilt of Petitioner and only management witness were examined in the enquiry. The management witness nowhere has stated that what acts, and omission committed by C.S.E and, there was no legal evidence to prove the allegations against C.S.E. Thus, enquiry officer has also failed to bring home the guilt of C.S.E and gave common findings of all the 28 C.S.E which is not legal. Enquiry officer has conducted enquiry an empty formality, and submitted his report holding that the allegation are proved. The procedure followed by the enquiry office, and enquiry findings are not fair, proper and not maintainable under law. Respondent management had issued show cause notice to petitioner and without considering his explanation the Respondent management passed his dismissal order on 27-05-2016 that is not sustainable under law.

Further, Petitioner submitted that the allegation leveled against him were false and fabricated and there was no specific allegation against him for violation of any acts or omissions. All the common allegations has been made against the 28 employees. There was no willful in subordination or disobedience of instruction in connection with the order of the superior and no damages done with the employer business or property. There was no unprovoked behavior with customers riotous disorderly or indecent behavior in premises of the establishment. There was no act subversive of discipline. It is submitted that Petitioner had not committed due serious misconduct to dismiss him from service. Further it is submitted that Petitioner filed the ID No 14 of 2017 before the labour Court Guntur and labour court passed the order dated 31-8-2019 thereby rejecting the petition on the ground of lack jurisdiction. Therefore, any delay in filing the appeal is on account of COVID-19 pandemic situations prevailing all over the world. Therefore, prayed to set aside the order dated 27-05-2016 passed by Respondent and to reinstate the Petitioner in the service,

3. Per contra Respondent 1 has filed counter therein he has contended that the Respondent No.1 NHAJ unnecessarily has been made party in the present Petition as there is no employee relationship between the Petitioner and Respondent No.1. Further, it is submitted that the Respondent No.1 is neither concerned nor related to allegation made in the petition hence denied. Respondent has unnecessarily been made party to the present proceeding and petition is liable to be dismissed against Respondent No.1 with cost.

Respondent No. 2 and 3 has filed counter and has contended there in that present petition has been filed by the Petitioner under section 2(A) (2) of the Industrial Disputes Act challenging the dismissal order dated 30th August 2016 issued by Respondent no. 2 which is barred by the limitation prescribed under section 2A (3) of the Act. Respondent contended that the present ID has been raised by the Petitioner on 30th September 2021, i.e., after a lapse of over five years and as such is liable to be dismissed by the court in limine as a time-barred one. Further, it is submitted that Labour Court, Guntur, vide order dated 27th May 2016 has returned the petition for want of jurisdiction while holding that Petitioner may raise dispute before the competent court of appropriate jurisdiction. However, the present ID has been raised before this Hon'ble Court after a lapse of two years without any explanation for the delay, and not maintainable on the ground of barred by limitation.

Further, Respondent contended that Petitioner was found guilty of riotous, disorderly, unruly behavior of mob attack on the chief Operation and Maintenance, Mr. Hari Panduranga swamy madusa, Mr. S. Vijay Deepak, and other toll managers at Budanam Base camp of the Respondent no. 2 company on 1st September 2015, Domestic inquiry against Petitioner workman has been held by following principle of natural justice and dismissal order dated 30th August 2016 is not liable to be interfered with by this court under any circumstances. Further, it is submitted that the Petitioner and other workmen assaulted and has beaten the manager by giving them punches, kicking with legs, and hitting with iron rods, and in the said attack by the Petitioner and other workmen, Chief Operation and Maintenance, Mr. Hari Panduranga Swamy Madusa, sustained grievous bleedings injuries to his eye and suffered

injuries of jaws dislocation and he was hospitalized. Further, Respondent contended that Petitioner with other workmen, also damaged the property of the Respondent No.2 in the said mob attack.

10) Respondent contended that on 01/09/2015, an important meeting was going on between a supplier and the senior management of Toll Plazas at Base Camp office off the Respondent No.2 Company at Budhanam Village, Chillakuru Mandal, SPSR Nellore District, to discuss about the toll collection system related issues, at about 16:20 Hours. Petitioner along with Mr. M. Chaitanya, who was the President of Swarna Toll way Employees' Union and other Toll Collectors working at Venkatachalam, Bhudanam and sullurpet Toll Plazas, concertedly and forcibly entered into the base camp office and barged into the room of Chief Operations Manager (COM), Mr. Hari Pandu Ranga Swamy Madasu in a most indecent and insubordinate Manner and insisted that COM should come out of the ongoing meeting and discuss with them on some pending issues in the Conference Hall. Petitioner and co-workman insisted for an Immediate settlement of their COM tried to convince Petitioner and other mob of workmen and asked to give two days' time to resolve their issues and grievances, but it was in vain and workman started using abusive language against him and against other officials too.

In the meantime, one of the Toll Collectors under suspension, Mr. Daggu Satish and also other employees, caught hold of Mr.S.Vejay Deepak, Maintenance Manager and brought him to the Union President, Mr. M. Chaitanya, who started assaulting him and beating him indiscriminately., When the COM and the Toll Manager tried to save him from the mob, Petitioner and the workman present there acted in a most riotous and disorderly manner and in utter disregard of the discipline in the office premises of the Respondent No.2 Company. Thereafter, S. Vejay Deepak Was taken to the COM's Chamber, but Petitioner and other mob of workmen also went there and again started beating Mr. S. Vejay Deepak by throwing water glass and laptop on him and they also broken the glass panes of the room.

Respondent further submitted that Mr. M. Chaitanya, started beating the COM and he also instigated Petitioner and others workman to beat COM, and Mr. S. Vijay Deepak and other Toll Managers with kicks and punches. Two of the workmen punched the COM on his face causing dislocation of lower jaw teeth, while one Mr. D. Satish pounced on him with fist punches on his face and shoulder, Mr. S. Murali and Mr. M. Chaitanya has hit COM with an iron rod on the left side of his eye, whereby he suffered a serious and grievous injuries to his lower jaw and a bleeding injury near his left eye and he fell unconscious and later was shifted to Hospital. Mr. M. Chaitanya also threatened to kill the officials of the Respondent and their family members, if they did not heed to his orders, thereby created a great tension and fears in their minds. The above-mentioned acts of the Petitioner and other workmen/union leaders of instigating assaulting, beating, threatening and abusing the officials of Respondent No.2 was of highly intolerable, illegal, mischievous and unruly, which have caused a serious disturbance at the Base Camp Office and adversely affected the discipline in general and safety of the other Workmen and Officers of the Respondent as well.

Respondent contended that in view of the gravity and severity of the acts of misconduct reported against the Petitioner, he was placed under suspension pending enquiry and was issued with detailed charge-sheet dated 09/09/2015, with the following Charges as per Clauses 19(a), (b),(c), (d), (e) and (f) of the A.P. Shops and Establishments Rules, 1990 detailed as her under:-

"(a) Wilful insubordination or disobedience of instruction, whether alone or in combination with others of any lawful and reasonable order of a Superior;

(b) Damage or dishonesty in connection with the employer's business or property;

(c) unprovoked misbehaviour with customers, riotous, disorderly, or indecent behaviour in the premises of the establishment.

(d) Any act subversive of discipline;

(e) Assaulting and grievously hurting the managerial staff"

The Petitioner he submitted his explanation dated 30/09/201 and management considered his explanation but that was found unconvincing and unsatisfactory, and in view of the seriousness to the acts of misconduct, management decided to hold an enquiry into the charges levelled against Petitioner.

During the inquiry Petitioner was permitted to avail the assistance of a co-workman and enquiry was conducted in Telugu and proceedings thereof were also recorded in Telugu. The management has examined ten witnesses (MW-1 to MW-10) in Support of the charges, Management witness were cross-examined by the Petitioner with the aid of his co-Workman/Defence Assistant. The management has also produced documents, and same has been marked Exhibits M-1 to M-10. Petitioner has examined WW1 in defence and Enquiry Officer, after due appraisal of oral and documentary evidence submitted his Report & Findings holding workman guilty of charges levelled against him. The Enquiry Officer had assigned cogent reasons reference to the evidence brought on record for holding the with Petitioner guilty of the charges. Upon receipt of the above Enquiry Report, Final Show-Cause Notice dated 02/05/2016 was issued calling upon the Petitioner to show-cause as to why he should not be dismissed from the services of the Respondent No.2, while enclosing a copy of the Enquiry Report & Findings dated 16/02/20116 and seeking his comments, if any, thereon. The Petitioner submitted his explanation to the above Final Show-Cause

Notice dated 02/05/2016, vide his letter dated 18/05/2016 and the same was found not convincing. Respondent contended that Disciplinary Authority has also evaluated the proportionality of the punishment to be imposed and in the light of the gravity of the acts of misconduct proved and its adverse impact on the discipline and safety of officials within the Respondent No.2 Company Establishment and as there were no extenuating and/or mitigating circumstances to take any lenient view in the matter, after having been convinced, that no punishment lesser than that of dismissal can be imposed, and Petitioner was dismissed from the services of the Respondent No.2 Company vide Dismissal Order dated 30/08/2016.

Therefore, in view of the seriousness of the acts of misconduct proved against the Petitioner, the dismissal order is fully justified and is not liable to be interfered with by this Hon'ble Court under any circumstances. Hence, this Hon'ble Court, at any rate, may not direct reinstatement of the Petitioner. The Respondent No.2 conducted that the enquiry conducted against the Petitioner is fully in accordance law and principles of natural justice and is valid. Petitioner was given all reasonable opportunities to himself by cross-examining the witnesses examined in of the charges and also to adduce evidence, both oral and documentary. Therefore, the enquiry so conducted was fair & proper and is also not liable to be interfered with by this Hon'ble Court. Should this Hon'ble Court, for some reason, find that the enquiry conducted is not valid, without prejudice to its contentions that the enquiry is valid and legal.

In support of his contention Respondent has relied upon the certain decisions of the Hon'ble Supreme Court which are detailed as here under: -

1. Hombe Gouda Educational Trust Vs. State of Karnataka – (2006) 1 SCC 430
2. M.P. Electricity Board Vs. Jagadish Chandra Sharma – (2005) 3 SCC 401
3. Usha Breco Mazdoor Sangh Vs Management of Usha Breco Limited 2008 SCC Page 554
4. Mulchandni electricals and Radio Industries limited Vs Workman 1975 SCC page 731.
5. Ch. Ramakoteswar Rao Vs GM, APS RTC 2000 (4) ALD Ald page 208
6. M/s Bharath Iron works Vs Bhagubhai patel (1976) 1 SCC page 518
7. S.S.P. sharma Vs Industrial Tribunal- II Hyderabad 2016 (2) ALD page 107
8. State bank of Bikaner and Jaipur Vs Nemi Chand Nalwaya (2011) 4 SCC page 584
9. Dig of police Vs S. Samuthiram 2013 1 SCC page 598
10. State bank of BNikaner & Jaipur Vs Srinath Gupta (1996) 6 SCC page 486
11. Commissioner of police Vs Narender Singh (2006) 4 SCC 265

The Law laid down by the Hon'ble Court in the above-mentioned cases will be discussed at the appropriate stage of this judgement. Therefore, Respondent contended that Petitioner does not deserve any leniency and the punishment of dismissal is just proper and under in any circumstances Petitioner may not be directed to be reinstated into the service.

Therefore, prayed to dismiss the petition with exemplary costs.

Heard the argument of learned counsel for petitioner as well as Respondent. Both the parties have also filed their written submission. Pursue the record.

4. On the basis of submission of either parties, following issues arise for determination in the present matter: -

1. Whether the departmental enquiry held against the Petitioner is legal and valid?
2. Whether present petition filed by Petitioner raising industrial Dispute against his dismissal order 30-08-2016 is barred by limitation?
3. Whether action of Respondent management Director, Swarna Toll way private Limited, Hyderabad, vide order dated 31-08-2016 whereby in terminating the services of the Petitioner is legal and justified?
4. To what relief If any, Petitioner, is entitled for?

Findings: -

Issue No. I

The Departmental inquiry conducted against the Workman Sri. Daggu Sathish has been held legal and valid, by this court vide order dated 11th November 2024.

Thus, issue is decided accordingly.

Issue No. II

In this context, Respondent No.2 and 3 contended that the present Industrial Dispute has been raised by the Petitioner on 2nd August 2021 after the lapse of five years from the date of his dismissal order dated 27th May 2016. Therefore, in view of the provision contained under section 2-A (3) of the Industrial Disputes Act, this claim could be filed by the Petitioner before the expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service as specified in (1) of section 2-A. Therefore, the present claim Petition raising the Industrial Dispute by Petitioner under section 2A (2) of the ID Act, is barred by limitation.

The perusal of claim petition goes to reveals that Petitioner has raised the Industrial Dispute against his dismissal order, dated 30th august 2016 passed the by the Respondent Management by filing claim petition in the year 2021. In the para 11 of claim petition, Petitioner has averred that against his termination order, he approached to the Deputy Labour Commissioner of Labor, Nellore for cancellation and same was dismissed without considering the merit. Thereafter, he filed petition before Labour court, Guntur, which got registered as ID Number 162/2016. Labour Court, Guntur, vide order dated 31st August 2019, has returned his petition on the ground of lack of jurisdiction. Thereafter due to COVID-19 pandemic situation Petitioner could not approach this court within time. Petitioner has also filed the copy of the order dated 31-08-2019 passed by the Presiding Officer, Labour Court, Guntur, in ID no. 162/2016, whereby Labour Court Guntur has returned petition of the Petitioner for presentation before the appropriate court of jurisdiction. It is established fact that in the year 2020, there was a prevailing situation of COVID-19 pandemic and Petitioner was not able to approach this court to present petition at Hyderabad. Thus, Petitioner has furnished cogent and sufficient explanation of delay in filing the present petition and same is not fatal to present Industrial Dispute. Therefore, in view of the above present petition raising the Industrial Dispute under section 2-A (2) of the ID Act, against the dismissal order dated 27-05-2016 is not barred by limitation. Issue is decided in favor of the Petitioner.

Issue No. III

The perusal of record goes to reveal that in this claim petition, petitioner has challenged his dismissal order dated 27th May 2016, passed by Respondent Management on the grounds alleged in petition. Furthermore, perusal of the record of inquiry proceeding along with inquiry report, goes to reveal that the Petitioner was given fair opportunity of hearing at every stage of proceedings, which he availed, without raising any objection complaining of any prejudice of any nature caused to him before the inquiry officer at any point of time. Further, it is noticed that the Workman CSC received all the documents filed and relied upon by the Respondent management in support of the charge sheet, and CSC workman also filed a reply, cross-examined the management witnesses, and also examined himself as a witness in defense. Thus, the workman CSC has participated in the inquiry proceeding at every stage. Inquiry officer, on appreciation of evidence recorded in inquiry has submitted his reasoned report holding the workman guilty of the charges. Therefore, in the opinion of the court, no case is made out to hold that the domestic inquiry suffers from any procedural lapses or was conducted in violation of principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Moreover, validity and legality of the domestic inquiry has been upheld by the court vide order dated 11th November 2024. Thus, the plea of the Petitioner that the domestic inquiry was conducted against the Petitioner in violation of principle of natural justice is untenable.

It is settled law that once it is held that the domestic inquiry is legal and proper, the next question arises for consideration whether the punishment imposed on the Petitioner is just and legal, or it is disproportionate to the gravity of the charges. Petitioner has challenged his dismissal order on the ground that the allegations leveled against him are false and fabricated, and during the inquiry no other employee as witness was examined to prove the charges and there was no corroborating evidence to prove the guilt and only that management witness were examined in the inquiry. Further, it is contended that there was no legal evidence before enquiry to prove the allegations, and the inquiry officer had also failed to bring home the charge against the Petitioner. Further, Petitioner has strenuously argued that the inquiry officer conducted the inquiry as empty formality and without having any valid and legal evidence and came to the conclusion that allegations are proved. Further, it is urged Petitioner that had not committed any misconduct as alleged in the charge sheet, and there was no evidence of loss of revenue to the corporation. Further, it is contended that there was no willful insubordination or disobedience of instructions in connection with the orders of the superior. There was no damage or dishonesty in connection with the employer's business or property, and Petitioner was not involved in unprovoked misbehavior with the customer, riotous, disorderly, or indecent behavior in the premises of the establishment. Lastly it is pleaded that the dismissal order passed by the Respondent management is grossly disproportionate to the gravity of the offense, and same is liable to be set aside. In view of plea taken by Petitioner, peruse the record of inquiry proceeding.

5. The record of proceeding goes to reveal that charge sheet dated 9th September 2015 was furnished to CSE Workman and inquiry was conducted by the inquiry officer, in the presence of CSC workman, as well as his defense representative and management witness were examined during the inquiry proceedings. In support of Charge sheet against the CSC workman, Respondent management has examined as many as ten witnesses namely, Mr. Subramanyam Vijay deepak (MW1), Mr. Hari pandarunga Swami MW2, Mr. Vikram Simha Reddy MW3, Mr. R.V. Prasad (MW4), Mr. T. Krishna Kishore (MW5), Mr. Vijay Kumar (MW6), Mr. L. Elvis Lionel (MW7), Mr. K.V.

Ramprasad (MW8), and Mr. B. Vijay Sarathi Babu (MW9), and lastly, Mr. D. Veera swami (MW10). All the above stated witnesses, in their deposition have substantiated the allegations of the charge sheet issued against the CSC workman. The charge Sheet contains the allegation against CSE workman extracted as here under: -

“You have been working as a "Toll Collector” at our Nellore Toll Plaza On 1 September 2015 you were on duty in 'A' shift, which is from 6 Am to 2 Pm.

It has been reported against you that on 1" September 2015 at about 16.20 hours, you along with your union president Mr. M Chaitanya. Mr. D. Satish (Toll Collector under suspension). S Murali ATS, and TC's Mr. Penchalaiah. Mr. Turaka Ramprasad. Mr. Turaka Sudhakar Mr. Deendayal, Mr. Ch. Srinivasulu, Mr. Subba Reddy Mr. Md Hussain Mr. S Hurairah, Mr. J Srinivasulu ATS Mr. N Srinivasulu and others from Venkatachalam, Budanam and Sullurpet Toll Plazas and about 14 others forcibly enter into our base camp office situated at Km 125, NH-5. Bhdhanam Village, Chillakur Mandal, Nellore district, without any prior appointment or intimation

It is reported that at the time you went to our base camp office, a meeting was going on with M/s Kent (A supplier) at our Budanam Base camp office with our staff from HQ and Toll Plazas viz., Mr. Vijay Kumar, Mr. RV Prasad, Mr. Kishore. Mr. Ramprasad, Mr. Aylwin Lionel, Mr. Dilipu kumar Reddy. Mr. Vikram Simha Reddy. Mr. B. V Saradhi Babu, Mr. DV Swamy. Ms. Sunitha and Mr. Baburao and Staff from M/s Kent (Mr. Sandeep Pawar. Mr. Bhatta, Mr. Swapnil and Mr. Kiran) to discuss on the Toll collection system related issues.

While the said meeting was going on. Mr. M. Chaitanya along with you and 26 associates barged into the COM's room and insisted that the COM Mr. Hari Pandu Range Swamy should come along with you to the conference hall immediately, leaving the said meeting, in a most high handed and insubordinate manner. The COM, however, came along with you Thereafter, you along with your union leaders started raising all the issues and insisted him to settle the issues then and there itself. Though, the COM tried to convince you to give him two days' time to resolve the issues you and your union leaders started using abusive language against him and other officials of the company.

Meanwhile, you along with the suspended Toll Collector Mr. D. Satish and other associates caught hold of Mr Vijay Deepak (Maintenance Manager) and brought him to your union leader Mr. M. Chaitanya who started assaulting and beating Mr. Vijay Deepak indiscriminately. When the COM and Toil Managers tried to protect Mr. Vijay Deepak, you and your associates also beat the said officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises With great difficulty Mr. Deepak was taken to COM chamber, but you, and other union leaders went to COM chamber and again beat Mr. Vijay Deepak by throwing water glass, laptop on him and you and others also broke the glass panes of the room

Further, your leader Mr. M Chaitanya started beating the COM and instigated you and others to beat him You along with your other associates have severely beaten the COM and other Toli Managers. In the said attack, the COM suffered serious and grievous injuries to his lower jaw and a bleeding injury near his left eye who subsequently fell unconscious and later he was shifted to the Hospital by the police for treatment.

It is further reported that you also instigated the others to beat the officials and their family members if they did not need to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that your union leader Mr. Chaitanya, in your presence also threatened the officials of our company that he will kill the officials and their family members if they did not heed to nis orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that you also instigated the others to beat the officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises.

Due to your illegal and unruly actions, there was serious disturbance at our base camp office You are aware that it is the utmost responsibility of the management to maintain discipline and peace in the office premises Instigating your co-employees, assaulting threatening and abusing the officials of the company are highly objectionable, illegal, and mischievous.

Your aboveactions are clearly unwarranted, grave and serious in nature and also have adverse affect on the discipline and personal safety of the other employees in the office.”

6. MW1 in his deposition has categorically stated that on the evening of 1st September 2015, a meeting was going on with the representative of the company called Kent in the chamber of Chief of Operation and Maintenance, Shri Hari panduranga swami, at Budanam Base Camp. At that time, the witness was present in his chamber. Around 4:15 P.M., security guard Kotaiah came into his chamber and said that their union president Chaitanya and some other toll collectors, about 30 people in total, had come to meet COM. Further MW1 deposed that he went to the COM chamber and called Alvin Lionel, who was the Buddhanam toll manager and told him about the matter. Meanwhile, Chaitanya and thirty other people went to the COM chamber. Then COM, Garu, and Vikram who is the manager of Venkatachalam Toll Plaza, Dilip Kumar Reddy of Sullurpet Toll Plaza, and Lionel Daru came out of the COM Chamber and went to the conference hall. Further, MW1 deposed that he saw from the glass door of his chamber and after some time the sound of bells was heard from the conference room. The witness further deposed that he saw toll

collector penchalaiah hitting the ground with an iron rod in the open area outside. There were 29 other toll collectors standing next to him. Later, MW1 came to his chamber from the cashier room. Further, witness added that Vijay Deepak and Shri Srinivasulu, the assistant supervisor, came to his chamber. Then he went to the cashier room next to his chamber and informed COM sir Further, MW1 Added that C.O.M. told him that Chaitanya would come here, and he would discuss with him. Further, MW1 states that Chaitanya and other co-worker started to beat him. As soon as he came out other toll collector also started to beat witness, while Shyam and Maria Lion, who had come there, stood between him and C.S.C. for his protection. Further, MW1 stated that immediately he went to the cashier chamber and locked himself inside. Thereafter, toll collectors rushed to his chamber and kicked the door with their feet to open it. Then he went into the chamber of the C.O.M. next to it through the partition door, and there representative of Kent company and staff of his company were present.

Further, witness stated that Satish, Srinivasa, Panchalaiah, and four other toll collectors whose name he didn't know, came from outside in the C.O.M. chamber, threw above seven people out of chamber, and also threw the laptop at the witness. Satish also threw a bottle and a water glass at him. Window glass was broken by it. COM and Leonel Garu had already come to rescue him so that none of the things they were throwing at him could hit. However, the bottle hit witness on the stomach. The glass hit the window glass behind the witness and that glass was broken. Further man states that, meanwhile, Chaitanya, who was outside, came into the room and approached to the witness, and brought the burning cigarette in his hand near his eyes, and threatened to kill him and his wife. Then J. Shrinivas lifted the chair and charged at him to throw it upon witness, but he did not do it. Later, J. Shrinivas and Satish left the chamber. The other toll collectors who remained in the chamber said that MW1 and management should apologize to the Chaitanya Garu. They forcefully grabbed the witness and dragged him to Chaitanya, who was outside, they tied his legs. Tumati Madhava Rao was also present there. Therefore, they took him to his chamber and pushed him inside. Payment manager Nagarjuna was present in his chamber and Vikram had already come to his chamber and these people also witnessed this incident noticed from the glass window that Chaitanya, C.O.M. Garu Dileep Kumar Reddy, and Lionel Garu were in the lobby outside. Further, MW1 added that he saw at the spot that Assistant Toll supervisor Murali was beating to COM, and he was hit above the left eye. MW1 added that he saw from glass window that CSE and other co-employee has beaten COM by slap and kick. Thereafter, Police arrived at the spot, and all toll collectors were present in the open area of base camp MW1 added that between 7:30 or 8:30 a.m., C.O.M. and he went to the Guntur government hospital for treatment of their injury. The C.O.M. was treated there for his bleeding injuries. He did not suffer any bleeding injuries. However, he was suffering pain in his stomach due to a water bottle hit thrown by Satish, and he was also given painkiller injection. Further, witness added that Lionel and Vikram, who were also injured, accompanied them to the hospital. For their treatment but they did not suffer from any bleeding injuries.

7. MW1 was cross-examined by the defense representative, but nothing has been elicited to discredit or disbelieve the testimony of witness. However, MW1 was not questioned during the cross-examined on the point of occurrence of incident on 1st September 2015, as narrated by this witness in his chief statement. Thus, the version of MW1 regarding incident remained uncontroverted. Whereas CSE has admitted in his cross-examination that he along with other toll collectors were present at spot on the date and time of occurrence and they were raising the demand and shouting the slogans in support of their demands against the Respondent Management. Thus, it is established that C.S.C. workmen, along with the other toll collectors, was present on the spot at the date and time of the alleged incident, and he also participated in the incident assault and beating to C.O.M and mangers of Respondent in concert of co- employee and in common intention as narrated in the charge sheet. Further, testimony of M.W1 is also corroborated by the testimony of rest of management witness M.W. 2, MW 3, MW 4, MW 5, MW 6, MW 7, MW 10. And also, documentary evidence. It is not the case of the petitioner that these management witnesses have any grudge or enmity with CSE for any reason whatsoever. Therefore, there is no reason for these management witnesses to depose against the CSE workman in support of charges regarding incident.

8. Furthermore, Respondent Management has examined Shri Hari Panduranga Swamy Chief of operations and Maintenance, C.O.M. as MW2 who is said to be got injured during the incident of 1st November 2015. MW2 in his testimony has given a vivid description of the said incident, which further, support the allegation of charges leveled against the CSE Workman in this case. MW2 was cross-examined by the defense, but nothing has been elicited in the cross-examination to discredit the testimony of this witness. Moreover, it is not the plea of the CSE workman that either due to animosity or personal grudge, MW2 has deposed falsely against the CSE. However, the testimony of MW2 is corroborated by oral and documentary evidence produced before the inquiry.

9. Moreover, the defense witness, WW1 in his cross examination has admitted that on the date of the incident, he went to the base camp of Respondent Management along with the union leader and other co-employees to discuss their demands, but they did not beat anyone. Further, witness admitted that they were shouting slogans in support of their demand. The CSE in his statement has not disclosed the details of demands of workman which were said to be pending with the Respondent Management. There is no evidence on record that CSE, along with the union leader and other co-employee, assembled at the base camp of the Respondent Management on the date of the incident with prior intimation and permission of Respondent. Further, CSE failed to plead and prove the Justifications of their actions on 1-09-2015 in support of their demands. Therefore, in view of the principle of preponderance of the probability it is established from the evidence on record that the CSE workman has participated along with the union leader and other

co-workers in the incident of violence and Fracas in common intention on 01-09-2015 at Base Camp of Respondent and also damages the property Respondent.

10. Moreover, the management has also produced the documentary evidence in support of the charge leveled against the CSE workman. These documents namely are Ex M1 charge sheet dated 9th September 2015; ExM2 is the explanation to the notice submitted by the workman, Ex M3 appointment letter of the Inquiry Officer, Ex M4 Outpatient ticket dated 1st September, 2009 of M. Hari Pandya and Exhibit M5 includes fifteen photographs with depicts that injured witness getting treated in the hospital for his injuries caused to his body in the alleged incident of 1st September 2015. Further, ExM6 are the photographs which show that the office of the COM has been damaged by the CSE along with other workers in the alleged incident. ExM7 is the copy of the FIR which discloses that Hari Panduranga Swami Madasu complaint got registered FIR against the petitioner and other workers at Shri Potti Sri Ramulu Nellore District Police Station under Section 147, 148, 452, 307, 506 R/W 149 IPC on 2nd September 2015 at 00.30 AM regarding the incident dated 1-09-2025 and details of the suspected, accused in the FIR is mentioned as here under: -

1. Chaithanya Malapatti. 2. Sathish, 3 Srinivasulu, 4. Sudhakar Thuraka, 5. Prasad Thuraka, 6. Deendayal, 7. Hussain Mohammad, and 8. Balakrishnan Srinivasulu, M9 Srinivasulu N, 10. Srinivasulu 11.C H, Murari 12. Penchalaiah. Thus, the testimony of witness about the incident as alleged in charge sheet is corroborated by the testimonies of other management witnesses i.e. MW1 to MW10 and also by the documentary evidence, on record.

11. Further, domestic inquiry against CSE has been conducted strictly in accordance with the principle of natural justice and workman CSE has been found guilty of grave and serious acts of misconduct. Thus, finding of the inquiry officer is based on of oral and documentary evidence recorded during enquiry and report of inquiry officer do not suffers from any illegality or perversely. The inquiry officer report goes to reveal that on 1-09-2015 CSE workman, has committed the misconduct of physical assault to the official of Respondent Management and he has been rightly held guilty of committing misconduct. The details of specific acts of misconduct allegedly committed by the Petitioner along with other co-workman on 1-09-2015 including physical assault on Respondent staff are as follows: -

That the Petitioner workman has physically assaulted Mr. Hari Pandu Ranga Swamy Madasu, the Chief Operations and Maintenance, thereby causing grievous injuries. The act not only endangered the safety of a senior official but also disrupted the discipline and harmony of the workplace. Further, Petitioner workman actively participated in a riotous mob attack, leading to the damage of company property, and creating an atmosphere of fear and disorder within the establishment. Such conduct undermines the safety and security of the workplace environment and lastly. The Petitioner workman exhibited willful insubordination by disobeying lawful and reasonable orders of his superiors. Furthermore, he threatened senior officials, displaying gross indiscipline and a blatant disregard for the hierarchical structure and decorum expected within the organization.

12. The findings of enquiry officer are based on cogent and credible evidence, including eyewitness testimonies and documentary proof. The enquiry was conducted in accordance with the principles of natural justice, providing the Petitioner ample opportunity to defend himself. Thus, the aforementioned acts committed by the Petitioner workman squarely fall under the category of serious misconduct as defined under Clauses 19(a), (c), (d) and (e) of the Andhra Pradesh Shops and establishments Rules, 1990.

Rules 19 (a), (b), (c), (d) and (e) of AP Shops & Establishment Rules provides as here under: -

- i. Clause 19(a): Willful insubordination or disobedience of any lawful and reasonable order of a superior.
- ii. Clause 19(C): Damage to the employer's property.
- iii. Clause 19(d): Riotous or disorderly behavior in the premises of the establishment.
- iv. Clause 19(e): Threatening or intimidating any employee or superior.

The misconduct committed by the workman along with employees of assaulting superiors, instigating others, and participating in the riotous violent activities constitute serious act of misconduct which strike at the root of workplace discipline. The act of workman causing grievous injuries to managerial staff is a grave and serious misconduct that is not condonable. Therefore, the dismissal order passed by Respondent against the workman is justified and appropriate action.

13. Respondent has relied upon the few decisions of Hon'ble Supreme Court which are relevant to the point and discussed as here under: -

- (a) Hon'ble Supreme Court in Krishnakali Tea Estate Bharatiya Vs. Aknn Chah Mazdoor Sanah - (20o4) 8 SCC 200 upheld the dismissal of workmen who had assaulted managerial personnel causing damage to property, gherao of the management, wrongfully confining manager. The Apex Court observed that such violent Conduct cannot be taken lightly, and the punishment of dismissal was warranted to preserve discipline and safety at the workplace.

- (b) Similarly, Hon'ble Supreme Court in the case of *Muriadih Colliery Vs. Bihar Colliery Kamgar Union* - (2005) 3 SCC 331, held that the dismissal of employees who participated in a violent mob attack, causing injury to the General Manager, was justified, and interference by the Labour Court under Section 11-A of the ID Act was disapproved and the punishment proportionate to the misconduct. was upheld.
- (c) The Hon'ble Supreme Court in the case of *M.P. Electricity Board Vs. Jagdish Chandra Sharma* - order (2005) 3 SCC 401. of dismissal of a Workman who assaulted a senior officer, restored the decision of the Industrial Court, thereby reiterating that acts of violence by employees, particularly against their superiors, must be dealt with strictly and are not open to lenient treatment. The reinstatement ordered by the Labour Court was reversed, affirming the employer's authority to maintain discipline through dismissal.

(d) In the case of *Hombe Gowda Educational Trust Vs. State of Karnataka* - (2006) 1

SSC 430, the Hon'ble Supreme Court underscored the importance of workplace discipline and held that even provoked assault on a superior, amounts to gross indiscipline. The Court stated: "30. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by the rule of law. All actions, therefore, must be taken in accordance with law."

- (e) In the case of *Usha Breco Mazdoor Sangh Vs. Management of M/S. Usha Breco Ltd* - (2008) 5 SCC 554, Hon'ble Supreme Court while reaffirming the legal position laid down by it is in the case *firestone Tyre and Rubber Co. Vs. The management and Others* - (1973) 1 SCC 813, held: -

"31. It is one thing to say that finding of an Enquiry Officer is perverse or betrays the well-known doctrine of proportionality another thing to say that only because two views are possible, the Labour Court shall interfere therewith. In other words, it is one thing to say that on the basis of the materials on record, the Labour Court comes to a conclusion that a verdict of guilt has been arrived at by the Enquiry Officer whereas the materials suggested otherwise but it is another thing to say that such a verdict was also a possible view.

39. The upshot of our discussion is that the decision of the labour Court should not be based on mere hypothesis. It cannot overturn a decision of the Management on ipse dixit. Its jurisdiction under section 11-A of the Act although is a wide one, must be judiciously exercise either whimsically or capriciously. It may scrutinize and analyze the evidence but what is important is how it does so."

(f) Further, in the case of **New Shorrock Mills vs Maheshbhai T. Rao, 1996 SCC page 590**. Hon'ble Supreme Court held: -

"35. In the case of *New Shorrock Mills Vs. (1996) Maheshbhai T Rao* 6 of SCC 590, held that:

"Labour Court in the present case having come to a Conclusion that the finding of the departmental enquiry was legal and proper, the Respondents order of discharge was not by way of victimization and that the Respondent workman had Seriously misbehaved and was thus guilty of misconduct, ought not to have interfered with the punishment, which was awarded, in the manner it did. This is not a case where the Court Could Come to the conclusion that the punishment was awarded was shockingly disproportionate to the employee's conduct and his past service record."

(g) The Supreme Court in the case of **Northeastern Karnataka RTC Vs. Ashappa 2006 (5) SCC 137** reaffirmed that the Tribunal must not lightly interfere with the employer's disciplinary decisions and reiterated the "shockingly disproportionate" standard.

(h) In **Hombe Gowda Educational Trust Vs. State of Karnataka (supra)**, the Hon'ble Supreme Court clarified that the days of automatic sympathy towards the workman are over, and that discipline must be maintained at all costs in light of contemporary industrial conditions. The Tribunal's power to substitute the employer's decision must be exercised with restraint.

(i) In the case of **Muriadih Colliery (Supra) & Krishnakali Tea**

Estate (Supra), the Apex Court expressly held that interference by Labour Courts with dismissal orders passed for acts involving violence and assault was not permissible under section 11-A of the ID Act, as the punishment was not disproportionate.

Thus, in view of the principles laid down by the Honorable Apex Court as discussed above, there is ample oral and documentary evidence on record to substantiate the charges against the petitioner workman, and it cannot be said that the order of dismissal of Petitioner is perverse or shockingly disproportionate.

14. As regard the plea of the petitioner workman that Respondent Management has victimize him due to the being member of the union and also for raising the demand related to welfare of the workman.

In this context, Respondent has relied upon the decision of the Supreme Court in the case of **Bharat Iron Works versus Bhagobhai Balubhai Patel, 1976 SCC page 518**. Therein Hon'ble Supreme Court has laid down the legal test for establishing the plea of victimization as discussed here under: -

"11. The onus of establishing plea of victimisation will be upon the person pleading

it. Since a charge of victimisation is a serious matter reflecting, to a degree, subjective upon the attitude of the employer evidenced by acts and conduct, it has to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

The Apex Court further held:

"12. Once, in the opinion of the Tribunal a gross misconduct is established, as required, on legal evidence either in a fairly conducted domestic enquiry or before the Tribunal on merits, the plea of victimisation will not carry the case of the employee any further. A proved misconduct is antithesis of victimisation as understood in industrial relations."

15. Thus, in view of the principle laid down by Hon'ble Apex Court, as discussed above the petitioner workman has failed to produce any evidence in support of the plea that the action of Respondent management in dismissing him from service is victimization of the petitioner workman. The petitioner workman has failed to discharge his burden of proof regarding plea of victimization or unfair labor practices hence same is untenable.

16. As regard the plea of the petitioner that they he has been acquitted from the criminal trial by court in respect of the alleged acts of misconduct. In this context, the decision of Honorable Supreme Court in the case of Deputy Inspector General of Police versus Sethu . Thiruvan, 2013 SCC page 598 is relevant, wherein Honorable Apex Court have held that mere acquittal in a criminal trial does not nullify or override the finding of a valid domestic inquiry. Further, Honorable Apex Court held that the standard of proof in a criminal trial is proof beyond reasonable doubt, whereas in a domestic inquiry it is only preponderance of the probability.

In the case of Commissioner of Police vs Narendra Singh, 2006 SCC page 265, Honorable Apex Court held that the disciplinary proceeding can proceed independently and that an employee can be dismissed from service based on finding of a department inquiry even if no conviction is recorded in the criminal trial. The finding in the inquiry against the workman is based on credible evidence, including eyewitness testimonies and documentary records and same does not warrant any interference.

17. Hon'ble Supreme Court in the case of Employers Management **West Bokaro Gallery Colly of TISCO Limited vs Concern Workman Ram Prakash Singh, 2008 LLR, page 432,**

"16. In U.P State Road Transport Corporation Vinod Kumar, 2007 (13) SCALE 690 this Court again observed that in the absence of a challenge to the legality or fairness of the domestic enquiry the Court should be reluctant to either interfere with the finding recorded by the Enquiry officer or the punishment awarded by the Punishing Authority.

17. After going through the order of the industrial Tribunal, were are of the opinion that the Tribunal has interfered with the findings recorded by the domestic. Tribunal as if it was the appellate Tribunal. There was evidence present on record regarding indecent riotous and disorderly behavior of the Respondent towards his superiors. The management witness who were present at the scene of occurrence have unequivocally deposed about the misbehavior of the Respondent towards his superiors. Their evidence has been discarded by the Tribunals by observing that in the absence of independent evidence, the statements of the workmen who were present at the scene of occurrence could not be believed. Industrial Tribunal tell in error in discarding the evidence produce by the management only because the independent witnesses were not produce them. It is possible that at the time of occurrence, only the workers of the Management and the persons who were truing to put up the constructions dependent evidence was available. Statements of the fellow workmen had established the misconduct of the Respondent. Enquiry officer accepted the testimony of the witness produced by the management who had clearly implicated the Respondent. It was a legitimate conclusion which could be arrived at and it would not be open to the industrial Tribunal to substitute the said opinion by its own opinion.

19. Tribunal has set aside the report of the enquiry Officer and the order of dismissal passed by the punishing Authority by observing that the charges against the Respondent were not proved beyond reasonable doubt. It has repeatedly had been held by the court that the acquittal in a criminal case could not operate as a bar for drawing up of a disciplinary proceeding against a delinquent. It is well settled principle of law that yardstick and standard proof in a criminal case is different from the one disciplinary proceeding. While the standard of proof in a criminal case is proof beyond all reasonable doubt, the standard of proof in a departmental proceeding is preponderance of probabilities."

Further, the Honorable Supreme Court has observed that in a case where two views are possible on the evidence on record, then the Industrial Tribunal should be very slow in coming to a conclusion other than the one arrived at by the domestic Tribunal, by substituting its opinion in place of the opinion of the domestic tribunal.

Thus, in view of the law laid down by the apex court, as discussed above, the plea of the petitioner that there is no legal evidence on record is untenable, as there is sufficient evidence on record of the domestic inquiry to prove the guilt of the workman in the alleged misconduct.

18. Further, as regard the appreciation and evaluation of the evidence in matter of domestic inquiry, Hon'ble Supreme Court, in the case of **State of Rajasthan and others Vs Him Singh, Civil Appeal Number 3340 of 2020**, date of decision: 29th October 2021, has laid down the principles extracted as here under: -

"Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.

To determine whether the finding in a disciplinary inquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the courts that there is some evidence to support the charge of misconduct and to guard against perversity, but this does not allow the court to re- appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."

19. In the case of **Hombe Gouda Education Trust Vs State of Karnataka, 2006 SCC, page 430**: Hon'ble Supreme Court have held that assaulting a superior at a workplace amount to an act of gross indiscipline. The respondent is a teacher. Even under grave provocation, a teacher is not expected to abuse the head of the institution in a filthy language and assault him with a chappal. Punishment of dismissal from service, therefore, cannot be said to be wholly disproportionate so as to shock one's conscience. Further, Hon'ble Supreme Court held that a person, when dismissed from service, is put to great hardship, but that would not mean that a grave misconduct (assault on superior at workplace) should go unpunished. Maintenance of discipline of an institution is equally important.

20. Further, In the case of **MP Electricity Board Vs Jagdish Sharma, 2005 SCC, page 401**, Hon'ble Supreme Court have held:

"9. In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the workplace obviously in the breach of Discipline of other employees. This clearly amounted to a breach of discipline in the organisation. Discipline at the workplace organisation like the employer herein, is the sine qua non for the efficient working of the organisation, when an employee breaches such discipline and the employer terminates his services it is not open to a Labour Court or an Industrial Tribunal to take view that the punishment awarded is shockingly disproportionate to the charge proved. We have already

referred to the views of this Court. To quote Jack Chan,

'Discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large.'

Obviously, this idea is more relevant in considering the working of an organisation like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. It is essential for the prosperity of the organisation as well as that of its employees. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion."

21. Further, in the case of **Ajit Kumar Nag Vs Indian Oil Corporation Limited, 2005 SCC page 764**, the Honorable Supreme Court has held, in a three-judge bench, in paragraph 56, "It is well settled that the burden of proving malafide is on the person making the allegation, and the burden is very heavy. There is every presumption in favor of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of malafide are often more easily made than made out, and the very seriousness of such allegations demands proof of a high degree of credibility."

Further, Hon'ble Supreme Court held that assault, intimidation are penal offences. A workman indulging in commission of criminal offenses should not be spared only because he happens to be a union leader. The act does not encourage indiscipline. It will be a matter of some concern if the opinion of the inquiry officer can be totally ignored, despite the fact that the management is precluded from adducing any fresh evidence before the labor court. A union leader does not enjoy immunity from being proceeded with in a case of misconduct.

22. In the case of **D. Mulchandani Electric and Radio Industries Limited Vs Workman, 1975 Supreme Court Cases page 731**, Hon'ble Supreme Court have held:

establishment

“It was not disputed before us that the allegation of assault, if proved, would be an act subversive of discipline: what was contended on behalf of the respondent was between Thana and the premises was that the alleged assault having taken place in the train Mulund which was obviously outside the or precincts of the establishment, was not covered by Standing Order.

24(1). The Labour Court also found that the alleged assault did not In our amount to misconduct under Standing Order 24(1) which, it was held was restricted to acts and omissions inside the premises of the establish opinion, Lon a plain reading of the clause, the words "within the premises or precincts of the establishment" refer not to the place where the act which is subversive of discipline or good behaviour is committed but where the consequence of such an act manifests itself. In other words, an act, wherever committed, if it has the effect of sub- verting discipline or good behaviour within the premises or precincts of the establishment, will amount to misconduct under Standing Order 24(1) We are unable to agree that Standing Order 24(1) leaves out of its scone an act committed outside though it may result in subversion of discipline or good behaviour within the premises or precincts of the establishment in question. Such a construction in our view would be quite unreasonable.”

23. In the case of **State bank of Bikaner and Jaipur vs Nemi Channel via 2011 Supreme Court cases page 580** Hon’ble Supreme Court have held that subsequent acquittal by criminal court will not in any way render completed discipline proceeding invalid, nor affect the validity of finding of the guilt and consequential punishment.

24. Thus, in view of the foregone discussion and law laid down by the apex court as discussed above, in the instant matter all the charges framed and proved in domestic inquiry against the workman being serious and grave in nature and stands proved by oral and documentary evidence recorded and produced bin the inquiry. Further, the evidence produced by the management before inquiry is legal and admissible as per principle of preponderance of probability laid down by Hon’ble Supreme Court in its various decisions as discussed in preceding paragraph of this Award. Therefore, order of dismissal of Petitioner workman cannot be faulted with, nor it can be said to be in any way disproportionate to the gravity of the charges. Thus, the punishment of dismissal of the workman is proportionate to the gravity of the charges, and hence deserve to be upheld. Thus, the action of the respondent management in dismissing the services of the workman is held legal and justified.

This issue is decided against the workman and in favor of the respondent management.

Issue No: IV

In view of foregone discussion and finding given at issue No. I, II and III, I am of the considered opinion that the action of Respondent management in dismissing the Petitioner from service vide order dated 27-05-2016 is legal and justified. Therefore, no interference warrants in the punishment of dismissal order dated 27-05-2016 of the Petitioner and the action of Respondent Management is held legal and justified and liable to be confirmed.

AWARD

In view of the foregone discussion and finding given at issue No. I, II, III, and IV, the action of Respondent Management in dismissing the service of the Petitioner workman vide order dated 27-05-2016 is held legal and justified. Petition filed by the Petitioner sans merit hence dismissed.

Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected, and signed by me on this the 3rd day of November, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2065.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, तेलंगाना, निदेशक (प्राधिकृत हस्ताक्षरकर्ता), स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद, सहायक महाप्रबंधक, समूह मानव संसाधन, स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद के प्रबंधन के संबंध में नियोजकों और श्री. सनमपुडी हरैया, आंध्र प्रदेश, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय हैदराबाद पंचाट(संदर्भ संख्या- 8/2021) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल -42025/07/2025/237-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2065.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 8/2021) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Highways Authority of India, Telangana, The Director (Authorised Signatory), Swarna Tollway Private Limited, Hyderabad, The Asst. General Manager, Group H.R., Swarna Tollway Private Limited, Hyderabad** and **Sri. Sanampudi Haraiah, Andhra Pradesh**, workman.

[No. L-42025/07/2025/237- IR DU]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABADPresent: - **Sri Irfan Qamar**

Presiding Officer

Dated 6th day of November 2025**INDUSTRIAL DISPUTE L.C.No. 8 / 2021**

Between:

Sri. Sanampudi Haraiah,

Emp No. 240,

S/o. Mastanaiah, RESPONDENT

Vijjavari Pallem Village,

Chittedu Post, Kota Mandal,

S.P.S.R. Nellore District. – 524 410.

Andhra Pradesh.

... Petitioner

AND

1. National Highways Authority of India,
Rep. by Executive Engineer - Chief Engineer-Regional Officer,
First Floor, New Building Administrative Staff College of India (ASCI),
College Park Campus, Road No.3,
Banjara Hills, Hyderabad, Telangana 500034
2. The Director (Authorised Signatory),
Swarna Tollway Private Limited,

D.No.6-3-1090, 4n Floor, C. Block, TSR Towers,
Raja Bhavan Road, Somajiguda,
Hyderabad. Rep. by its Director

3. The Asst. General Manger, Group H.R.
Swarna Tollway Private Limited,
Plot No. 1-89/1. Plot No. 42 & 43.
Kavuri Hills, Phase -I Madhapur, Hyderabad. ...Respondents

Appearances:

For the Petitioner: M/s. S. Chakrapani, T. Naveen Chowdary and M. Ravi Kiran, Advocates

For the Respondent: M/s. CRS Associates, Advocates

1. This Petition has been filed by the Petitioner workman under section 2(A) (2) of Industrial Dispute Act 1947 with the prayer to set aside his dismissal order dated 27th May 2016 passed by the Respondent Management and to direct the Respondent to reinstate Petitioner in the service with continuity of service with all back wages and all other attendant benefits.

2. The facts in brief culled out from the petition are that the Petitioner workman was appointed as a Toll Collector in Swarna Tollway Private Limited Organization on 29th September 2003.

Further, Petitioner submitted that he was placed under suspension with issuing Charge sheet on 9th September 2015, and without considering his explanation Respondent has dismissed him vide order dated 27th May 2016. Further, Petitioner submitted that on 1st September 2015 he was member of Swarna Toll Employees Union, and he went to Budanam Base Camp office to meet with office bearer of the union and number of employees, union president and some other office bearers were also present at Budanam base camp office to meet with the COM to represent their demands. When the union leader entered into the Chamber of COM. Other employees were waiting outside camp office of COM and Some discussions took place between Union leaders and the management. As per petitioner COM did not consider the lawful demands of the employees and union leaders came outside and explained to other employees. Since lawful demands were not considered by the Respondent COM, Union leaders and employees expressed their protest against the Respondent Management by shouting slogans. COM and other managers foisted a false case against the petitioner and rest of the employees present there at Chillakuru Police Station. The Police authority registered a case in Crime No.154/2015 against the 28 employees and they sent the there employees to remand. The Chief of operation and maintenance and other Toll Managers made a complaint what has been alleged in the charge sheet. Further, Petitioner stated that he was no way concerned in the said incident there was no specific allegation against him. The allegations made against all the 28 employees are in common Petitioner contended that before issuing charge sheet, the copy of complaint was not supplied to him to submit his explanation and he never committed any misconduct of willful in subordination or disobedience with the lawful and reasonable order of superior. He never damage the employer's business or property and did not instigate co-workman to misbehave with official of Management. He never committed any act subversive of discipline and I never assaulted and grievously hurting the management as alleged in the charge sheet. Further, Petitioner submitted that enquiry has been conducted by the enquiry officer into the allegations without following principle of natural justice. There was no corroborative evidence to prove the guilt of Petitioner and only management witness were examined in the enquiry. The management witness nowhere has stated that what acts, and omission committed by C.S.E and, there was no legal evidence to prove the allegations against C.S.E. Thus, enquiry officer has also failed to bring home the guilt of C.S.E and gave common findings of all the 28 C.S.E which is not legal. Enquiry officer has conducted enquiry an empty formality, and submitted his report holding that the allegation are proved. The procedure followed by the enquiry office, and enquiry findings are not fair, proper and not maintainable under law. Respondent management had issued show cause notice to petitioner and without considering his explanation the Respondent management passed his dismissal order on 27-05-2016 that is not sustainable under law.

Further, Petitioner submitted that the allegation leveled against him were false and fabricated and there was no specific allegation against him for violation of any acts or omissions. All the common allegations has been made against the 28 employees. There was no willful in subordination or disobedience of instruction in connection with the order of the superior and no damages done with the employer business or property. There was no unprovoked behavior with customers riotous disorderly or indecent behavior in premises of the establishment. There was no act subversive of discipline. It is submitted that Petitioner had not committed due serious misconduct to dismiss him from service. Further it is submitted that Petitioner filed the ID No 14 of 2017 before the labour Court Guntur and labour court passed the order dated 31 -8-2019 thereby rejecting the petition on the ground of lack jurisdiction. Therefore, any delay in filing the appeal is on account of COVID-19 pandemic situations prevailing all over the world. Therefore, prayed to set aside the order dated 27-05-2016 passed by Respondent and to reinstate the Petitioner in the service,

3. Per contra Respondent 1 has filed counter therein he has contended that the Respondent No.1 NHAI unnecessarily has been made party in the present Petition as there is no employee relationship between the Petitioner and Respondent No.1. Further, it is submitted that the Respondent No.1 is neither concerned nor related to allegation made in the petition hence denied. Respondent has unnecessarily been made party to the present proceeding and petition is liable to be dismissed against Respondent No.1 with cost.

Respondent No. 2 and 3 has filed counter and has contended there in that present petition has been filed by the Petitioner under section 2(A) (2) of the Industrial Disputes Act challenging the dismissal order dated 30th August 2016 issued by Respondent no. 2 which is barred by the limitation prescribed under section 2A (3) of the Act. Respondent contended that the present ID has been raised by the Petitioner on 30th September 2021, i.e., after a lapse of over five years and as such is liable to be dismissed by the court in limine as a time-barred one. Further, it is submitted that Labour Court, Guntur, vide order dated 31st August 2019 has returned the petition for want of jurisdiction while holding that Petitioner may raise dispute before the competent court of appropriate jurisdiction. However, the present ID has been raised before this Hon'ble Court after a lapse of two years without any explanation for the delay, and not maintainable on the ground of barred by limitation.

Further, Respondent contended that Petitioner was found guilty of riotous, disorderly, unruly behavior of mob attack on the chief Operation and Maintenance, Mr. Hari Panduranga swamy madusa, Mr. S. Vijay Deepak, and other toll managers at Budanam Base camp of the Respondent no. 2 company on 1st September 2015, Domestic inquiry against Petitioner workman has been held by following principle of natural justice and dismissal order dated 30th August 2016 is not liable to be interfered with by this court under any circumstances. Further, it is submitted that the Petitioner and other workmen assaulted and has beaten the manager by giving them punches, kicking with legs, and hitting with iron rods, and in the said attack by the Petitioner and other workmen, Chief Operation and Maintenance, Mr. Hari Panduranga Swamy Madusa, sustained grievous bleedings injuries to his eye and suffered injuries of jaws dislocation and he was hospitalized. Further, Respondent contended that Petitioner with other workmen, also damaged the property of the Respondent No.2 in the said mob attack.

10) Respondent contended that on 01/09/2015, an important meeting was going on between a supplier and the senior management of Toll Plazas at Base Camp office off the Respondent No.2 Company at Budhanam Village, Chillakuru Mandal, SPSR Nellore District, to discuss about the toll collection system related issues, at about 16:20 Hours. Petitioner along with Mr. M. Chaitanya, who was the President of Swarna Toll way Employees' Union and other Toll Collectors working at Venkatachalam, Bhudanam and sullurpet Toll Plazas, concertedly and forcibly entered into the base camp office and barged into the room of Chief Operations Manager (COM), Mr. Hari Pandu Ranga Swamy Madasu in a most indecent and insubordinate Manner and insisted that COM should come out of the ongoing meeting and discuss with them on some pending issues in the Conference Hall. Petitioner and co-workman insisted for an Immediate settlement of their COM tried to convince Petitioner and other mob of workmen and asked to give two days' time to resolve their issues and grievances, but it was in vain and workman started using abusive language against him and against other officials too.

In the meantime, one of the Toll Collectors under suspension, Mr. Daggu Satish and also other employees, caught hold of Mr.S.Vejay Deepak, Maintenance Manager and brought him to the Union President, Mr. M. Chaitanya, who started assaulting him and beating him indiscriminately., When the COM and the Toll Manager tried to save him from the mob, Petitioner and the workman present there acted in a most riotous and disorderly manner and in utter disregard of the discipline in the office premises of the Respondent No.2 Company. Thereafter, S. Vejay Deepak Was taken to the COM's Chamber, but Petitioner and other mob of workmen also went there and again started beating Mr. S. Vejay Deepak by throwing water glass and laptop on him and they also broken the glass panes of the room.

Respondent further submitted that Mr. M. Chaitanya, started beating the COM and he also instigated Petitioner and others workman to beat COM, and Mr. S. Vijay Deepak and other Toll Managers with kicks and punches. Two of the workmen punched the COM on his face causing dislocation of lower jaw teeth, while one Mr. D. Satish pounced on him with fist punches on his face and shoulder, Mr. S. Murali and Mr. M. Chaitanya has hit COM with an iron rod on the left side of his eye, whereby he suffered a serious and grievous injuries to his lower jaw and a bleeding injury near his left eye and he fell unconscious and later was shifted to Hospital. Mr. M. Chaitanya also threatened to kill the officials of the Respondent and their family members, if they did not heed to his orders, thereby created a great tension and fears in their minds. The above-mentioned acts of the Petitioner and other workmen/union leaders of instigating assaulting, beating, threatening and abusing the officials of Respondent No.2 was of highly intolerable, illegal, mischievous and unruly, which have caused a serious disturbance at the Base Camp Office and adversely affected the discipline in general and safety of the other Workmen and Officers of the Respondent as well.

Respondent contended that in view of the gravity and severity of the acts of misconduct reported against the Petitioner, he was placed under suspension pending enquiry and was issued with detailed charge-sheet dated 09/09/2015, with the following Charges as per Clauses 19(a), (b),(c), (d), (e) and (f) of the A.P. Shops and Establishments Rules, 1990 detailed as her under:-

- "(a) Wilful insubordination or disobedience of instruction, whether alone or in combination with others of any lawful and reasonable order of a Superior;
- (b) Damage or dishonesty in connection with the employer's business or property;
- (c) unprovoked misbehaviour with customers, riotous, disorderly, or indecent behaviour in the premises of the establishment.
- (d) Any act subversive of discipline;
- (e) Assaulting and grievously hurting the managerial staff"

The Petitioner he submitted his explanation dated 30/09/201 and management considered his explanation but that was found unconvincing and unsatisfactory, and in view of the seriousness to the acts of misconduct, management decided to hold an enquiry into the charges levelled against Petitioner.

During the inquiry Petitioner was permitted to avail the assistance of a co-workman and enquiry was conducted in Telugu and proceedings thereof were also recorded in Telugu. The management has examined ten witnesses (MW-1 to MW-10) in Support of the charges, Management witness were cross-examined by the Petitioner with the aid of his co-Workman/Defence Assistant. The management has also produced documents, and same has been marked Exhibits M-1 to M-10. Petitioner has examined WW1 in defence and Enquiry Officer, after due appraisal of oral and documentary evidence submitted his Report & Findings holding workman guilty of charges levelled against him. The Enquiry Officer had assigned cogent reasons reference to the evidence brought on record for holding the with Petitioner guilty of the charges. Upon receipt of the above Enquiry Report, Final Show-Cause Notice dated 02/05/2016 was issued calling upon the Petitioner to show-cause as to why he should not be dismissed from the services of the Respondent No.2, while enclosing a copy of the Enquiry Report & Findings dated 16/02/2016 and seeking his comments, if any, thereon. The Petitioner submitted his explanation to the above Final Show-Cause Notice dated 02/05/2016, vide his letter dated 18/05/2016 and the same was found not convincing. Respondent contended that Disciplinary Authority has also evaluated the proportionality of the punishment to be imposed and in the light of the gravity of the acts of misconduct proved and its adverse impact on the discipline and safety of officials within the Respondent No.2 Company Establishment and as there were no extenuating and/or mitigating circumstances to take any lenient view in the matter, after having been convinced, that no punishment lesser than that of dismissal can be imposed, and Petitioner was dismissed from the services of the Respondent No.2 Company vide Dismissal Order dated 30/08/2016.

Therefore, in view of the seriousness of the acts of misconduct proved against the Petitioner, the dismissal order is fully justified and is not liable to be interfered with by this Hon'ble Court under any circumstances. Hence, this Hon'ble Court, at any rate, may not direct reinstatement of the Petitioner. The Respondent No.2 conducted that the enquiry conducted against the Petitioner is fully in accordance law and principles of natural justice and is valid. Petitioner was given all reasonable opportunities to himself by cross-examining the witnesses examined in of the charges and also to adduce evidence, both oral and documentary. Therefore, the enquiry so conducted was fair & proper and is also not liable to be interfered with by this Hon'ble Court. Should this Hon'ble Court, for some reason, find that the enquiry conducted is not valid, without prejudice to its contentions that the enquiry is valid and legal.

In support of his contention Respondent has relied upon the certain decisions of the Hon'ble Supreme Court which are detailed as here under: -

1. Hombe Gouda Educational Trust Vs. State of Karnataka – (2006) 1 SCC 430
2. M.P. Electricity Board Vs. Jagadish Chandra Sharma – (2005) 3 SCC 401
3. Usha Breco Mazdoor Sangh Vs Management of Usha Breco Limited 2008 SCC Page 554
4. Mulchandni electricals and Radio Industries limited Vs Workman 1975 SCC page 731.
5. Ch. Ramakoteshwar Rao Vs GM, APS RTC 2000 (4) ALD Ald page 208
6. M/s Bharath Iron works Vs Bhagubhai patel (1976) 1 SCC page 518
7. S.S.P. sharma Vs Industrial Tribunal- II Hyderabad 2016 (2) ALD page 107
8. State bank of Bikaner and Jaipur Vs Nemi Chand Nalwaya (2011) 4 SCC page 584
9. Dig of police Vs S. Samuthiram 2013 1 SCC page 598
10. State bank of BNikaner & Jaipur Vs Srinath Gupta (1996) 6 SCC page 486
11. Commissioner of police Vs Narender Singh (2006) 4 SCC 265

The Law laid down by the Hon'ble Court in the above-mentioned cases will be discussed at the appropriate stage of this judgement. Therefore, Respondent contended that Petitioner does not deserve any leniency and the punishment of dismissal is just proper and under in any circumstances Petitioner may not be directed to be reinstated into the service.

Therefore, prayed to dismiss the petition with exemplary costs.

Heard the argument of learned counsel for petitioner as well as Respondent. Both the parties have also filed their written submission. Pursue the record.

4. On the basis of submission of either parties, following issues arise for determination in the present matter: -

16. Whether the departmental enquiry held against the Petitioner is legal and valid?
17. Whether present petition filed by Petitioner raising industrial Dispute against his dismissal order 30-08-2016 is barred by limitation?
18. Whether action of Respondent management Director, Swarna Toll way private Limited, Hyderabad, vide order dated 27-05-2016 whereby in terminating the services of the Petitioner is legal and justified?
19. To what relief If any, Petitioner, is entitled for?

Findings: -

Issue No. I

The Departmental inquiry conducted against the Workman Sri. Daggu Sathish has been held legal and valid, by this court vide order dated 11th November 2024.

Thus, issue is decided accordingly.

Issue No. II

In this context, Respondent No.2 and 3 contended that the present Industrial Dispute has been raised by the Petitioner on 2nd August 2021 after the lapse of five years from the date of his dismissal order dated 27th May 2016. Therefore, in view of the provision contained under section 2-A (3) of the Industrial Disputes Act, this claim could be filed by the Petitioner before the expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service as specified in (1) of section 2-A. Therefore, the present claim Petition raising the Industrial Dispute by Petitioner under section 2A (2) of the ID Act, is barred by limitation.

The perusal of claim petition goes to reveals that Petitioner has raised the Industrial Dispute against his dismissal order, dated 30th august 2016 passed the by the Respondent Management by filing claim petition in the year 2021. In the para 11 of claim petition, Petitioner has averred that against his termination order, he approached to the Deputy Labour Commissioner of Labor, Nellore for cancellation and same was dismissed without considering the merit. Thereafter, he filed petition before Labour court, Guntur, which got registered as ID Number 154/2015. Labour Court, Guntur, vide order dated 31st August 2019, has returned his petition on the ground of lack of jurisdiction. Thereafter due to COVID-19 pandemic situation Petitioner could not approach this court within time. Petitioner has also filed the copy of the order dated 31-08-2019 passed by the Presiding Officer, Labour Court, Guntur, in ID no. 154/2015, whereby Labour Court Guntur has returned petition of the Petitioner for presentation before the appropriate court of jurisdiction. It is established fact that in the year 2020, there was a prevailing situation of COVID-19 pandemic and Petitioner was not able to approach this court to present petition at Hyderabad. Thus, Petitioner has furnished cogent and sufficient explanation of delay in filing the present petition and same is not fatal to present Industrial Dispute. Therefore, in view of the above present petition raising the Industrial Dispute under section 2-A (2) of the ID Act, against the dismissal order dated 30-08-2016 is not barred by limitation. Issue is decided in favor of the Petitioner.

Issue No. III

The perusal of record goes to reveal that in this claim petition, petitioner has challenged his dismissal order dated 27th May 2016 passed by Respondent Management on the grounds alleged in petition. Furthermore, perusal of the record of inquiry proceeding along with inquiry report, goes to reveal that the Petitioner was given fair opportunity of hearing at every stage of proceedings, which he availed, without raising any objection complaining of any prejudice of any nature caused to him before the inquiry officer at any point of time. Further, it is noticed that the Workman CSC received all the documents filed and relied upon by the Respondent management in support of the charge sheet, and CSC workman also filed a reply, cross-examined the management witnesses, and also examined himself as a witness in defense. Thus, the workman CSC has participated in the inquiry proceeding at every stage. Inquiry officer, on appreciation of evidence recorded in inquiry has submitted his reasoned report holding the workman guilty of the charges. Therefore, in the opinion of the court, no case is made out to hold that the domestic inquiry suffers from any procedural lapses or was conducted in violation of principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Moreover, validity and legality of the domestic inquiry has been upheld by the court vide order dated 11th November 2024. Thus, the plea of the Petitioner that the domestic inquiry was conducted against the Petitioner in violation of principle of natural justice is untenable.

It is settled law that once it is held that the domestic inquiry is legal and proper, the next question arises for consideration whether the punishment imposed on the Petitioner is just and legal, or it is disproportionate to the gravity of the charges. Petitioner has challenged his dismissal order on the ground that the allegations leveled against

him are false and fabricated, and during the inquiry no other employee as witness was examined to prove the charges and there was no corroborating evidence to prove the guilt and only that management witness were examined in the inquiry. Further, it is contended that there was no legal evidence before enquiry to prove the allegations, and the inquiry officer had also failed to bring home the charge against the Petitioner. Further, Petitioner has strenuously argued that the inquiry officer conducted the inquiry as empty formality and without having any valid and legal evidence and came to the conclusion that allegations are proved. Further, it is urged Petitioner that had not committed any misconduct as alleged in the charge sheet, and there was no evidence of loss of revenue to the corporation. Further, it is contended that there was no willful insubordination or disobedience of instructions in connection with the orders of the superior. There was no damage or dishonesty in connection with the employer's business or property, and Petitioner was not involved in unprovoked misbehavior with the customer, riotous, disorderly, or indecent behavior in the premises of the establishment. Lastly it is pleaded that the dismissal order passed by the Respondent management is grossly disproportionate to the gravity of the offense, and same is liable to be set aside. In view of plea taken by Petitioner, peruse the record of inquiry proceeding.

5. The record of proceeding goes to reveal that charge sheet dated 9th September 2015 was furnished to CSE Workman and inquiry was conducted by the inquiry officer, in the presence of CSC workman, as well as his defense representative and management witness were examined during the inquiry proceedings. In support of Charge sheet against the CSC workman, Respondent management has examined as many as ten witnesses namely, Mr. Subramanyam Vijay deepak (MW1), Mr. Hari pandarunga Swami MW2, Mr. Vikram Simha Reddy MW3, Mr. R.V. Prasad (MW4), Mr. T. Krishna Kishore (MW5), Mr. Vijay Kumar (MW6), Mr. L. Elvis Lionel (MW7), Mr. K.V. Ramprasad (MW8), and Mr. B. Vijay Sarathi Babu (MW9), and lastly, Mr. D. Veera swami (MW10). All the above stated witnesses, in their deposition have substantiated the allegations of the charge sheet issued against the CSC workman. The charge Sheet contains the allegation against CSE workman extracted as here under: -

"You have been working as a "Toll Collector" at our Nellore Toll Plaza On 1 September 2015 you were on duty in 'C' shift, which is from 10 Pm to 6 Am.

It has been reported against you that on 1st September 2015 at about 16.20 hours, you along with your union president Mr. M Chaitanya. Mr. D. Satish (Toll Collector under suspension). S Murali ATS, and TC's Mr. Penchalaiah. Mr. Turaka Ramprasad. Mr. Turaka Sudhakar Mr. Deendayal, Mr. Ch. Srinivasulu, Mr. Subba Reddy Mr. Md Hussain Mr. S Hurairah, Mr. J Srinivasulu ATS Mr. N Srinivasulu and others from Venkatachalam, Budanam and Sullurpet Toll Plazas and about 14 others forcibly enter into our base camp office situated at Km 125, NH-5. Bhdhanam Village, Chillakur Mandal, Nellore district, without any prior appointment or intimation

It is reported that at the time you went to our base camp office, a meeting was going on with M/s Kent (A supplier) at our Budanam Base camp office with our staff from HQ and Toll Plazas viz., Mr. Vijay Kumar, Mr. RV Prasad, Mr. Kishore. Mr. Ramprasad, Mr. Aylwin Lionel, Mr. Dilipu kumar Reddy. Mr. Vikram Simha Reddy. Mr. B. V Saradhi Babu, Mr. DV Swamy. Ms. Sunitha and Mr. Baburao and Staff from M/s Kent (Mr. Sandeep Pawar. Mr. Bhatta, Mr. Swapnil and Mr. Kiran) to discuss on the Toll collection system related issues.

While the said meeting was going on. Mr. M. Chaitanya along with you and 26 associates barged into the COM's room and insisted that the COM Mr. Hari Pandu Range Swamy should come along with you to the conference hall immediately, leaving the said meeting, in a most high handed and insubordinate manner. The COM, however, came along with you Thereafter, you along with your union leaders started raising all the issues and insisted him to settle the issues then and there itself. Though, the COM tried to convince you to give him two days' time to resolve the issues you and your union leaders started using abusive language against him and other officials of the company.

Meanwhile, you along with the suspended Toll Collector Mr. D. Satish and other associates caught hold of Mr Vijay Deepak (Maintenance Manager) and brought him to your union leader Mr. M. Chaitanya who started assaulting and beating Mr. Vijay Deepak indiscriminately. When the COM and Toil Managers tried to protect Mr. Vijay Deepak, you and your associates also beat the said officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises With great difficulty Mr. Deepak was taken to COM chamber, but you, and other union leaders went to COM chamber and again beat Mr. Vijay Deepak by throwing water glass, laptop on him and you and others also broke the glass panes of the room

Further, your leader Mr. M Chaitanya started beating the COM and instigated you and others to beat him You along with your other associates have severely beaten the COM and other Toli Managers. In the said attack, the COM suffered serious and grievous injuries to his lower jaw and a bleeding injury near his left eye who subsequently fell unconscious and later he was shifted to the Hospital by the police for treatment.

It is further reported that you also instigated the others to beat the officials and their family members if they did not need to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that your union leader Mr. Chaitanya, in your presence also threatened the officials of our company that he will kill the officials and their family members if they did not heed to nis orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that you also instigated the others to beat the officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises.

Due to your illegal and unruly actions, there was serious disturbance at our base camp office. You are aware that it is the utmost responsibility of the management to maintain discipline and peace in the office premises. Instigating your co-employees, assaulting, threatening and abusing the officials of the company are highly objectionable, illegal, and mischievous.

Your above actions are clearly unwarranted, grave and serious in nature and also have adverse effect on the discipline and personal safety of the other employees in the office.”

6. MW1 in his deposition has categorically stated that on the evening of 1st September 2015, a meeting was going on with the representative of the company called Kent in the chamber of Chief of Operation and Maintenance, Shri Hari panduranga swami, at Budanam Base Camp. At that time, the witness was present in his chamber. Around 4:15 P.M., security guard Kotaiah came into his chamber and said that their union president Chaitanya and some other toll collectors, about 30 people in total, had come to meet COM. Further MW1 deposed that he went to the COM chamber and called Alvin Lionel, who was the Buddhanam toll manager and told him about the matter. Meanwhile, Chaitanya and thirty other people went to the COM chamber. Then COM, Garu, and Vikram who is the manager of Venkatachalam Toll Plaza, Dilip Kumar Reddy of Sullurupet Toll Plaza, and Lionel Daru came out of the COM Chamber and went to the conference hall. Further, MW1 deposed that he saw from the glass door of his chamber and after some time the sound of bells was heard from the conference room. The witness further deposed that he saw toll collector penchalaiah hitting the ground with an iron rod in the open area outside. There were 29 other toll collectors standing next to him. Later, MW1 came to his chamber from the cashier room. Further, witness added that Vijay Deepak and Shri Srinivasulu, the assistant supervisor, came to his chamber. Then he went to the cashier room next to his chamber and informed COM sir. Further, MW1 Added that C.O.M. told him that Chaitanya would come here, and he would discuss with him. Further, MW1 states that Chaitanya and other co-worker started to beat him. As soon as he came out other toll collector also started to beat witness, while Shyam and Maria Lion, who had come there, stood between him and C.S.C. for his protection. Further, MW1 stated that immediately he went to the cashier chamber and locked himself inside. Thereafter, toll collectors rushed to his chamber and kicked the door with their feet to open it. Then he went into the chamber of the C.O.M. next to it through the partition door, and there representative of Kent company and staff of his company were present.

Further, witness stated that Satish, Srinivasa, Penchalaiah, and four other toll collectors whose name he didn't know, came from outside in the C.O.M. chamber, threw above seven people out of chamber, and also threw the laptop at the witness. Satish also threw a bottle and a water glass at him. Window glass was broken by it. COM and Leonel Garu had already come to rescue him so that none of the things they were throwing at him could hit. However, the bottle hit witness on the stomach. The glass hit the window glass behind the witness and that glass was broken. Further man states that, meanwhile, Chaitanya, who was outside, came into the room and approached to the witness, and brought the burning cigarette in his hand near his eyes, and threatened to kill him and his wife. Then J. Shrinivas lifted the chair and charged at him to throw it upon witness, but he did not do it. Later, J. Shrinivas and Satish left the chamber. The other toll collectors who remained in the chamber said that MW1 and management should apologize to the Chaitanya Garu. They forcefully grabbed the witness and dragged him to Chaitanya, who was outside, they tied his legs. Tumati Madhava Rao was also present there. Therefore, they took him to his chamber and pushed him inside. Payment manager Nagarjuna was present in his chamber and Vikram had already come to his chamber and these people also witnessed this incident noticed from the glass window that Chaitanya, C.O.M. Garu Dileep Kumar Reddy, and Lionel Garu were in the lobby outside. Further, MW1 added that he saw at the spot that Assistant Toll supervisor Murali was beating to COM, and he was hit above the left eye. MW1 added that he saw from glass window that CSE and other co-employee has beaten COM by slap and kick. Thereafter, Police arrived at the spot, and all toll collectors were present in the open area of base camp. MW1 added that between 7:30 or 8:30 a.m., C.O.M. and he went to the Guntur government hospital for treatment of their injury. The C.O.M. was treated there for his bleeding injuries. He did not suffer any bleeding injuries. However, he was suffering pain in his stomach due to a water bottle hit thrown by Satish, and he was also given painkiller injection. Further, witness added that Lionel and Vikram, who were also injured, accompanied them to the hospital. For their treatment but they did not suffer from any bleeding injuries.

7. MW1 was cross-examined by the defense representative, but nothing has been elicited to discredit or disbelieve the testimony of witness. However, MW1 was not questioned during the cross-examination on the point of occurrence of incident on 1st September 2015, as narrated by this witness in his chief statement. Thus, the version of MW1 regarding incident remained uncontroverted. Whereas CSE has admitted in his cross-examination that he along with other toll collectors were present at spot on the date and time of occurrence and they were raising the demand and shouting the slogans in support of their demands against the Respondent Management. Thus, it is established that C.S.C. workmen, along with the other toll collectors, was present on the spot at the date and time of the alleged incident, and he also participated in the incident assault and beating to C.O.M and managers of Respondent in concert of co- employee and in common intention as narrated in the charge sheet. Further, testimony of M.W1 is also corroborated by the testimony of rest of management witness M.W. 2, MW 3, MW 4, MW 5, MW 6, MW 7, MW 10.

And also, documentary evidence. It is not the case of the petitioner that these management witnesses have any grudge or enmity with CSE for any reason whatsoever. Therefore, there is no reason for these management witnesses to depose against the CSE workman in support of charges regarding incident.

8. Furthermore, Respondent Management has examined Shri Hari Panduranga Swamy Chief of operations and Maintenance, C.O.M. as MW2 who is said to be got injured during the incident of 1st November 2015. MW2 in his testimony has given a vivid description of the said incident, which further, support the allegation of charges leveled against the CSE Workman in this case. MW2 was cross-examined by the defense, but nothing has been elicited in the cross-examination to discredit the testimony of this witness. Moreover, it is not the plea of the CSE workman that either due to animosity or personal grudge, MW2 has deposed falsely against the CSE. However, the testimony of MW2 is corroborated by oral and documentary evidence produced before the inquiry.

9. Moreover, the defense witness, WW1 in his cross examination has admitted that on the date of the incident, he went to the base camp of Respondent Management along with the union leader and other co-employees to discuss their demands, but they did not beat anyone. Further, witness admitted that they were shouting slogans in support of their demand. The CSE in his statement has not disclosed the details of demands of workman which were said to be pending with the Respondent Management. There is no evidence on record that CSE, along with the union leader and other co-employee, assembled at the base camp of the Respondent Management on the date of the incident with prior intimation and permission of Respondent. Further, CSE failed to plead and prove the Justifications of their actions on 1-09-2015 in support of their demands. Therefore, in view of the principle of preponderance of the probability it is established from the evidence on record that the CSE workman has participated along with the union leader and other co-workers in the incident of violence and Fracas in common intention on 01-09-2015 at Base Camp of Respondent and also damages the property Respondent.

10. Moreover, the management has also produced the documentary evidence in support of the charge leveled against the CSE workman. These documents namely are Ex M1 charge sheet dated 9th September 2015; ExM2 is the explanation to the notice submitted by the workman, Ex M3 appointment letter of the Inquiry Officer, Ex M4 Outpatient ticket dated 1st September, 2009 of M. Hari Pandya and Exhibit M5 includes fifteen photographs with depicts that injured witness getting treated in the hospital for his injuries caused to his body in the alleged incident of 1st September 2015. Further, ExM6 are the photographs which show that the office of the COM has been damaged by the CSE along with other workers in the alleged incident. ExM7 is the copy of the FIR which discloses that Hari Panduranga Swami Madasu complaint got registered FIR against the petitioner and other workers at Shri Potti Sri Ramulu Nellore District Police Station under Section 147, 148, 452, 307, 506 R/W 149 IPC on 2nd September 2015 at 00.30 AM regarding the incident dated 1-09-2025 and details of the suspected, accused in the FIR is mentioned as here under: -

1. Chaithanya Malapatti. 2. Sathish, 3 Srinivasulu, 4. Sudhakar Thuraka, 5. Prasad Thuraka, 6. Deendayal, 7. Hussain Mohammad, and 8. Balakrishnan Srinivasulu, M9 Srinivasulu N, 10. Srinivasulu 11.C H, Murari 12. Penchalaiah. Thus, the testimony of witness about the incident as alleged in charge sheet is corroborated by the testimonies of other management witnesses i.e. MW1 to MW10 and also by the documentary evidence, on record.

11. Further, domestic inquiry against CSE has been conducted strictly in accordance with the principle of natural justice and workman CSE has been found guilty of grave and serious acts of misconduct. Thus, finding of the inquiry officer is based on of oral and documentary evidence recorded during enquiry and report of inquiry officer do not suffers from any illegality or perversely. The inquiry officer report goes to reveal that on 1-09-2015 CSE workman, has committed the misconduct of physical assault to the official of Respondent Management and he has been rightly held guilty of committing misconduct. The details of specific acts of misconduct allegedly committed by the Petitioner along with other co-workman on 1-09-2015 including physical assault on Respondent staff are as follows: -

That the Petitioner workman has physically assaulted Mr. Hari Pandu Ranga Swamy Madasu, the Chief Operations and Maintenance, thereby causing grievous injuries. The act not only endangered the safety of a senior official but also disrupted the discipline and harmony of the workplace. Further, Petitioner workman actively participated in a riotous mob attack, leading to the damage of company property, and creating an atmosphere of fear and disorder within the establishment. Such conduct undermines the safety and security of the workplace environment and lastly. The Petitioner workman exhibited willful insubordination by disobeying lawful and reasonable orders of his superiors. Furthermore, he threatened senior officials, displaying gross indiscipline and a blatant disregard for the hierarchical structure and decorum expected within the organization.

20. The findings of enquiry officer are based on cogent and credible evidence, including eyewitness testimonies and documentary proof. The enquiry was conducted in accordance with the principles of natural justice, providing the Petitioner ample opportunity to defend himself. Thus, the aforementioned acts committed by the Petitioner workman squarely fall under the category of serious misconduct as defined under Clauses 19(a), (c), (d) and (e) of the Andhra Pradesh Shops and establishments Rules, 1990.

Rules 19 (a), (b), (c), (d) and (e) of AP Shops & Establishment Rules provides as here under: -

- i. Clause 19(a): Willful insubordination or disobedience of any lawful and reasonable order of a superior.
- ii. Clause 19(C): Damage to the employer's property.
- iii. Clause 19(d): Riotous or disorderly behavior in the premises of the establishment.
- iv. Clause 19(e): Threatening or intimidating any employee or superior.

The misconduct committed by the workman along with employees of assaulting superiors, instigating others, and participating in the riotous violent activities constitute serious act of misconduct which strike at the root of workplace discipline. The act of workman causing grievous injuries to managerial staff is a grave and serious misconduct that is not condonable. Therefore, the dismissal order passed by Respondent against the workman is justified and appropriate action.

13. Respondent has relied upon the few decisions of Hon'ble Supreme Court which are relevant to the point and discussed as here under: -

(d) Hon'ble Supreme Court in *Krishnakali Tea Estate Bharatiya Vs. Aknn Chah Mazdoor Sanah* - (2004) 8 SCC 200 upheld the dismissal of workmen who had assaulted managerial personnel causing damage to property, gherao of the management, wrongfully confining manager. The Apex Court observed that such violent Conduct cannot be taken lightly, and the punishment of dismissal was warranted to preserve discipline and safety at the workplace.

(e) Similarly, Hon'ble Supreme Court in the case of *Muriadih Colliery Vs. Bihar Colliery Kamgar Union* - (2005) 3 SCC 331, held that the dismissal of employees who participated in a violent mob attack, causing injury to the General Manager, was justified, and interference by the Labour Court under Section 11-A of the ID Act was disapproved and the punishment proportionate to the misconduct. was upheld.

(f) The Hon'ble Supreme Court in the case of *M.P, Electricity Board Vs. Jagdish Chandra Sharma* - order (2005) 3 SCC 401. of dismissal of a Workman who assaulted a senior officer, restored the decision of the Industrial Court, thereby reiterating that acts of violence by employees, particularly against their superiors, must be dealt with strictly and are not open to lenient treatment. The reinstatement ordered by the Labour Court was reversed, affirming the employer's authority to maintain discipline through dismissal.

(d) In the case of *Hombe Gowda Educational Trust Vs. State of Karnataka* - (2006) 1

SSC 430, the Hon'ble Supreme Court underscored the importance of workplace discipline and held that even provoked assault on a superior, amounts to gross indiscipline. The Court stated:"30. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by the rule of law. All actions, therefore, must be taken in accordance with law."

(f) In the case of *Usha Breco Mazdoor Sangh Vs. Management of M/S. Usha Breco Ltd* – (2008) 5 SCC 554, Hon'ble Supreme Court while reaffirming the legal position laid down by it is in the case *firestone Tyre and Rubber Co. Vs. The management and Others* – (1973) 1 SCC 813, held: -

"31. It is one thing to say that finding of an Enquiry Officer is perverse or betrays the well-known doctrine of proportionality another thing to say that only because two views are possible, the Labour Court shall interfere therewith. In other words, it is one thing to say that on the basis of the materials on record, the Labour Court comes to a conclusion that a verdict of guilt has been arrived at by the Enquiry Officer whereas the materials suggested otherwise but it is another thing to say that such a verdict was also a possible view.

39. The upshot of our discussion is that the decision of the labour Court should not be based on mere hypothesis. It cannot overturn a decision of the Management on ipse dixit. Its jurisdiction under section 11-A of the Act although is a wide one, must be judiciously exercise either whimsically or capriciously. It may scrutinize and analyze the evidence but what is important is how it does so."

(f) Further, in the case of **New Shorrock Mills vs Maheshbhai T. Rao, 1996 SCC page 590**. Hon'ble Supreme Court held: -

"35. In the case of *New Shorrock Mills Vs. (1996) Maheshbhai T Rao* 6 of SCC 590, held that:

"Labour Court in the present case having come to a Conclusion that the finding of the departmental enquiry was legal and proper, the Respondents order of discharge was not by way of victimization and that the Respondent workman had Seriously misbehaved and was thus guilty of misconduct, ought not to have interfered with the punishment, which was awarded, in the manner it did. This is not a case where the Court Could Come to the conclusion that the punishment was awarded was shockingly disproportionate to the employee's conduct and his past service record."

(g) The Supreme Court in the case of **Northeastern Karnataka RTC Vs. Ashappa 2006 (5) SCC 137** reaffirmed that the Tribunal must not lightly interfere with the employer's disciplinary decisions and reiterated the "shockingly disproportionate" standard.

(h) In **Hombe Gowda Educational Trust Vs. State of Karnataka (cupra)**, the Hon'ble Supreme Court clarified that the days of automatic sympathy towards the workman are over, and that discipline must be maintained at all costs in light of contemporary industrial conditions. The Tribunal's power to substitute the employer's decision must be exercised with restraint.

(i) In the case of **Muriadih Colliery (Supra) & Krishnakali Tea**

Estate (Supra), the Apex Court expressly held that interference by Labour Courts with dismissal orders passed for acts involving violence and assault was not permissible under section 11-A of the ID Act, as the punishment was not disproportionate.

Thus, in view of the principles laid down by the Honorable Apex Court as discussed above, there is ample oral and documentary evidence on record to substantiate the charges against the petitioner workman, and it cannot be said that the order of dismissal of Petitioner is perverse or shockingly disproportionate.

14. As regard the plea of the petitioner workman that Respondent Management has victimize him due to the being member of the union and also for raising the demand related to welfare of the workman.

In this context, Respondent has relied upon the decision of the Supreme Court in the case of **Bharat Iron Works versus Bhagobhai Balubhai Patel, 1976 SCC page 518**. Therein Hon'ble Supreme Court has laid down the legal test for establishing the plea of victimization as discussed here under: -

"11. The onus of establishing plea of victimisation will be upon the person pleading

it. Since a charge of victimisation is a serious matter reflecting, to a degree, subjective upon the attitude of the employer evidenced by acts and conduct, it has to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

The Apex Court further held:

"12. Once, in the opinion of the Tribunal a gross misconduct is established, as required, on legal evidence either in a fairly conducted domestic enquiry or before the Tribunal on merits, the plea of victimisation will not carry the case of the employee any further. A proved misconduct is antithesis of victimisation as understood in industrial relations."

15. Thus, in view of the principle laid down by Hon'ble Apex Court, as discussed above the petitioner workman has failed to produce any evidence in support of the plea that the action of Respondent management in dismissing him from service is victimization of the petitioner workman. The petitioner workman has failed to discharge his burden of proof regarding plea of victimization or unfair labor practices hence same is untenable.

16. As regard the plea of the petitioner that they he has been acquitted from the criminal trial by court in respect of the alleged acts of misconduct. In this context, the decision of Honorable Supreme Court in the case of Deputy Inspector General of Police versus Sethu . Thiruvan, 2013 SCC page 598 is relevant, wherein Honorable Apex Court have held that mere acquittal in a criminal trial does not nullify or override the finding of a valid domestic inquiry. Further, Honorable Apex Court held that the standard of proof in a criminal trial is proof beyond reasonable doubt, whereas in a domestic inquiry it is only preponderance of the probability.

In the case of Commissioner of Police vs Narendra Singh, 2006 SCC page 265, Honorable Apex Court held that the disciplinary proceeding can proceed independently and that an employee can be dismissed from service based on finding of a department inquiry even if no conviction is recorded in the criminal trial. The finding in the inquiry against the workman is based on credible evidence, including eyewitness testimonies and documentary records and same does not warrant any interference.

17. Hon'ble Supreme Court in the case of Employers Management **West Bokaro Gallery Colly of TISCO Limited vs Concern Workman Ram Prakash Singh, 2008 LLR, page 432**,

"16. In U.P State Road Transport Corporation Vinod Kumar, 2007 (13) SCALE 690 this Court again observed that in the absence of a challenge to the legality or fairness of the domestic enquiry the Court should be reluctant to either interfere with the finding recorded by the Enquiry officer or the punishment awarded by the Punishing Authority.

17. After going through the order of the industrial Tribunal, were are of the opinion that the Tribunal has interfered with the findings recorded by the domestic. Tribunal as if it was the appellate Tribunal. There was evidence present on record regarding indecent riotous and disorderly behavior of the Respondent towards his superiors. The management witness who were present at the scene of occurrence have unequivocally deposed about the misbehavior of the Respondent towards his superiors. Their evidence has been discarded by the Tribunals by observing that in the absence of independent evidence, the statements of the workmen who were present at the scene of occurrence could not be believed. Industrial Tribunal tell in error in discarding the evidence produce by the management only because the independent witnesses were not produce them. It is possible that at the time of occurrence, only the workers of the Management and the persons who were truing to put up the constructions dependent evidence was available.

Statements of the fellow workmen had established the misconduct of the Respondent. Enquiry officer accepted the testimony of the witness produced by the management who had clearly implicated the Respondent. It was a legitimate conclusion which could be arrived at and it would not be open to the industrial Tribunal to substitute the said opinion by its own opinion.

19. Tribunal has set aside the report of the enquiry Officer and the order of dismissal passed by the punishing Authority by observing that the charges against the Respondent were not proved beyond reasonable doubt. It has repeatedly had been held by the court that the acquittal in a criminal case could not operate as a bar for drawing up of a disciplinary proceeding against a delinquent. It is well settled principle of law that yardstick and standard proof in a criminal case is different from the one disciplinary proceeding. While the standard of proof in a criminal case is proof beyond all reasonable doubt, the standard of proof in a departmental proceeding is preponderance of probabilities.”

Further, the Honorable Supreme Court has observed that in a case where two views are possible on the evidence on record, then the Industrial Tribunal should be very slow in coming to a conclusion other than the one arrived at by the domestic Tribunal, by substituting its opinion in place of the opinion of the domestic tribunal.

Thus, in view of the law laid down by the apex court, as discussed above, the plea of the petitioner that there is no legal evidence on record is untenable, as there is sufficient evidence on record of the domestic inquiry to prove the guilt of the workman in the alleged misconduct.

18. Further, as regard the appreciation and evaluation of the evidence in matter of domestic inquiry, Hon’ble Supreme Court, in the case of **State of Rajasthan and others Vs Him Singh, Civil Appeal Number 3340 of 2020**, date of decision: 29th October 2021, has laid down the principles extracted as here under: -

“Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.

To determine whether the finding in a disciplinary inquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the courts that there is some evidence to support the charge of misconduct and to guard against perversity, but this does not allow the court to re- appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain.”

19. In the case of **Hombe Gouda Education Trust Vs State of Karnataka, 2006 SCC, page 430**: Hon’ble Supreme Court have held that assaulting a superior at a workplace amount to an act of gross indiscipline. The respondent is a teacher. Even under grave provocation, a teacher is not expected to abuse the head of the institution in a filthy language and assault him with a chappal. punishment of dismissal from service, therefore, cannot be said to be wholly disproportionate so as to shock one's conscience. Further, Hon’ble Supreme Court held that a person, when dismissed from service, is put to great hardship, but that would not mean that a grave misconduct (assault on superior at workplace) should go unpunished. Maintenance of discipline of an institution is equally important.

20. Further, In the case of **MP Electricity Board Vs Jagdish Sharma, 2005 SCC, page 401**, Hon’ble Supreme Court have held:

“9. In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the workplace obviously in the breach of Presence of other employees This clearly amounted in an discipline in the organisation Discipline at the workplace organisation like the employer herein, is the sine qua non for the efficient working of the organisation, when an employee breaches such discipline and the employer terminates his services it is not open to a Labour Court of an Industrial Tribunal to take view that the punishment awarded is shockingly disproportionate to the charge proved. We have already

referred to the views of this Court. To quote Jack Chan,

‘Discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large.’

Obviously, this idea is more relevant in considering the working of an organisation like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. It is essential for the prosperity of the organisation as well as that of its employee's. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed

unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion."

21. Further, in the case of **Ajit Kumar Nag Vs Indian Oil Corporation Limited, 2005 SCC page 764, the Honorable Supreme Court has held, in a three-judge bench, in paragraph 56**, "It is well settled that the burden of proving malafide is on the person making the allegation, and the burden is very heavy. There is every presumption in favor of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of malafide are often more easily made than made out, and the very seriousness of such allegations demands proof of a high degree of credibility."

Further, Hon'ble Supreme Court held that assault, intimidation are penal offences. A workman indulging in commission of criminal offenses should not be spared only because he happens to be a union leader. The act does not encourage indiscipline. It will be a matter of some concern if the opinion of the inquiry officer can be totally ignored, despite the fact that the management is precluded from adducing any fresh evidence before the labor court. A union leader does not enjoy immunity from being proceeded with in a case of misconduct.

22. In the case of D. Mulchandani Electric and Radio Industries Limited Vs Workman, 1975 Supreme Court Cases page 731, Hon'ble Supreme Court have held:

establishment

"It was not disputed before us that the allegation of assault, if proved, would be an act subversive of discipline: what was contended on behalf of the respondent was between Thana and the premises was that the alleged assault having taken place in the train Mulund which was obviously outside the or precincts of the establishment, was not covered by Standing Order.

24(1). The Labour Court also found that the alleged assault did not In our amount to misconduct under Standing Order 24(1) which, it was held was restricted to acts and omissions inside the premises of the establish opinion, Lon a plain reading of the clause, the words "within the premises or precincts of the establishment" refer not to the place where the act which is subversive of discipline or good behaviour is committed but where the consequence of such an act manifests itself. In other words, an act, wherever committed, if it has the effect of sub-verting discipline or good behaviour within the premises or precincts of the establishment, will amount to misconduct under Standing Order 24(1) We are unable to agree that Standing Order 24(l) leaves out of its scone an act committed outside though it may result in subversion of discipline or good behaviour within the premises or precincts of the establishment in question. Such a construction in our view would be quite unreasonable."

23. In the case of **State bank of Bikaner and Jaipur vs Nemi Channel via 2011 Supreme Court cases page 580** Hon'ble Supreme Court have held that subsequent acquittal by criminal court will not in any way render completed discipline proceeding invalid, nor affect the validity of finding of the guilt and consequential punishment.

24. Thus, in view of the foregone discussion and law laid down by the apex court as discussed above, in the instant matter all the charges framed and proved in domestic inquiry against the workman being serious and grave in nature and stands proved by oral and documentary evidence recorded and produced bin the inquiry. Further, the evidence produced by the management before inquiry is legal and admissible as per principle of preponderance of probability laid down by Hon'ble Supreme Court in its various decisions as discussed in preceding paragraph of this Award. Therefore, order of dismissal of Petitioner workman cannot be faulted with, nor it can be said to be in any way disproportionate to the gravity of the charges. Thus, the punishment of dismissal of the workman is proportionate to the gravity of the charges, and hence deserve to be upheld. Thus, the action of the respondent management in dismissing the services of the workman is held legal and justified.

This issue is decided against the workman and in favor of the respondent management.

Issue No: IV

In view of foregone discussion and finding given at issue No. I, II and III, I am of the considered opinion that the action of Respondent management in dismissing the Petitioner from service vide order dated 27-05-2016 is legal and justified. Therefore, no interference warrants in the punishment of dismissal order dated 27-05-2016 of the Petitioner and the action of Respondent Management is held legal and justified and liable to be confirmed.

AWARD

In view of the foregone discussion and finding given at issue No. I, II, III, and IV, the action of Respondent Management in dismissing the service of the Petitioner workman vide order dated 27-05-2016 is held legal and justified. Petition filed by the Petitioner sans merit hence dismissed.

Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected, and signed by me on this the 6th day of November, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2066.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, तेलंगाना, निदेशक (प्राधिकृत हस्ताक्षरकर्ता), स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद, सहायक महाप्रबंधक, समूह मानव संसाधन, स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद के प्रबंधन के संबंध में नियोजकों और श्री अची गुरावाया, आंध्र प्रदेश, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय हैदराबाद पंचाट(संदर्भ संख्या- 9/2021) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल -42025/07/2025/238-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2066.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 9/2021) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Highways Authority of India, Telangana, The Director (Authorised Signatory), Swarna Tollway Private Limited, Hyderabad, The Asst. General Manager, Group H.R., Swarna Tollway Private Limited, Hyderabad** and **Sh. Achi Guravaiah, Andhra Pradesh, workman.**

[No. L-42025/07/2025/238- IR DU]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated 29th day of October 2025

INDUSTRIAL DISPUTE L.C.No. 9 / 2021

Between:

Achi Guravaiah,

S/o. Gurunadham,

Assistant Toll Supervisor,

Empl. Code: STPL. 090

Chedimala Village & Post,

Chillakur (Mandal)

SPSR. Nellore District. A.P. 524 412.

... Petitioner

AND

1. National Highways Authority of India,
Rep. by Executive Engineer - Chief Engineer-Regional Officer,
First Floor, New Building Administrative Staff College of India (ASCI),
College Park Campus, Road No.3,
Banjara Hills, Hyderabad, Telangana 500034
2. The Director (Authorised Signatory),
Swarna Tollway Private Limited,
D.No.6-3-1090, 4n Floor, C. Block, TSR Towers,
Raja Bhavan Road, Somajiguda,
Hyderabad. Rep. by its Director
3. The Asst. General Manger, Group H.R.
Swarna Tollway Private Limited,
Plot No. 1-89/1. Plot No. 42 & 43.
Kavuri Hills, Phase -I Madhapur, Hyderabad. ...Respondents

Appearances:

For the Petitioner: M/s. S. Chakrapani, T. Naveen Chowdary and M. Ravi Kiran, Advocates

For the Respondent: M/s. CRS Associates, Advocates

1. This Petition has been filed by the Petitioner workman under section 2(A) (2) of Industrial Dispute Act 1947 with the prayer to set aside his dismissal order dated 27th May 2016 passed by the Respondent Management and to direct the Respondent to reinstate Petitioner in the service with continuity of service with all back wages and all other attendant benefits.

2. The facts in brief culled out from the petition are that the Petitioner workman was appointed as a Toll Collector in Swarna Tollway Private Limited Organization on 29th September 2003.

Further, Petitioner submitted that he was placed under suspension with issuing Charge sheet on 9th September 2015, and without considering his explanation Respondent has dismissed him vide order dated 30th August 2016. Further, Petitioner submitted that on 1st September 2015 he was member of Swarna Toll Employees Union, and he went to Budanam Base Camp office to meet with office bearer of the union and number of employees, union president and some other office bearers were also present at Budanam base camp office to meet with the COM to represent their demands. When the union leader entered into the Chamber of COM. Other employees were waiting outside camp office of COM and Some discussions took place between Union leaders and the management. As per petitioner COM did not consider the lawful demands of the employees and union leaders came outside and explained to other employees. Since lawful demands were not considered by the Respondent COM, Union leaders and employees expressed their protest against the Respondent Management by shouting slogans. COM and other managers foisted a false case against the petitioner and rest of the employees present there at Chillakuru Police Station. The Police authority registered a case in Crime No.154/2015 against the 28 employees and they sent the there employees to remand. The Chief of operation and maintenance and other Toll Managers made a complaint what has been alleged in the charge sheet. Further, Petitioner stated that he was no way concerned in the said incident there was no specific allegation against him. The allegations made against all the 28 employees are in common Petitioner contended that before issuing charge sheet, the copy of complaint was not supplied to him to submit his explanation and he never committed any misconduct of willful in subordination or disobedience with the lawful and reasonable order of superior. He never damage the employer's business or property and did not instigate co-workman to misbehave with official of Management. He never committed any act subversive of discipline and I never assaulted and grievously hurting the management as alleged in the charge sheet. Further, Petitioner submitted that enquiry has been conducted by the enquiry officer into the allegations without following principle of natural justice. There was no corroborative evidence to prove the guilt of Petitioner and only management witness were examined in the enquiry. The management witness nowhere has stated that what acts, and omission committed by C.S.E and, there was no legal evidence to prove the allegations against C.S.E. Thus, enquiry officer has also failed to bring home the guilt of C.S.E and gave common findings of all the 28 C.S.E which is not legal. Enquiry officer has conducted enquiry an empty formality, and submitted his report holding that the allegation are proved. The procedure followed by the enquiry office, and enquiry findings are not fair, proper and not maintainable under law. Respondent management had issued show cause notice to petitioner and without considering his explanation the Respondent management passed his dismissal order on 27-05-2016 that is not sustainable under law.

Further, Petitioner submitted that the allegation leveled against him were false and fabricated and there was no specific allegation against him for violation of any acts or omissions. All the common allegations has been made against the 28 employees. There was no willful in subordination or disobedience of instruction in connection with the order of the superior and no damages done with the employer business or property. There was no unprovoked behavior with customers riotous disorderly or indecent behavior in premises of the establishment. There was no act subversive of discipline. It is submitted that Petitioner had not committed due serious misconduct to dismiss him from service. Further it is submitted that Petitioner filed the ID No 14 of 2017 before the labour Court Guntur and labour court passed the order dated 31 -8-2019 thereby rejecting the petition on the ground of lack jurisdiction. Therefore, any delay in filing the appeal is on account of COVID-19 pandemic situations prevailing all over the world. Therefore, prayed to set aside the order dated 30-08-2016 passed by Respondent and to reinstate the Petitioner in the service,

3. Per contra Respondent 1 has filed counter therein he has contended that the Respondent No.1 NHAI unnecessarily has been made party in the present Petition as there is no employe relationship between the Petitioner and Respondent No.1. Further, it is submitted that the Respondent No.1 is neither concerned nor related to allegation made in the petition hence denied. Respondent has unnecessarily been made party to the present proceeding and petition is liable to be dismissed against Respondent No.1 with cost.

Respondent No. 2 and 3 has filed counter and has contended there in that present petition has been filed by the Petitioner under section 2(A) (2) of the Industrial Disputes Act challenging the dismissal order dated 30th August 2016 issued by Respondent no. 2 which is barred by the limitation prescribed under section 2A (3) of the Act. Respondent contended that the present ID has been raised by the Petitioner on 30th September 2021, i.e., after a lapse of over five years and as such is liable to be dismissed by the court in limine as a time-barred one. Further, it is submitted that Labour Court, Guntur, vide order dated 31st August 2019 has returned the petition for want of jurisdiction while holding that Petitioner may raise dispute before the competent court of appropriate jurisdiction. However, the present ID has been raised before this Hon'ble Court after a lapse of two years without any explanation for the delay, and not maintainable on the ground of barred by limitation.

Further, Respondent contended that Petitioner was found guilty of riotous, disorderly, unruly behavior of mob attack on the chief Operation and Maintenance, Mr. Hari Panduranga swamy madusa, Mr. S. Vijay Deepak, and other toll managers at Budanam Base camp of the Respondent no. 2 company on 1st September 2015, Domestic inquiry against Petitioner workman has been held by following principle of natural justice and dismissal order dated 30th August 2016 is not liable to be interfered with by this court under any circumstances. Further, it is submitted that the Petitioner and other workmen assaulted and has beaten the manager by giving them punches, kicking with legs, and hitting with iron rods, and in the said attack by the Petitioner and other workmen, Chief Operation and Maintenance, Mr. Hari Panduranga Swamy Madusa, sustained grievous bleedings injuries to his eye and suffered injuries of jaws dislocation and he was hospitalized. Further, Respondent contended that Petitioner with other workmen, also damaged the property of the Respondent No.2 in the said mob attack.

10) Respondent contended that on 01/09/2015, an important meeting was going on between a supplier and the senior management of Toll Plazas at Base Camp office off the Respondent No.2 Company at Budhanam Village, Chillakuru Mandal, SPSR Nellore District, to discuss about the toll collection system related issues, at about 16:20 Hours. Petitioner along with Mr. M. Chaitanya, who was the President of Swarna Toll way Employees' Union and other Toll Collectors working at Venkatachalam, Bhudanam and sullurpet Toll Plazas, concertedly and forcibly entered into the base camp office and barged into the room of Chief Operations Manager (COM), Mr. Hari Pandu Ranga Swamy Madasu in a most indecent and insubordinate Manner and insisted that COM should come out of the ongoing meeting and discuss with them on some pending issues in the Conference Hall. Petitioner and co-workman insisted for an Immediate settlement of their COM tried to convince Petitioner and other mob of workmen and asked to give two days' time to resolve their issues and grievances, but it was in vain and workman started using abusive language against him and against other officials too.

In the meantime, one of the Toll Collectors under suspension, Mr. Daggu Satish and also other employees, caught hold of Mr.S.Vejay Deepak, Maintenance Manager and brought him to the Union President, Mr. M. Chaitanya, who started assaulting him and beating him indiscriminately., When the COM and the Toll Manager tried to save him from the mob, Petitioner and the workman present there acted in a most riotous and disorderly manner and in utter disregard of the discipline in the office premises of the Respondent No.2 Company. Thereafter, S. Vejay Deepak Was taken to the COM's Chamber, but Petitioner and other mob of workmen also went there and again started beating Mr. S. Vejay Deepak by throwing water glass and laptop on him and they also broken the glass panes of the room.

Respondent further submitted that Mr. M. Chaitanya, started beating the COM and he also instigated Petitioner and others workman to beat COM, and Mr. S. Vijay Deepak and other Toll Managers with kicks and punches. Two of the workmen punched the COM on his face causing dislocation of lower jaw teeth, while one Mr. D. Satish pounced on him with fist punches on his face and shoulder, Mr. S. Murali and Mr. M. Chaitanya has hit COM with an iron rod on the left side of his eye, whereby he suffered a serious and grievous injuries to his lower jaw and a bleeding injury near his left eye and he fell unconscious and later was shifted to Hospital. Mr. M. Chaitanya also threatened to kill the

officials of the Respondent and their family members, if they did not heed to his orders, thereby created a great tension and fears in their minds. The above-mentioned acts of the Petitioner and other workmen/union leaders of instigating assaulting, beating, threatening and abusing the officials of Respondent No.2 was of highly intolerable, illegal, mischievous and unruly, which have caused a serious disturbance at the Base Camp Office and adversely affected the discipline in general and safety of the other Workmen and Officers of the Respondent as well.

Respondent contended that in view of the gravity and severity of the acts of misconduct reported against the Petitioner, he was placed under suspension pending enquiry and was issued with detailed charge-sheet dated 09/09/2015, with the following Charges as per Clauses 19(a), (b), (c), (d), (e) and (f) of the A.P. Shops and Establishments Rules, 1990 detailed as her under:-

"(a) Wilful insubordination or disobedience of instruction, whether alone or in combination with others of any lawful and reasonable order of a Superior;

(b) Damage or dishonesty in connection with the employer's business or property;

(c) unprovoked misbehaviour with customers, riotous, disorderly, or indecent behaviour in the premises of the establishment.

(d) Any act subversive of discipline;

(e) Assaulting and grievously hurting the managerial staff"

The Petitioner he submitted his explanation dated 30/09/201 and management considered his explanation but that was found unconvincing and unsatisfactory, and in view of the seriousness to the acts of misconduct, management decided to hold an enquiry into the charges levelled against Petitioner.

During the inquiry Petitioner was permitted to avail the assistance of a co-workman and enquiry was conducted in Telugu and proceedings thereof were also recorded in Telugu. The management has examined ten witnesses (MW-1 to MW-10) in Support of the charges, Management witness were cross-examined by the Petitioner with the aid of his co-Workman/Defence Assistant. The management has also produced documents, and same has been marked Exhibits M-1 to M-10. Petitioner has examined WW1 in defence and Enquiry Officer, after due appraisal of oral and documentary evidence submitted his Report & Findings holding workman guilty of charges levelled against him. The Enquiry Officer had assigned cogent reasons reference to the evidence brought on record for holding the with Petitioner guilty of the charges. Upon receipt of the above Enquiry Report, Final Show-Cause Notice dated 02/05/2016 was issued calling upon the Petitioner to show-cause as to why he should not be dismissed from the services of the Respondent No.2, while enclosing a copy of the Enquiry Report & Findings dated 16/02/2016 and seeking his comments, if any, thereon. The Petitioner submitted his explanation to the above Final Show-Cause Notice dated 02/05/2016, vide his letter dated 18/05/2016 and the same was found not convincing. Respondent contended that Disciplinary Authority has also evaluated the proportionality of the punishment to be imposed and in the light of the gravity of the acts of misconduct proved and its adverse impact on the discipline and safety of officials within the Respondent No.2 Company/ Establishment and as there were no extenuating and/or mitigating circumstances to take any lenient view in the matter, after having been convinced, that no punishment lesser than that of dismissal can be imposed, and Petitioner was dismissed from the services of the Respondent No.2 Company vide Dismissal Order dated 30/08/2016.

Therefore, in view of the seriousness of the acts of misconduct proved against the Petitioner, the dismissal order is fully justified and is not liable to be interfered with by this Hon'ble Court under any circumstances. Hence, this Hon'ble Court, at any rate, may not direct reinstatement of the Petitioner. The Respondent No.2 conducted that the enquiry conducted against the Petitioner is fully in accordance law and principles of natural justice and is valid. Petitioner was given all reasonable opportunities to himself by cross-examining the witnesses examined in of the charges and also to adduce evidence, both oral and documentary. Therefore, the enquiry so conducted was fair & proper and is also not liable to be interfered with by this Hon'ble Court. Should this Hon'ble Court, for some reason, find that the enquiry conducted is not valid, without prejudice to its contentions that the enquiry is valid and legal.

In support of his contention Respondent has relied upon the certain decisions of the Hon'ble Supreme Court which are detailed as here under: -

1. Hombe Gouda Educational Trust Vs. State of Karnataka – (2006) 1 SCC 430
2. M.P. Electricity Board Vs. Jagdish Chandra Sharma – (2005) 3 SCC 401
3. Usha Breco Mazdoor Sangh Vs Management of Usha Breco Limited 2008 SCC Page 554
4. Mulchandni electricals and Radio Industries limited Vs Workman 1975 SCC page 731.
5. Ch. Ramakoteswar Rao Vs GM, APS RTC 2000 (4) ALD Ald page 208
6. M/s Bharath Iron works Vs Bhagubhai patel (1976) 1 SCC page 518

7. S.S.P. sharma Vs Industrial Tribunal- II Hyderabad 2016 (2) ALD page 107
8. State bank of Bikaner and Jaipur Vs Nemi Chand Nalwaya (2011) 4 SCC page 584
9. Dig of police Vs S. Samuthiram 2013 1 SCC page 598
10. State bank of BNikaner & Jaipur Vs Srinath Gupta (1996) 6 SCC page 486
11. Commissioner of police Vs Narender Singh (2006) 4 SCC 265

The Law laid down by the Hon'ble Court in the above-mentioned cases will be discussed at the appropriate stage of this judgement. Therefore, Respondent contended that Petitioner does not deserve any leniency and the punishment of dismissal is just proper and under in any circumstances Petitioner may not be directed to be reinstated into the service.

Therefore, prayed to dismiss the petition with exemplary costs.

Heard the argument of learned counsel for petitioner as well as Respondent. Both the parties have also filed their written submission. Pursue the record.

4. On the basis of submission of either parties, following issues arise for determination in the present matter: -

1. Whether the departmental enquiry held against the Petitioner is legal and valid?
2. Whether present petition filed by Petitioner raising industrial Dispute against his dismissal order 30-08-2016 is barred by limitation?
3. Whether action of Respondent management Director, Swarna Toll way private Limited, Hyderabad, vide order dated 30-08-2016 whereby in terminating the services of the Petitioner is legal and justified?
4. To what relief If any, Petitioner, is entitled for?

Findings: -

Issue No. I

The Departmental inquiry conducted against the Workman Sri. Daggu Sathish has been held legal and valid, by this court vide order dated 11th November 2024.

Thus, issue is decided accordingly.

Issue No. II

In this context, Respondent No.2 and 3 contended that the present Industrial Dispute has been raised by the Petitioner on 2nd August 2021 after the lapse of five years from the date of his dismissal order dated 27th May 2016. Therefore, in view of the provision contained under section 2-A (3) of the Industrial Disputes Act, this claim could be filed by the Petitioner before the expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service as specified in (1) of section 2-A. Therefore, the present claim Petition raising the Industrial Dispute by Petitioner under section 2A (2) of the ID Act, is barred by limitation.

The perusal of claim petition goes to reveals that Petitioner has raised the Industrial Dispute against his dismissal order, dated 30th august 2016 passed the by the Respondent Management by filing claim petition in the year 2021. In the para 7 of claim petition, Petitioner has averred that against his termination order, he approached to the Deputy Labour Commissioner of Labor, Nellore for cancellation and same was dismissed without considering the merit. Thereafter, he filed petition before Labour court, Guntur, which got registered as ID Number 14/2017. Labour Court, Guntur, vide order dated 31st August 2019, has returned his petition on the ground of lack of jurisdiction. Thereafter due to COVID-19 pandemic situation Petitioner could not approach this court within time. Petitioner has also filed the copy of the order dated 31-08-2019 passed by the Presiding Officer, Labour Court, Guntur, in ID no. 14/2017, whereby Labour Court Guntur has returned petition of the Petitioner for presentation before the appropriate court of jurisdiction. It is established fact that in the year 2020, there was a prevailing situation of COVID-19 pandemic and Petitioner was not able to approach this court to present petition at Hyderabad. Thus, Petitioner has furnished cogent and sufficient explanation of delay in filing the present petition and same is not fatal to present Industrial Dispute. Therefore, in view of the above present petition raising the Industrial Dispute under section 2-A (2) of the ID Act, against the dismissal order dated 30-08-2016 is not barred by limitation. Issue is decided in favor of the Petitioner.

Issue No. III

The perusal of record goes to reveal that in this claim petition, petitioner has challenged his dismissal order dated 30th August 2016, passed by Respondent Management on the grounds alleged in petition. Furthermore, perusal of the record of inquiry proceeding along with inquiry report, goes to reveal that the Petitioner was given fair opportunity of hearing at every stage of proceedings, which he availed, without raising any objection complaining of

any prejudice of any nature caused to him before the inquiry officer at any point of time. Further, it is noticed that the Workman CSC received all the documents filed and relied upon by the Respondent management in support of the charge sheet, and CSC workman also filed a reply, cross-examined the management witnesses, and also examined himself as a witness in defense. Thus, the workman CSC has participated in the inquiry proceeding at every stage. Inquiry officer, on appreciation of evidence recorded in inquiry has submitted his reasoned report holding the workman guilty of the charges. Therefore, in the opinion of the court, no case is made out to hold that the domestic inquiry suffers from any procedural lapses or was conducted in violation of principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Moreover, validity and legality of the domestic inquiry has been upheld by the court vide order dated 11th November 2024. Thus, the plea of the Petitioner that the domestic inquiry was conducted against the Petitioner in violation of principle of natural justice is untenable.

It is settled law that once it is held that the domestic inquiry is legal and proper, the next question arises for consideration whether the punishment imposed on the Petitioner is just and legal, or it is disproportionate to the gravity of the charges. Petitioner has challenged his dismissal order on the ground that the allegations leveled against him are false and fabricated, and during the inquiry no other employee as witness was examined to prove the charges and there was no corroborating evidence to prove the guilt and only that management witness were examined in the inquiry. Further, it is contended that there was no legal evidence before enquiry to prove the allegations, and the inquiry officer had also failed to bring home the charge against the Petitioner. Further, Petitioner has strenuously argued that the inquiry officer conducted the inquiry as empty formality and without having any valid and legal evidence and came to the conclusion that allegations are proved. Further, it is urged Petitioner that had not committed any misconduct as alleged in the charge sheet, and there was no evidence of loss of revenue to the corporation. Further, it is contended that there was no willful insubordination or disobedience of instructions in connection with the orders of the superior. There was no damage or dishonesty in connection with the employer's business or property, and Petitioner was not involved in unprovoked misbehavior with the customer, riotous, disorderly, or indecent behavior in the premises of the establishment. Lastly it is pleaded that the dismissal order passed by the Respondent management is grossly disproportionate to the gravity of the offense, and same is liable to be set aside. In view of plea taken by Petitioner, peruse the record of inquiry proceeding.

5. The record of proceeding goes to reveal that charge sheet dated 9th September 2015 was furnished to CSE Workman and inquiry was conducted by the inquiry officer, in the presence of CSC workman, as well as his defence representative and management witness were examined during the inquiry proceedings. In support of Charge sheet against the CSC workman, Respondent management has examined as many as ten witnesses namely, Mr. Subramanyam Vijay deepak (MW1), Mr. Hari pandarunga Swami MW2, Mr. Vikram Simha Reddy MW3, Mr. R.V. Prasad (MW4), Mr. T. Krishna Kishore (MW5), Mr. Vijay Kumar (MW6), Mr. L. Elvis Lionel (MW7), Mr. K.V. Ramprasad (MW8), and Mr. B. Vijay Sarathi Babu (MW9), and lastly, Mr. D. Veera swami (MW10). All the above stated witnesses, in their deposition have substantiated the allegations of the charge sheet issued against the CSC workman. The Charge Sheet contains the allegation against CSE workman extracted as here under: -

"You have been working as a "asst. Toll Supervisor at our Budanam Toll Plaza On 1 September 2015 you were on duty in 'A' shift, which is from 8 Am to 2 Pm.

It has been reported against you that on 1st September 2015 at about 16.20 hours, you along with your union president Mr. M Chaitanya. Mr. D. Satish (Toll Collector under suspension). S Murali ATS, and TC's Mr. Penchalaiah. Mr. Turaka Ramprasad. Mr. Turaka Sudhakar Mr. Deendayal, Mr. Ch. Srinivasulu, Mr. Subba Reddy Mr. Md Hussain Mr. S Hurairah, Mr. J Srinivasulu ATS Mr. N Srinivasulu and others from Venkatachalam, Budanam and Sullurpet Toll Plazas and about 14 others forcibly enter into our base camp office situated at Km 125, NH-5. Bhdhanam Village, Chillakur Mandal, Nellore district, without any prior appointment or intimation

It is reported that at the time you went to our base camp office, a meeting was going on with M/s Kent (A supplier) at our Budanam Base camp office with our staff from HQ and Toll Plazas viz., Mr. Vijay Kumar, Mr. RV Prasad, Mr. Kishore. Mr. Ramprasad, Mr. Aylwin Lionel, Mr. Dilipu kumar Reddy. Mr. Vikram Simha Reddy. Mr. B. V Saradhi Babu, Mr. DV Swamy. Ms. Sunitha and Mr. Baburao and Staff from M/s Kent (Mr. Sandeep Pawar. Mr. Bhatta, Mr. Swapnil and Mr. Kiran) to discuss on the Toll collection system related issues.

While the said meeting was going on. Mr. M. Chaitanya along with you and 26 associates barged into the COM's room and insisted that the COM Mr. Hari Pandu Range Swamy should come along with you to the conference hall immediately, leaving the said meeting, in a most high handed and insubordinate manner. The COM, however, came along with you Thereafter, you along with your union leaders started raising all the issues and insisted him to settle the issues then and there itself. Though, the COM tried to convince you to give him two days' time to resolve the issues you and your union leaders started using abusive language against him and other officials of the company.

Meanwhile, you along with the suspended Toll Collector Mr. D. Satish and other associates caught hold of Mr Vijay Deepak (Maintenance Manager) and brought him to your union leader Mr. M. Chaitanya who started assaulting and beating Mr. Vijay Deepak indiscriminately. When the COM and Toil Managers tried to protect Mr. Vijay Deepak, you and your associates also beat the said officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises With great difficulty Mr. Deepak was taken to COM chamber,

but you, and other union leaders went to COM chamber and again beat Mr. Vijay Deepak by throwing water glass, laptop on him and you and others also broke the glass panes of the room

Further, your leader Mr. M Chaitanya started beating the COM and instigated you and others to beat him You along with your other associates have severely beaten the COM and other Toli Managers. In the said attack, the COM suffered serious and grievous injuries to his lower jaw and a bleeding injury near his left eye who subsequently fell unconscious and later he was shifted to the Hospital by the police for treatment.

It is further reported that you also instigated the others to beat the officials and their family members if they did not need to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that your union leader Mr. Chaitanya, in your presence also threatened the officials of our company that he will kill the officials and their family members if they did not heed to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that you also instigated the others to beat the officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises.

Due to your illegal and unruly actions, there was serious disturbance at our base camp office You are aware that it is the utmost responsibility of the management to maintain discipline and peace in the office premises Instigating your co-employees, assaulting threatening and abusing the officials of the company are highly objectionable, illegal, and mischievous.

Your above actions are clearly unwarranted, grave and serious in nature and also have adverse affect on the discipline and personal safety of the other employees in the office.”

6. MW1 in his deposition has categorically stated that on the evening of 1st September 2015, a meeting was going on with the representative of the company called Kent in the chamber of Chief of Operation and Maintenance, Shri Hari panduranga swami, at Budanam Base Camp. At that time, the witness was present in his chamber. Around 4:15 P.M., security guard Kotaiah came into his chamber and said that their union president Chaitanya and some other toll collectors, about 30 people in total, had come to meet COM. Further MW1 deposed that he went to the COM chamber and called Alvin Lionel, who was the Buddhanam toll manager and told him about the matter. Meanwhile, Chaitanya and thirty other people went to the COM chamber. Then COM, Garu, and Vikram who is the manager of Venkatachalam Toll Plaza, Dilip Kumar Reddy of Sullurupet Toll Plaza, and Lionel Daru came out of the COM Chamber and went to the conference hall. Further, MW1 deposed that he saw from the glass door of his chamber and after some time the sound of bells was heard from the conference room. The witness further deposed that he saw toll collector penchalaiah hitting the ground with an iron rod in the open area outside. There were 29 other toll collectors standing next to him. Later, MW1 came to his chamber from the cashier room. Further, witness added that Vijay Deepak and Shri Srinivasulu, the assistant supervisor, came to his chamber. Then he went to the cashier room next to his chamber and informed COM sir Further, MW1 Added that C.O.M. told him that Chaitanya would come here, and he would discuss with him. Further, MW1 states that Chaitanya and other co-worker started to beat him. As soon as he came out other toll collector also started to beat witness, while Shyam and Maria Lion, who had come there, stood between him and C.S.C. for his protection. Further, MW1 stated that immediately he went to the cashier chamber and locked himself inside. Thereafter, toll collectors rushed to his chamber and kicked the door with their feet to open it. Then he went into the chamber of the C.O.M. next to it through the partition door, and there representative of Kent company and staff of his company were present.

Further, witness stated that Satish, Srinivasa, Penchalaiah, and four other toll collectors whose name he didn't know, came from outside in the C.O.M. chamber, threw above seven people out of chamber, and also threw the laptop at the witness. Satish also threw a bottle and a water glass at him. Window glass was broken by it. COM and Leonel Garu had already come to rescue him so that none of the things they were throwing at him could hit. However, the bottle hit witness on the stomach. The glass hit the window glass behind the witness and that glass was broken. Further man states that, meanwhile, Chaitanya, who was outside, came into the room and approached to the witness, and brought the burning cigarette in his hand near his eyes, and threatened to kill him and his wife. Then J. Shrinivas lifted the chair and charged at him to throw it upon witness, but he did not do it. Later, J. Shrinivas and Satish left the chamber. The other toll collectors who remained in the chamber said that MW1 and management should apologize to the Chaitanya Garu. They forcefully grabbed the witness and dragged him to Chaitanya, who was outside, they tied his legs. Tumati Madhava Rao was also present there. Therefore, they took him to his chamber and pushed him inside. Payment manager Nagarjuna was present in his chamber and Vikram had already come to his chamber and these people also witnessed this incident noticed from the glass window that Chaitanya, C.O.M. Garu Dileep Kumar Reddy, and Lionel Garu were in the lobby outside. Further, MW1 added that he saw at the spot that Assistant Toll supervisor Murali was beating to COM, and he was hit above the left eye. MW1 added that he saw from glass window that CSE and other co-employee has beaten COM by slap and kick. Thereafter, Police arrived at the spot, and all toll collectors were present in the open area of base camp MW1 added that between 7:30 or 8:30 a.m., C.O.M. and he went to the Guntur government hospital for treatment of their injury. The C.O.M. was treated there for his bleeding injuries. He did not suffer any bleeding injuries. However, he was suffering pain in his stomach due to a water bottle hit thrown by

Satish, and he was also given painkiller injection. Further, witness added that Lionel and Vikram, who were also injured, accompanied them to the hospital. For their treatment but they did not suffer from any bleeding injuries.

7. MW1 was cross-examined by the defense representative, but nothing has been elicited to discredit or disbelieve the testimony of witness. However, MW1 was not questioned during the cross-examination on the point of occurrence of incident on 1st September 2015, as narrated by this witness in his chief statement. Thus, the version of MW1 regarding incident remained uncontroverted. Whereas CSE has admitted in his cross-examination that he along with other toll collectors were present at spot on the date and time of occurrence and they were raising the demand and shouting the slogans in support of their demands against the Respondent Management. Thus, it is established that C.S.C. workmen, along with the other toll collectors, was present on the spot at the date and time of the alleged incident, and he also participated in the incident assault and beating to C.O.M and managers of Respondent in concert of co- employee and in common intention as narrated in the charge sheet. Further, testimony of M.W1 is also corroborated by the testimony of rest of management witness M.W. 2, MW 3, MW 4, MW 5, MW 6, MW 7, MW 10. And also, documentary evidence. It is not the case of the petitioner that these management witnesses have any grudge or enmity with CSE for any reason whatsoever. Therefore, there is no reason for these management witnesses to depose against the CSE workman in support of charges regarding incident.

8. Moreover, the management has also produced the documentary evidence in support of the charge leveled against the CSE workman. These documents namely are Ex M1 charge sheet dated 9th September 2015; ExM2 is the explanation to the notice submitted by the workman, Ex M3 appointment letter of the Inquiry Officer, Ex M4 Outpatient ticket dated 1st September, 2009 of M. Hari Pandya and Exhibit M5 includes fifteen photographs with depicts that injured witness getting treated in the hospital for his injuries caused to his body in the alleged incident of 1st September 2015. Further, ExM6 are the photographs which show that the office of the COM has been damaged by the CSE along with other workers in the alleged incident. ExM7 is the copy of the FIR which discloses that Hari Panduranga Swami Madasu complaint got registered FIR against the petitioner and other workers at Shri Potti Sri Ramulu Nellore District Police Station under Section 147, 148, 452, 307, 506 R/W 149 IPC on 2nd September 2015 at 00.30 AM regarding the incident dated 1-09-2025 and details of the suspected, accused in the FIR is mentioned as here under: -

1. Chaithanya Malapatti. 2. Sathish, 3 Srinivasulu, 4. Sudhakar Thuraka, 5. Prasad Thuraka, 6. Deendayal, 7. Hussain Mohammad, and 8. Balakrishnan Srinivasulu, M9 Srinivasulu N, 10. Srinivasulu 11.C H, Murari 12. Penchalaiah. Thus, the testimony of witness about the incident as alleged in charge sheet is corroborated by the testimonies of other management witnesses i.e. MW1 to MW10 and also by the documentary evidence, on record.

9. Further, domestic inquiry against CSE has been conducted strictly in accordance with the principle of natural justice and workman CSE has been found guilty of grave and serious acts of misconduct. Thus, finding of the inquiry officer is based on of oral and documentary evidence recorded during enquiry and report of inquiry officer do not suffers from any illegality or perversely. The inquiry officer report goes to reveal that on 1-09-2015 CSE workman, has committed the misconduct of physical assault to the official of Respondent Management and he has been rightly held guilty of committing misconduct. The details of specific acts of misconduct allegedly committed by the Petitioner along with other co-workman on 1-09-2015 including physical assault on Respondent staff are as follows: -

That the Petitioner workman has physically assaulted Mr. Hari Pandu Ranga Swamy Madasu, the Chief Operations and Maintenance, thereby causing grievous injuries. The act not only endangered the safety of a senior official but also disrupted the discipline and harmony of the workplace. Further, Petitioner workman actively participated in a riotous mob attack, leading to the damage of company property, and creating an atmosphere of fear and disorder within the establishment. Such conduct undermines the safety and security of the workplace environment and lastly. The Petitioner workman exhibited willful insubordination by disobeying lawful and reasonable orders of his superiors. Furthermore, he threatened senior officials, displaying gross indiscipline and a blatant disregard for the hierarchical structure and decorum expected within the organization.

10. The findings of enquiry officer are based on cogent and credible evidence, including eyewitness testimonies and documentary proof. The enquiry was conducted in accordance with the principles of natural justice, providing the Petitioner ample opportunity to defend himself. Thus, the aforementioned acts committed by the Petitioner workman squarely fall under the category of serious misconduct as defined under Clauses 19(a), (c), (d) and (e) of the Andhra Pradesh Shops and establishments Rules, 1990.

Rules 19 (a), (b), (c), (d) and (e) of AP Shops & Establishment Rules provides as here under: -

- i. Clause 19(a): Willful insubordination or disobedience of any lawful and reasonable order of a superior.
- ii. Clause 19(C): Damage to the employer's property.
- iii. Clause 19(d): Riotous or disorderly behavior in the premises of the establishment.
- iv. Clause 19(e): Threatening or intimidating any employee or superior.

The misconduct committed by the workman along with employees of assaulting superiors, instigating others, and participating in the riotous violent activities constitute serious act of misconduct which strike at the root of workplace discipline. The act of workman causing grievous injuries to managerial staff is a grave and serious misconduct that is not condonable. Therefore, the dismissal order passed by Respondent against the workman is justified and appropriate action.

11. Respondent has relied upon the few decisions of Hon'ble Supreme Court which are relevant to the point are discussed as here under: -

- (g) Hon'ble Supreme Court in *Krishnakali Tea Estate Bharatiya Vs. Aknn Chah Mazdoor Sanah* - (2004) 8 SCC 200 upheld the dismissal of workmen who had assaulted managerial personnel causing damage to property, gherao of the management, wrongfully confining manager. The Apex Court observed that such violent Conduct cannot be taken lightly, and the punishment of dismissal was warranted to preserve discipline and safety at the workplace.
- (h) Similarly, Hon'ble Supreme Court in the case of *Muriadih Colliery Vs. Bihar Colliery Kamgar Union* - (2005) 3 SCC 331, held that the dismissal of employees who participated in a violent mob attack, causing injury to the General Manager, was justified, and interference by the Labour Court under Section 11-A of the ID Act was disapproved and the punishment proportionate to the misconduct. was upheld.
- (i) The Hon'ble Supreme Court in the case of *M.P, Electricity Board Vs. Jagdish Chandra Sharma* - order (2005) 3 SCC 401. of dismissal of a Workman who assaulted a senior officer, restored the decision of the Industrial Court, thereby reiterating that acts of violence by employees, particularly against their superiors, must be dealt with strictly and are not open to lenient treatment. The reinstatement ordered by the Labour Court was reversed, affirming the employer's authority to maintain discipline through dismissal.

(d) In the case of *Hombe Gowda Educational Trust Vs. State of Karnataka* - (2006) 1

SSC 430, the Hon'ble Supreme Court underscored the importance of workplace discipline and held that even provoked assault on a superior, amounts to gross indiscipline. The Court stated: "30. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by the rule of law. All actions, therefore, must be taken in accordance with law."

- (g) In the case of *Usha Breco Mazdoor Sangh Vs. Management of M/S. Usha Breco Ltd* – (2008) 5 SCC 554, Hon'ble Supreme Court while reaffirming the legal position laid down by it is in the case *firestone Tyre and Rubber Co. Vs. The management and Others* – (1973) 1 SCC 813, held: -

"31. It is one thing to say that finding of an Enquiry Officer is perverse or betrays the well-known doctrine of proportionality another thing to say that only because two views are possible, the Labour Court shall interfere therewith. In other words, it is one thing to say that on the basis of the materials on record, the Labour Court comes to a conclusion that a verdict of guilt has been arrived at by the Enquiry Officer whereas the materials suggested otherwise but it is another thing to say that such a verdict was also a possible view.

39. The upshot of our discussion is that the decision of the labour Court should not be based on mere hypothesis. It cannot overturn a decision of the Management on ipse dixit. Its jurisdiction under section 11-A of the Act although is a wide one, must be judiciously exercise either whimsically or capriciously. It may scrutinize and analyze the evidence but what is important is how it does so."

(f) Further, in the case of **New Shorrock Mills vs Maheshbhai T. Rao, 1996 SCC page 590**. Hon'ble Supreme Court held: -

"35. In the case of *New Shorrock Mills Vs. (1996) Maheshbhai T Rao* 6 of SCC 590, held that:

"Labour Court in the present case having come to a Conclusion that the finding of the departmental enquiry was legal and proper, the Respondents order of discharge was not by way of victimization and that the Respondent workman had Seriously misbehaved and was thus guilty of misconduct, ought not to have interfered with the punishment, which was awarded, in the manner it did. This is not a case where the Court Could Come to the conclusion that the punishment was awarded was shockingly disproportionate to the employee's conduct and his past service record."

(g) The Supreme Court in the case of **Northeastern Karnataka RTC Vs. Ashappa 2006 (5) SCC 137** reaffirmed that the Tribunal must not lightly interfere with the employer's disciplinary decisions and reiterated the "shockingly disproportionate" standard.

(h) In **Hombe Gowda Educational Trust Vs. State of Karnataka (cupra)**, the Hon'ble Supreme Court clarified that the days of automatic sympathy towards the workman are over, and that discipline must be maintained at all costs in light of contemporary industrial conditions. The Tribunal's power to substitute the employer's decision must be exercised with restraint.

(i) In the case of **Muriadih Colliery (Supra) & Krishnakali Tea**

Estate (Supra), the Apex Court expressly held that interference by Labour Courts with dismissal orders passed for acts involving violence and assault was not permissible under section 11-A of the ID Act, as the punishment was not disproportionate.

Thus, in view of the principles laid down by the Honorable Apex Court as discussed above, there is ample oral and documentary evidence on record to substantiate the charges against the petitioner workman, and it cannot be said that the order of dismissal of Petitioner is perverse or shockingly disproportionate.

12. As regard the plea of the petitioner workman that Respondent Management has victimize him due to the being member of the union and also for raising the demand related to welfare of the workman.

In this context, Respondent has relied upon the decision of the Supreme Court in the case of **Bharat Iron Works versus Bhagobhai Balubhai Patel, 1976 SCC page 518**. Therein Hon'ble Supreme Court has laid down the legal test for establishing the plea of victimization as discussed here under: -

"11. The onus of establishing plea of victimisation will be upon the person pleading

it. Since a charge of victimisation is a serious matter reflecting, to a degree, subjective upon the attitude of the employer evidenced by acts and conduct, it has to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

The Apex Court further held:

"12. Once, in the opinion of the Tribunal a gross misconduct is established, as required, on legal evidence either in a fairly conducted domestic enquiry or before the Tribunal on merits, the plea of victimisation will not carry the case of the employee any further. A proved misconduct is antithesis of victimisation as understood in industrial relations."

13. Thus, in view of the principle laid down by Hon'ble Apex Court, as discussed above the petitioner workman has failed to produce any evidence in support of the plea that the action of Respondent management in dismissing him from service is victimization of the petitioner workman. The petitioner workman has failed to discharge his burden of proof regarding plea of victimization or unfair labor practices hence same is untenable.

14. As regard the plea of the petitioner that they he has been acquitted from the criminal trial by court in respect of the alleged acts of misconduct. In this context, the decision of Honorable Supreme Court in the case of Deputy Inspector General of Police versus Sethu . Thiruvan, 2013 SCC page 598 is relevant, wherein Honorable Apex Court have held that mere acquittal in a criminal trial does not nullify or override the finding of a valid domestic inquiry. Further, Honorable Apex Court held that the standard of proof in a criminal trial is proof beyond reasonable doubt, whereas in a domestic inquiry it is only preponderance of the probability.

In the case of Commissioner of Police vs Narendra Singh, 2006 SCC page 265, Honorable Apex Court held that the disciplinary proceeding can proceed independently and that an employee can be dismissed from service based on finding of a department inquiry even if no conviction is recorded in the criminal trial. The finding in the inquiry against the workman is based on credible evidence, including eyewitness testimonies and documentary records and same does not warrant any interference.

15. Hon'ble Supreme Court in the case of Employers Management **West Bokaro Gallery Colly of TISCO Limited vs Concern Workman Ram Prakash Singh, 2008 LLR, page 432**,

"16. In U.P State Road Transport Corporation Vinod Kumar, 2007 (13) SCALE 690 this Court again observed that in the absence of a challenge to the legality or fairness of the domestic enquiry the Court should be reluctant to either interfere with the finding recorded by the Enquiry officer or the punishment awarded by the Punishing Authority.

17. After going through the order of the industrial Tribunal, were are of the opinion that the Tribunal has interfered with the findings recorded by the domestic. Tribunal as if it was the appellate Tribunal. There was evidence present on record regarding indecent riotous and disorderly behavior of the Respondent towards his superiors. The management witness who were present at the scene of occurrence have unequivocally deposed about the misbehavior of the Respondent towards his superiors. Their evidence has been discarded by the Tribunals by observing that in the absence of independent evidence, the statements of the workmen who were present at the scene of occurrence could not be believed. Industrial Tribunal tell in error in discarding the evidence produce by the management only because the independent witnesses were not produce them. It is possible that at the time of occurrence, only the workers of the Management and the persons who were truing to put up the constructions dependent evidence was available. Statements of the fellow workmen had established the misconduct of the Respondent. Enquiry officer accepted the testimony of the witness produced by the management who had clearly implicated the Respondent. It was a legitimate conclusion which could be arrived at and it would not be open to the industrial Tribunal to substitute the said opinion by its own opinion.

19. Tribunal has set aside the report of the enquiry Officer and the order of dismissal passed by the punishing Authority by observing that the charges against the Respondent were not proved beyond reasonable doubt. It has repeatedly had been held by the court that the acquittal in a criminal case could not operate as a bar for drawing up of a disciplinary proceeding against a delinquent. It is well settled principle of law that yardstick and standard proof in a criminal case is different from the one disciplinary proceeding. While the standard of proof in a criminal case is proof beyond all reasonable doubt, the standard of proof in a departmental proceeding is preponderance of probabilities."

Further, the Honorable Supreme Court has observed that in a case where two views are possible on the evidence on record, then the Industrial Tribunal should be very slow in coming to a conclusion other than the one arrived at by the domestic Tribunal, by substituting its opinion in place of the opinion of the domestic tribunal.

Thus, in view of the law laid down by the apex court, as discussed above, the plea of the petitioner that there is no legal evidence on record is untenable, as there is sufficient evidence on record of the domestic inquiry to prove the guilt of the workman in the alleged misconduct.

16. Further, as regard the appreciation and evaluation of the evidence in matter of domestic inquiry, Hon'ble Supreme Court, in the case of **State of Rajasthan and others Vs Him Singh, Civil Appeal Number 3340 of 2020**, date of decision: 29th October 2021, has laid down the principles extracted as here under: -

"Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.

To determine whether the finding in a disciplinary inquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the courts that there is some evidence to support the charge of misconduct and to guard against perversity, but this does not allow the court to re- appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."

17. In the case of **Hombe Gouda Education Trust Vs State of Karnataka, 2006 SCC, page 430**: Hon'ble Supreme Court have held that assaulting a superior at a workplace amount to an act of gross indiscipline. The respondent is a teacher. Even under grave provocation, a teacher is not expected to abuse the head of the institution in a filthy language and assault him with a chappal. punishment of dismissal from service, therefore, cannot be said to be wholly disproportionate so as to shock one's conscience. Further, Hon'ble Supreme Court held that a person, when dismissed from service, is put to great hardship, but that would not mean that a grave misconduct (assault on superior at workplace) should go unpunished. Maintenance of discipline of an institution is equally important.

18. Further, In the case of **MP Electricity Board Vs Jagdish Sharma, 2005 SCC, page 401**, Hon'ble Supreme Court have held:

"9. In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the workplace obviously in the breach of Presence of other employees This clearly amounted in an discipline in the organisation Discipline at the workplace organisation like the employer herein, is the sine qua non for the efficient working of the organisation, when an employee breaches such discipline and the employer terminates his services it is not open to a Labour Court an Industrial Tribunal to take view that the punishment awarded is shockingly disproportionate to the charge proved. We have already

referred to the views of this Court. To quote Jack Chan,

'Discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large.'

Obviously, this idea is more relevant in considering the working of an organisation like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. It is essential for the prosperity of the organisation as well as that of its employee's. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion."

19. Further, in the case of **Ajit Kumar Nag Vs Indian Oil Corporation Limited, 2005 SCC page 764, the Honorable Supreme Court has held, in a three-judge bench, in paragraph 56**, "It is well settled that the burden of proving malafide is on the person making the allegation, and the burden is very heavy. There is every presumption in favor of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of malafide are often more easily made than made out, and the very seriousness of such allegations demands proof of a high degree of credibility."

Further, Hon'ble Supreme Court held that assault, intimidation are penal offences. A workman indulging in commission of criminal offenses should not be spared only because he happens to be a union leader. The act does not encourage indiscipline. It will be a matter of some concern if the opinion of the inquiry officer can be totally ignored, despite the fact that the management is precluded from adducing any fresh evidence before the labor court. A union leader does not enjoy immunity from being proceeded with in a case of misconduct.

20. In the case of **D. Mulchandani Electric and Radio Industries Limited Vs Workman, 1975 Supreme Court Cases page 731**, Hon'ble Supreme Court have held:

establishment

"It was not disputed before us that the allegation of assault, if proved, would be an act subversive of discipline: what was contended on behalf of the respondent was between Thana and the premises was that the alleged assault having taken place in the train Mulund which was obviously outside the or precincts of the establishment, was not covered by Standing Order.

24(1). The Labour Court also found that the alleged assault did not In our amount to misconduct under Standing Order 24(1) which, it was held was restricted to acts and omissions inside the premises of the establish opinion, Lon a plain reading of the clause, the words "within the premises or precincts of the establishment" refer not to the place where the act which is subversive of discipline or good behaviour is committed but where the consequence of such an act manifests itself. In other words, an act, wherever committed, if it has the effect of sub-verting discipline or good behaviour within the premises or precincts of the establishment, will amount to misconduct under Standing Order 24(1) We are unable to agree that Standing Order 24(1) leaves out of its scone an act committed outside though it may result in subversion of discipline or good behaviour within the premises or precincts of the establishment in question. Such a construction in our view would be quite unreasonable."

21. In the case of **State bank of Bikaner and Jaipur vs Nemi Channel via 2011 Supreme Court cases page 580** Hon'ble Supreme Court have held that subsequent acquittal by criminal court will not in any way render completed discipline proceeding invalid, nor affect the validity of finding of the guilt and consequential punishment.

22. Thus, in view of the foregone discussion and law laid down by the apex court as discussed above, in the instant matter all the charges framed and proved in domestic inquiry against the workman being serious and grave in nature and stands proved by oral and documentary evidence recorded and produced in the inquiry. Further the evidence produced by the management before inquiry is legal and admissible as per principle of preponderance of probability laid down by Hon'ble Supreme Court in its various documents as discussed in preceding paragraph of this Award. Therefore, order of dismissal of Petitioner workman cannot be faulted with, nor it can be said to be in any way disproportionate to the gravity of the charges. Thus, the punishment of dismissal of the workman is proportionate to the gravity of the charges, and hence deserve to be upheld. Thus, the action of the respondent management in dismissing the services of the workman is held legal and justified.

This issue is decided against the workman and in favor of the respondent management.

Issue No: IV

In view of foregone discussion and finding given at issue No. I, II and III, I am of the considered opinion that the action of Respondent management in dismissing the Petitioner from service vide order dated 30-08-2016 is legal and justified. Therefore, no interference warrants in the punishment of dismissal order dated 30-08-2016 of the Petitioner and the action of Respondent Management is held legal and justified and liable to be confirmed.

AWARD

In view of the foregone discussion and finding given at issue No. I, II, III, and IV, the action of Respondent Management in dismissing the service of the Petitioner workman vide order dated 30-08-2016 is held legal and justified. Petition filed by the Petitioner sans merit hence dismissed.

Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected, and signed by me on this the 29th day of October, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2067.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, तेलंगाना, निदेशक (प्राधिकृत हस्ताक्षरकर्ता), स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद, सहायक महाप्रबंधक, समूह मानव संसाधन, स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद के प्रबंधन के संबंध में नियोजकों और श्री थलारी वेंकटेश्वरलू, ईएम (नंबर 171), आंध्र प्रदेश, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय हैदराबाद पंचाट(संदर्भ संख्या- 11/2021) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल -42025/07/2025/240-आईआर-डीयू]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2067.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 11/2021) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Highways Authority of India, Telangana, The Director (Authorised Signatory), Swarna Tollway Private Limited, Hyderabad, The Asst. General Manager, Group H.R., Swarna Tollway Private Limited, Hyderabad and Shri. Thalari Venkateshwarlu, E m (No.171), Andhra Pradesh, workman.**

[No. L-42025/07/2025/240- IR DU]

SALONI, Dy. Director

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD**

Present: - **Sri Irfan Qamar**
Presiding Officer

Dated 30th day of October 2025

INDUSTRIAL DISPUTE L.C.No. 11 / 2021

Thalari Venkateshwarlu, Emo. (No.171)

S/o.Venkataiah,

Chittedu Village and Post,

Kota Mandal, SPSR. Nellore District.

Andhra Pradesh State- 524 410.

... Petitioner

AND

1. National Highways Authority of India,
Rep. by Executive Engineer - Chief Engineer-Regional Officer,
First Floor, New Building Administrative Staff College of India (ASCI),
College Park Campus, Road No.3,
Banjara Hills, Hyderabad, Telangana 500034

2. The Director (Authorised Signatory),
Swarna Tollway Private Limited,
D.No.6-3-1090, 4n Floor, C. Block, TSR Towers,
Raja Bhavan Road, Somajiguda,
Hyderabad. Rep. by its Director
3. The Asst. General Manger, Group H.R.
Swarna Tollway Private Limited,
Plot No. 1-89/1. Plot No. 42 & 43.
Kavuri Hills, Phase -I Madhapur, Hyderabad. ...Respondents

Appearances:

For the Petitioner: M/s. S. Chakrapani, T. Naveen Chowdary and M. Ravi Kiran, Advocates

For the Respondent: M/s. CRS Associates, Advocates

1. This Petition has been filed by the Petitioner workman under section 2(A) (2) of Industrial Dispute Act 1947 with the prayer to set aside his dismissal order dated 27th May 2016 passed by the Respondent Management and to direct the Respondent to reinstate Petitioner in the service with continuity of service with all back wages and all other attendant benefits.

2. The facts in brief culled out from the petition are that the Petitioner workman was appointed as a Toll Collector in Swarna Tollway Private Limited Organization on 3rd December 2004.

Further, Petitioner submitted that he was placed under suspension with issuing Charge sheet on 9th September 2015, and without considering his explanation Respondent has dismissed him vide order dated 27th May 2016. Further, Petitioner submitted that on 1st September 2015 he was member of Swarna Toll Employees Union, and he went to Budanam Base Camp office to meet with office bearer of the union and number of employees, union president and some other office bearers were also present at Budanam base camp office to meet with the COM to represent their demands. When the union leader entered into the Chamber of COM. Other employees were waiting outside camp office of COM and Some discussions took place between Union leaders and the management. As per petitioner COM did not consider the lawful demands of the employees and union leaders came outside and explained to other employees. Since lawful demands were not considered by the Respondent COM, Union leaders and employees expressed their protest against the Respondent Management by shouting slogans. COM and other managers foisted a false case against the petitioner and rest of the employees present there at Chillakuru Police Station. The Police authority registered a case in Crime No.154/2015 against the 28 employees and they sent the there employees to remand. The Chief of operation and maintenance and other Toll Managers made a complaint what has been alleged in the charge sheet. Further, Petitioner stated that he was not concerned in the said incident there was no specific allegation against him. The allegations made against all the 28 employees are in common Petitioner contended that before issuing charge sheet, the copy of complaint was not supplied to him to submit his explanation and he never committed any misconduct of willful in subordination or disobedience with the lawful and reasonable order of superior. He never damage the employer's business or property and did not instigate co-workman to misbehave with official of Management. He never committed any act subversive of discipline and I never assaulted and grievously hurting the management as alleged in the charge sheet. Further, Petitioner submitted that enquiry has been conducted by the enquiry officer into the allegations without following principle of natural justice. There was no corroborative evidence to prove the guilt of Petitioner and only management witness were examined in the enquiry. The management witness nowhere has stated that what acts, and omission committed by C.S.E and, there was no legal evidence to prove the allegations against C.S.E. Thus, enquiry officer has also failed to bring home the guilt of C.S.E and gave common findings of all the 28 C.S.E which is not legal. Enquiry officer has conducted enquiry an empty formality, and submitted his report holding that the allegation are proved. The procedure followed by the enquiry office, and enquiry findings are not fair, proper and not maintainable under law. Respondent management had issued show cause notice to petitioner and without considering his explanation the Respondent management passed his dismissal order on 27-05-2016 that is not sustainable under law.

Further, Petitioner submitted that the allegation leveled against him were false and fabricated and there was no specific allegation against him for violation of any acts or omissions. All the common allegations has been made against the 28 employees. There was no willful in subordination or disobedience of instruction in connection with the order of the superior and no damages done with the employer business or property. There was no unprovoked behavior with customers riotous disorderly or indecent behavior in premises of the establishment. There was no act subversive of discipline. It is submitted that Petitioner had not committed due serious misconduct to dismiss him from service. Further it is submitted that Petitioner filed the ID No 14 of 2017 before the labour Court Guntur and labour

court passed the order dated 31-8-2019 thereby rejecting the petition on the ground of lack jurisdiction. Therefore, any delay in filing the appeal is on account of COVID-19 pandemic situations prevailing all over the world. Therefore, prayed to set aside the order dated 30-08-2016 passed by Respondent and to reinstate the Petitioner in the service,

3. Per contra Respondent 1 has filed counter therein he has contended that the Respondent No.1 NHAI unnecessarily has been made party in the present Petition as there is no employee relationship between the Petitioner and Respondent No.1. Further, it is submitted that the Respondent No.1 is neither concerned nor related to allegation made in the petition hence denied. Respondent has unnecessarily been made party to the present proceeding and petition is liable to be dismissed against Respondent No.1 with cost.

Respondent No. 2 and 3 has filed counter and has contended there in that present petition has been filed by the Petitioner under section 2(A) (2) of the Industrial Disputes Act challenging the dismissal order dated 30th August 2016 issued by Respondent no. 2 which is barred by the limitation prescribed under section 2A (3) of the Act. Respondent contended that the present ID has been raised by the Petitioner on 30th September 2021, i.e., after a lapse of over five years and as such is liable to be dismissed by the court in limine as a time-barred one. Further, it is submitted that Labour Court, Guntur, vide order dated 31st August 2019 has returned the petition for want of jurisdiction while holding that Petitioner may raise dispute before the competent court of appropriate jurisdiction. However, the present ID has been raised before this Hon'ble Court after a lapse of two years without any explanation for the delay, and not maintainable on the ground of barred by limitation.

Further, Respondent contended that Petitioner was found guilty of riotous, disorderly, unruly behavior of mob attack on the chief Operation and Maintenance, Mr. Hari Panduranga swamy madusa, Mr. S. Vijay Deepak, and other toll managers at Budanam Base camp of the Respondent no. 2 company on 1st September 2015, Domestic inquiry against Petitioner workman has been held by following principle of natural justice and dismissal order dated 30th August 2016 is not liable to be interfered with by this court under any circumstances. Further, it is submitted that the Petitioner and other workmen assaulted and has beaten the manager by giving them punches, kicking with legs, and hitting with iron rods, and in the said attack by the Petitioner and other workmen, Chief Operation and Maintenance, Mr. Hari Panduranga Swamy Madusa, sustained grievous bleedings injuries to his eye and suffered injuries of jaws dislocation and he was hospitalized. Further, Respondent contended that Petitioner with other workmen, also damaged the property of the Respondent No.2 in the said mob attack.

10) Respondent contended that on 01/09/2015, an important meeting was going on between a supplier and the senior management of Toll Plazas at Base Camp office off the Respondent No.2 Company at Budhanam Village, Chillakuru Mandal, SPSR Nellore District, to discuss about the toll collection system related issues, at about 16:20 Hours. Petitioner along with Mr. M. Chaitanya, who was the President of Swarna Toll way Employees' Union and other Toll Collectors working at Venkatachalam, Bhudanam and sullurpet Toll Plazas, concertedly and forcibly entered into the base camp office and barged into the room of Chief Operations Manager (COM), Mr. Hari Pandu Ranga Swamy Madasu in a most indecent and insubordinate Manner and insisted that COM should come out of the ongoing meeting and discuss with them on some pending issues in the Conference Hall. Petitioner and co-workman insisted for an Immediate settlement of their COM tried to convince Petitioner and other mob of workmen and asked to give two days' time to resolve their issues and grievances, but it was in vain and workman started using abusive language against him and against other officials too.

In the meantime, one of the Toll Collectors under suspension, Mr. Daggu Satish and also other employees, caught hold of Mr.S.Vejay Deepak, Maintenance Manager and brought him to the Union President, Mr. M. Chaitanya, who started assaulting him and beating him indiscriminately., When the COM and the Toll Manager tried to save him from the mob, Petitioner and the workman present there acted in a most riotous and disorderly manner and in utter disregard of the discipline in the office premises of the Respondent No.2 Company. Thereafter, S. Vejay Deepak Was taken to the COM's Chamber, but Petitioner and other mob of workmen also went there and again started beating Mr. S. Vejay Deepak by throwing water glass and laptop on him and they also broken the glass panes of the room.

Respondent further submitted that Mr. M. Chaitanya, started beating the COM and he also instigated Petitioner and others workman to beat COM, and Mr. S. Vijay Deepak and other Toll Managers with kicks and punches. Two of the workmen punched the COM on his face causing dislocation of lower jaw teeth, while one Mr. D. Satish pounced on him with fist punches on his face and shoulder, Mr. S. Murali and Mr. M. Chaitanya has hit COM with an iron rod on the left side of his eye, whereby he suffered a serious and grievous injuries to his lower jaw and a bleeding injury near his left eye and he fell unconscious and later was shifted to Hospital. Mr. M. Chaitanya also threatened to kill the officials of the Respondent and their family members, if they did not heed to his orders, thereby created a great tension and fears in their minds. The above-mentioned acts of the Petitioner and other workmen/union leaders of instigating assaulting, beating, threatening and abusing the officials of Respondent No.2 was of highly intolerable, illegal, mischievous and unruly, which have caused a serious disturbance at the Base Camp Office and adversely affected the discipline in general and safety of the other Workmen and Officers of the Respondent as well.

Respondent contended that in view of the gravity and severity of the acts of misconduct reported against the Petitioner, he was placed under suspension pending enquiry and was issued with detailed charge-sheet dated 09/09/2015, with the following Charges as per Clauses 19(a), (b), (c), (d), (e) and (f) of the A.P. Shops and Establishments Rules, 1990 detailed as her under:-

"(a) Wilful insubordination or disobedience of instruction, whether alone or in combination with others of any lawful and reasonable order of a Superior;

(b) Damage or dishonesty in connection with the employer's business or property;

(c) unprovoked misbehaviour with customers, riotous, disorderly, or indecent behaviour in the premises of the establishment.

(d) Any act subversive of discipline;

(e) Assaulting and grievously hurting the managerial staff"

The Petitioner he submitted his explanation dated 30/09/201 and management considered his explanation but that was found unconvincing and unsatisfactory, and in view of the seriousness to the acts of misconduct, management decided to hold an enquiry into the charges levelled against Petitioner.

During the inquiry Petitioner was permitted to avail the assistance of a co-workman and enquiry was conducted in Telugu and proceedings thereof were also recorded in Telugu. The management has examined ten witnesses (MW-1 to MW-10) in Support of the charges, Management witness were cross-examined by the Petitioner with the aid of his co-Workman/Defence Assistant. The management has also produced documents, and same has been marked Exhibits M-1 to M-10. Petitioner has examined WW1 in defence and Enquiry Officer, after due appraisal of oral and documentary evidence submitted his Report & Findings holding workman guilty of charges levelled against him. The Enquiry Officer had assigned cogent reasons reference to the evidence brought on record for holding the with Petitioner guilty of the charges. Upon receipt of the above Enquiry Report, Final Show-Cause Notice dated 02/05/2016 was issued calling upon the Petitioner to show-cause as to why he should not be dismissed from the services of the Respondent No.2, while enclosing a copy of the Enquiry Report & Findings dated 16/02/2016 and seeking his comments, if any, thereon. The Petitioner submitted his explanation to the above Final Show-Cause Notice dated 02/05/2016, vide his letter dated 18/05/2016 and the same was found not convincing. Respondent contended that Disciplinary Authority has also evaluated the proportionality of the punishment to be imposed and in the light of the gravity of the acts of misconduct proved and its adverse impact on the discipline and safety of officials within the Respondent No.2 Company Establishment and as there were no extenuating and/or mitigating circumstances to take any lenient view in the matter, after having been convinced, that no punishment lesser than that of dismissal can be imposed, and Petitioner was dismissed from the services of the Respondent No.2 Company vide Dismissal Order dated 30/08/2016.

Therefore, in view of the seriousness of the acts of misconduct proved against the Petitioner, the dismissal order is fully justified and is not liable to be interfered with by this Hon'ble Court under any circumstances. Hence, this Hon'ble Court, at any rate, may not direct reinstatement of the Petitioner. The Respondent No.2 conducted that the enquiry conducted against the Petitioner is fully in accordance law and principles of natural justice and is valid. Petitioner was given all reasonable opportunities to himself by cross-examining the witnesses examined in of the charges and also to adduce evidence, both oral and documentary. Therefore, the enquiry so conducted was fair & proper and is also not liable to be interfered with by this Hon'ble Court. Should this Hon'ble Court, for some reason, find that the enquiry conducted is not valid, without prejudice to its contentions that the enquiry is valid and legal.

In support of his contention Respondent has relied upon the certain decisions of the Hon'ble Supreme Court which are detailed as here under: -

1. Hombe Gouda Educational Trust Vs. State of Karnataka – (2006) 1 SCC 430
2. M.P. Electricity Board Vs. Jagdish Chandra Sharma – (2005) 3 SCC 401
3. Usha Breco Mazdoor Sangh Vs Management of Usha Breco Limited 2008 SCC Page 554
4. Mulchandni electricals and Radio Industries limited Vs Workman 1975 SCC page 731.
5. Ch. Ramakoteswar Rao Vs GM, APS RTC 2000 (4) ALD Ald page 208
6. M/s Bharath Iron works Vs Bhagubhai patel (1976) 1 SCC page 518
7. S.S.P. sharma Vs Industrial Tribunal- II Hyderabad 2016 (2) ALD page 107
8. State bank of Bikaner and Jaipur Vs Nemi Chand Nalwaya (2011) 4 SCC page 584
9. Dig of police Vs S. Samuthiram 2013 1 SCC page 598
10. State bank of BNikaner & Jaipur Vs Srinath Gupta (1996) 6 SCC page 486

11. Commissioner of police Vs Narender Singh (2006) 4 SCC 265

The Law laid down by the Hon'ble Court in the above-mentioned cases will be discussed at the appropriate stage of this judgement. Therefore, Respondent contended that Petitioner does not deserve any leniency and the punishment of dismissal is just proper and under in any circumstances Petitioner may not be directed to be reinstated into the service.

Therefore, prayed to dismiss the petition with exemplary costs.

Heard the argument of learned counsel for petitioner as well as Respondent. Both the parties have also filed their written submission. Pursue the record.

4. On the basis of submission of either parties, following issues arise for determination in the present matter: -

1. Whether the departmental enquiry held against the Petitioner is legal and valid?
2. Whether present petition filed by Petitioner raising industrial Dispute against his dismissal order 30-08-2016 is barred by limitation?
3. Whether action of Respondent management Director, Swarna Toll way private Limited, Hyderabad, vide order dated 30-08-2016 whereby in terminating the services of the Petitioner is legal and justified?
4. To what relief If any, Petitioner, is entitled for?

Findings: -**Issue No. I**

The Departmental inquiry conducted against the Workman Sri. Daggu Sathish has been held legal and valid, by this court vide order dated 11th November 2024.

Thus, issue is decided accordingly.

Issue No. II

In this context, Respondent No.2 and 3 contended that the present Industrial Dispute has been raised by the Petitioner on 2nd August 2021 after the lapse of five years from the date of his dismissal order dated 27th May 2016. Therefore, in view of the provision contained under section 2-A (3) of the Industrial Disputes Act, this claim could be filed by the Petitioner before the expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service as specified in (1) of section 2-A. Therefore, the present claim Petition raising the Industrial Dispute by Petitioner under section 2A (2) of the ID Act, is barred by limitation.

The perusal of claim petition goes to reveals that Petitioner has raised the Industrial Dispute against his dismissal order, dated 30th August 2016 passed the by the Respondent Management by filing claim petition in the year 2021. In the para 11 of claim petition, Petitioner has averred that against his termination order, he approached to the Deputy Labour Commissioner of Labor, Nellore for cancellation and same was dismissed without considering the merit. Thereafter, he filed petition before Labour court, Guntur, which got registered as ID Number 199/2016. Labour Court, Guntur, vide order dated 31st August 2019, has returned his petition on the ground of lack of jurisdiction. Thereafter due to COVID-19 pandemic situation Petitioner could not approach this court within time. Petitioner has also filed the copy of the order dated 31-08-2019 passed by the Presiding Officer, Labour Court, Guntur, in ID no. 199/2016, whereby Labour Court Guntur has returned petition of the Petitioner for presentation before the appropriate court of jurisdiction. It is established fact that in the year 2020, there was a prevailing situation of COVID-19 pandemic and Petitioner was not able to approach this court to present petition at Hyderabad. Thus, Petitioner has furnished cogent and sufficient explanation of delay in filing the present petition and same is not fatal to present Industrial Dispute. Therefore, in view of the above present petition raising the Industrial Dispute under section 2-A (2) of the ID Act, against the dismissal order dated 30-08-2016 is not barred by limitation. Issue is decided in favor of the Petitioner.

Issue No. III

The perusal of record goes to reveal that in this claim petition, petitioner has challenged his dismissal order dated 30th August 2016, passed by Respondent Management on the grounds alleged in petition. Furthermore, perusal of the record of inquiry proceeding along with inquiry report, goes to reveal that the Petitioner was given fair opportunity of hearing at every stage of proceedings, which he availed, without raising any objection complaining of any prejudice of any nature caused to him before the inquiry officer at any point of time. Further, it is noticed that the Workman CSC received all the documents filed and relied upon by the Respondent management in support of the charge sheet, and CSC workman also filed a reply, cross-examined the management witnesses, and also examined himself as a witness in defense. Thus, the workman CSC has participated in the inquiry proceeding at every stage. Inquiry officer, on appreciation of evidence recorded in inquiry has submitted his reasoned report holding the

workman guilty of the charges. Therefore, in the opinion of the court, no case is made out to hold that the domestic inquiry suffers from any procedural lapses or was conducted in violation of principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Moreover, validity and legality of the domestic inquiry has been upheld by the court vide order dated 11th November 2024. Thus, the plea of the Petitioner that the domestic inquiry was conducted against the Petitioner in violation of principle of natural justice is untenable.

It is settled law that once it is held that the domestic inquiry is legal and proper, the next question arises for consideration whether the punishment imposed on the Petitioner is just and legal, or it is disproportionate to the gravity of the charges. Petitioner has challenged his dismissal order on the ground that the allegations leveled against him are false and fabricated, and during the inquiry no other employee as witness was examined to prove the charges and there was no corroborating evidence to prove the guilt and only that management witness were examined in the inquiry. Further, it is contended that there was no legal evidence before enquiry to prove the allegations, and the inquiry officer had also failed to bring home the charge against the Petitioner. Further, Petitioner has strenuously argued that the inquiry officer conducted the inquiry as empty formality and without having any valid and legal evidence and came to the conclusion that allegations are proved. Further, it is urged Petitioner that had not committed any misconduct as alleged in the charge sheet, and there was no evidence of loss of revenue to the corporation. Further, it is contended that there was no willful insubordination or disobedience of instructions in connection with the orders of the superior. There was no damage or dishonesty in connection with the employer's business or property, and Petitioner was not involved in unprovoked misbehavior with the customer, riotous, disorderly, or indecent behavior in the premises of the establishment. Lastly it is pleaded that the dismissal order passed by the Respondent management is grossly disproportionate to the gravity of the offense, and same is liable to be set aside. In view of plea taken by Petitioner, peruse the record of inquiry proceeding.

5. The record of proceeding goes to reveal that charge sheet dated 9th September 2015 was furnished to CSE Workman and inquiry was conducted by the inquiry officer, in the presence of CSC workman, as well as his defense representative and management witness were examined during the inquiry proceedings. In support of Charge sheet against the CSC workman, Respondent management has examined as many as ten witnesses namely, Mr. Subramanyam Vijay deepak (MW1), Mr. Hari pandarunga Swami MW2, Mr. Vikram Simha Reddy MW3, Mr. R.V. Prasad (MW4), Mr. T. Krishna Kishore (MW5), Mr. Vijay Kumar (MW6), Mr. L. Elvis Lionel (MW7), Mr. K.V. Ramprasad (MW8), and Mr. B. Vijay Sarathi Babu (MW9), and lastly, Mr. D. Veera swami (MW10). All the above stated witnesses, in their deposition have substantiated the allegations of the charge sheet issued against the CSC workman. The charge Sheet contains the allegation against CSE workman extracted as here under: -

“You have been working as a " Toll Collector at our Budanam Toll Plaza On 1 September 2015.

It has been reported against you that on 1st September 2015 at about 16.20 hours, you along with your union president Mr. M Chaitanya. Mr. D. Satish (Toll Collector under suspension). S Murali ATS, and TC's Mr. Penchalaiah. Mr. Turaka Ramprasad. Mr. Turaka Sudhakar Mr. Deendayal, Mr. Ch. Srinivasulu, Mr. Subba Reddy Mr. Md Hussain Mr. S Haraiah, Mr.J Srinivasulu ATS Mr. N Srinivasulu and others from Venkatachalam, Budanam and Sullurpet Toll Plazas and about 14 others forcibly enter into our base camp office situated at Km 125, NH-5. Bhdhanam Village, Chillakur Mandal, Nellore district, without any prior appointment or intimation

It is reported that at the time you went to our base camp office, a meeting was going on with M/s Kent (A supplier) at our Budanam Base camp office with our staff from HQ and Toll Plazas viz., Mr. Vijay Kumar, Mr. RV Prasad, Mr. Kishore. Mr. Ramprasad, Mr. Aylwin Lionel, Mr. Dilipu kumar Reddy. Mr. Vikram Simha Reddy. Mr. B. V Saradhi Babu, Mr. DV Swamy. Ms. Sunitha and Mr. Baburao and Staff from M/s Kent (Mr. Sandeep Pawar. Mr. Bhatta, Mr. Swapnil and Mr. Kiran) to discuss on the Toll collection system related issues.

While the said meeting was going on. Mr. M. Chaitanya along with you and 26 associates barged into the COM's room and insisted that the COM Mr. Hari Pandu Range Swamy should come along with you to the conference hall immediately, leaving the said meeting, in a most high handed and insubordinate manner. The COM, however, came along with you Thereafter, you along with your union leaders started raising all the issues and insisted him to settle the issues then and there itself. Though, the COM tried to convince you to give him two days' time to resolve the issues you and your union leaders started using abusive language against him and other officials of the company.

Meanwhile, you along with the suspended Toll Collector Mr. D. Satish and other associates caught hold of Mr. Vijay Deepak (Maintenance Manager) and brought him to your union leader Mr. M. Chaitanya who started assaulting and beating Mr. Vijay Deepak indiscriminately. When the COM and Toil Managers tried to protect Mr. Vijay Deepak, you and your associates also beat the said officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises With great difficulty Mr. Deepak was taken to COM chamber, but you, and other union leaders went to COM chamber and again beat Mr. Vijay Deepak by throwing water glass, laptop on him and you and others also broke the glass panes of the room

Further, your leader Mr. M Chaitanya started beating the COM and instigated you and others to beat him You along with your other associates have severely beaten the COM and other Toli Managers. In the said attack, the COM suffered serious and grievous injuries to his lower jaw and a bleeding injury near his left eye who subsequently fell unconscious and later he was shifted to the Hospital by the police for treatment.

It is further reported that you also instigated the others to beat the officials and their family members if they did not need to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that your union leader Mr. Chaitanya, in your presence also threatened the officials of our company that he will kill the officials and their family members if they did not heed to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that you also instigated the others to beat the officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises.

Due to your illegal and unruly actions, there was serious disturbance at our base camp office. You are aware that it is the utmost responsibility of the management to maintain discipline and peace in the office premises. Instigating your co-employees, assaulting, threatening and abusing the officials of the company are highly objectionable, illegal, and mischievous.

Your above actions are clearly unwarranted, grave, and serious in nature and also have adverse affect on the discipline and personal safety of the other employees in the office.”

6. MW1 in his deposition has categorically stated that on the evening of 1st September 2015, a meeting was going on with the representative of the company called Kent in the chamber of Chief of Operation and Maintenance, Shri Hari panduranga swami, at Budanam Base Camp. At that time, the witness was present in his chamber. Around 4:15 P.M., security guard Kotaiah came into his chamber and said that their union president Chaitanya and some other toll collectors, about 30 people in total, had come to meet COM. Further MW1 deposed that he went to the COM chamber and called Alvin Lionel, who was the Buddhanam toll manager and told him about the matter. Meanwhile, Chaitanya and thirty other people went to the COM chamber. Then COM, Garu, and Vikram who is the manager of Venkatachalam Toll Plaza, Dilip Kumar Reddy of Sullurupet Toll Plaza, and Lionel Daru came out of the COM Chamber and went to the conference hall. Further, MW1 deposed that he saw from the glass door of his chamber and after some time the sound of bells was heard from the conference room. The witness further deposed that he saw toll collector penchalaiah hitting the ground with an iron rod in the open area outside. There were 29 other toll collectors standing next to him. Later, MW1 came to his chamber from the cashier room. Further, witness added that Vijay Deepak and Shri Srinivasulu, the assistant supervisor, came to his chamber. Then he went to the cashier room next to his chamber and informed COM sir. Further, MW1 Added that C.O.M. told him that Chaitanya would come here, and he would discuss with him. Further, MW1 states that Chaitanya and other co-worker started to beat him. As soon as he came out other toll collector also started to beat witness, while Shyam and Maria Lion, who had come there, stood between him and C.S.C. for his protection. Further, MW1 stated that immediately he went to the cashier chamber and locked himself inside. Thereafter, toll collectors rushed to his chamber and kicked the door with their feet to open it. Then he went into the chamber of the C.O.M. next to it through the partition door, and there representative of Kent company and staff of his company were present.

Further, witness stated that Satish, Srinivasa, Penchalaiah, and four other toll collectors whose name he didn't know, came from outside in the C.O.M. chamber, threw above seven people out of chamber, and also threw the laptop at the witness. Satish also threw a bottle and a water glass at him. Window glass was broken by it. COM and Leonel Garu had already come to rescue him so that none of the things they were throwing at him could hit. However, the bottle hit witness on the stomach. The glass hit the window glass behind the witness and that glass was broken. Further man states that, meanwhile, Chaitanya, who was outside, came into the room and approached to the witness, and brought the burning cigarette in his hand near his eyes, and threatened to kill him and his wife. Then J. Shrinivas lifted the chair and charged at him to throw it upon witness, but he did not do it. Later, J. Shrinivas and Satish left the chamber. The other toll collectors who remained in the chamber said that MW1 and management should apologize to the Chaitanya Garu. They forcefully grabbed the witness and dragged him to Chaitanya, who was outside, they tied his legs. Tumati Madhava Rao was also present there. Therefore, they took him to his chamber and pushed him inside. Payment manager Nagarjuna was present in his chamber and Vikram had already come to his chamber and these people also witnessed this incident noticed from the glass window that Chaitanya, C.O.M. Garu Dileep Kumar Reddy, and Lionel Garu were in the lobby outside. Further, MW1 added that he saw at the spot that Assistant Toll supervisor Murali was beating to COM, and he was hit above the left eye. MW1 added that he saw from glass window that CSE and other co-employee has beaten COM by slap and kick. Thereafter, Police arrived at the spot, and all toll collectors were present in the open area of base camp. MW1 added that between 7:30 or 8:30 a.m., C.O.M. and he went to the Guntur government hospital for treatment of their injury. The C.O.M. was treated there for his bleeding injuries. He did not suffer any bleeding injuries. However, he was suffering pain in his stomach due to a water bottle hit thrown by Satish, and he was also given painkiller injection. Further, witness added that Lionel and Vikram, who were also injured, accompanied them to the hospital. For their treatment but they did not suffer from any bleeding injuries.

7. MW1 was cross-examined by the defense representative, but nothing has been elicited to discredit or disbelieve the testimony of witness. However, MW1 was not questioned during the cross-examination on the point of occurrence of incident on 1st September 2015, as narrated by this witness in his chief statement. Thus, the version of MW1 regarding incident remained uncontroverted. Whereas CSE has admitted in his cross-examination that he along

with other toll collectors were present at spot on the date and time of occurrence and they were raising the demand and shouting the slogans in support of their demands against the Respondent Management. Thus, it is established that C.S.C. workmen, along with the other toll collectors, was present on the spot at the date and time of the alleged incident, and he also participated in the incident assault and beating to C.O.M and managers of Respondent in concert of co- employee and in common intention as narrated in the charge sheet. Further, testimony of M.W1 is also corroborated by the testimony of rest of management witness M.W. 2, MW 3, MW 4, MW 5, MW 6, MW 7, MW 10. And also, documentary evidence. It is not the case of the petitioner that these management witnesses have any grudge or enmity with CSE for any reason whatsoever. Therefore, there is no reason for these management witnesses to depose against the CSE workman in support of charges regarding incident.

8. Moreover, the management has also produced the documentary evidence in support of the charge leveled against the CSE workman. These documents namely are Ex M1 charge sheet dated 9th September 2015; ExM2 is the explanation to the notice submitted by the workman, Ex M3 appointment letter of the Inquiry Officer, Ex M4 Outpatient ticket dated 1st September, 2009 of M. Hari Pandya and Exhibit M5 includes fifteen photographs with depicts that injured witness getting treated in the hospital for his injuries caused to his body in the alleged incident of 1st September 2015. Further, ExM6 are the photographs which show that the office of the COM has been damaged by the CSE along with other workers in the alleged incident. ExM7 is the copy of the FIR which discloses that Hari Panduranga Swami Madasu complaint got registered FIR against the petitioner and other workers at Shri Potti Sri Ramulu Nellore District Police Station under Section 147, 148, 452, 307, 506 R/W 149 IPC on 2nd September 2015 at 00.30 AM regarding the incident dated 1-09-2015 and details of the suspected, accused in the FIR is mentioned as here under: -

1. Chaithanya Malapatti. 2. Sathish, 3 Srinivasulu, 4. Sudhakar Thuraka, 5. Prasad Thuraka, 6. Deendayal, 7. Hussain Mohammad, and 8. Balakrishnan Srinivasulu, M9 Srinivasulu N, 10. Srinivasulu 11.C H, Murari 12. Penchalaiah. Thus, the testimony of witness about the incident as alleged in charge sheet is corroborated by the testimonies of other management witnesses i.e. MW1 to MW10 and also by the documentary evidence, on record.

9. Further, domestic inquiry against CSE has been conducted strictly in accordance with the principle of natural justice and workman CSE has been found guilty of grave and serious acts of misconduct. Thus, finding of the inquiry officer is based on of oral and documentary evidence recorded during enquiry and report of inquiry officer do not suffers from any illegality or perversely. The inquiry officer report goes to reveal that on 1-09-2015 CSE workman, has committed the misconduct of physical assault to the official of Respondent Management and he has been rightly held guilty of committing misconduct. The details of specific acts of misconduct allegedly committed by the Petitioner along with other co-workman on 1-09-2015 including physical assault on Respondent staff are as follows: -

That the Petitioner workman has physically assaulted Mr. Hari Pandu Ranga Swamy Madasu, the Chief Operations and Maintenance, thereby causing grievous injuries. The act not only endangered the safety of a senior official but also disrupted the discipline and harmony of the workplace. Further, Petitioner workman actively participated in a riotous mob attack, leading to the damage of company property, and creating an atmosphere of fear and disorder within the establishment. Such conduct undermines the safety and security of the workplace environment and lastly. The Petitioner workman exhibited willful insubordination by disobeying lawful and reasonable orders of his superiors. Furthermore, he threatened senior officials, displaying gross indiscipline and a blatant disregard for the hierarchical structure and decorum expected within the organization.

10. The findings of enquiry officer are based on cogent and credible evidence, including eyewitness testimonies and documentary proof. The enquiry was conducted in accordance with the principles of natural justice, providing the Petitioner ample opportunity to defend himself. Thus, the aforementioned acts committed by the Petitioner workman squarely fall under the category of serious misconduct as defined under Clauses 19(a), (c), (d) and (e) of the Andhra Pradesh Shops and establishments Rules, 1990.

Rules 19 (a), (b), (c), (d) and (e) of AP Shops & Establishment Rules provides as here under: -

- i. Clause 19(a): Willful insubordination or disobedience of any lawful and reasonable order of a superior.
- ii. Clause 19(C): Damage to the employer's property.
- iii. Clause 19(d): Riotous or disorderly behavior in the premises of the establishment.
- iv. Clause 19(e): Threatening or intimidating any employee or superior.

The misconduct committed by the workman along with employees of assaulting superiors, instigating others, and participating in the riotous violent activities constitute serious act of misconduct which strike at the root of workplace discipline. The act of workman causing grievous injuries to managerial staff is a grave and serious misconduct that is not condonable. Therefore, the dismissal order passed by Respondent against the workman is justified and appropriate action.

11. Respondent has relied upon the few decisions of Hon'ble Supreme Court which are relevant to the point and discussed as here under: -

- (a) Hon'ble Supreme Court in *Krishnakali Tea Estate Bharatiya Vs. Aknn Chah Mazdoor Sanah* - (2004) 8 SCC 200 upheld the dismissal of workmen who had assaulted managerial personnel causing damage to property, gherao of the management, wrongfully confining manager. The Apex Court observed that such violent Conduct cannot be taken lightly, and the punishment of dismissal was warranted to preserve discipline and safety at the workplace.
- (b) Similarly, Hon'ble Supreme Court in the case of *Muriadih Colliery Vs. Bihar Colliery Kamgar Union* - (2005) 3 SCC 331, held that the dismissal of employees who participated in a violent mob attack, causing injury to the General Manager, was justified, and interference by the Labour Court under Section 11-A of the ID Act was disapproved and the punishment proportionate to the misconduct. was upheld.
- (c) The Hon'ble Supreme Court in the case of *M.P. Electricity Board Vs. Jagdish Chandra Sharma* - order (2005) 3 SCC 401, of dismissal of a Workman who assaulted a senior officer, restored the decision of the Industrial Court, thereby reiterating that acts of violence by employees, particularly against their superiors, must be dealt with strictly and are not open to lenient treatment. The reinstatement ordered by the Labour Court was reversed, affirming the employer's authority to maintain discipline through dismissal.
- (d) In the case of *Hombe Gowda Educational Trust Vs. State of Karnataka* - (2006) 1 SSC 430, the Hon'ble Supreme Court underscored the importance of workplace discipline and held that even provoked assault on a superior, amounts to gross indiscipline. The Court stated: "30. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by the rule of law. All actions, therefore, must be taken in accordance with law."
- (e) In the case of *Usha Breco Mazdoor Sangh Vs. Management of M/S. Usha Breco Ltd* – (2008) 5 SCC 554, Hon'ble Supreme Court while reaffirming the legal position laid down by it is in the case *firestone Tyre and Rubber Co. Vs. The management and Others* – (1973) 1 SCC 813, held: -
- “31. It is one thing to say that finding of an Enquiry Officer is perverse or betrays the well-known doctrine of proportionality another thing to say that only because two views are possible, the Labour Court shall interfere therewith. In other words, it is one thing to say that on the basis of the materials on record, the Labour Court comes to a conclusion that a verdict of guilt has been arrived at by the Enquiry Officer whereas the materials suggested otherwise but it is another thing to say that such a verdict was also a possible view.
39. The upshot of our discussion is that the decision of the labour Court should not be based on mere hypothesis. It cannot overturn a decision of the Management on ipse dixit. Its jurisdiction under section 11-A of the Act although is a wide one, must be judiciously exercise either whimsically or capriciously. It may scrutinize and analyze the evidence but what is important is how it does so.”
- (f) Further, in the case of **New Shorrock Mills vs Maheshbhai T. Rao, 1996 SCC page 590**. Hon'ble Supreme Court held: -
- “35. In the case of *New Shorrock Mills Vs. (1996) Maheshbhai T Rao* 6 of SCC 590, held that:
- "Labour Court in the present case having come to a Conclusion that the finding of the departmental enquiry was legal and proper, the Respondents order of discharge was not by way of victimization and that the Respondent workman had Seriously misbehaved and was thus guilty of misconduct, ought not to have interfered with the punishment, which was awarded, in the manner it did. This is not a case where the Court Could Come to the conclusion that the punishment was awarded was shockingly disproportionate to the employee's conduct and his past service record."
- (g) The Supreme Court in the case of **Northeastern Karnataka RTC Vs. Ashappa 2006 (5) SCC 137** reaffirmed that the Tribunal must not lightly interfere with the employer's disciplinary decisions and reiterated the "shockingly disproportionate" standard.
- (h) In **Hombe Gowda Educational Trust Vs. State of Karnataka (cupra)**, the Hon'ble Supreme Court clarified that the days of automatic sympathy towards the workman are over, and that discipline must be maintained at all costs in light of contemporary industrial conditions. The Tribunal's power to substitute the employer's decision must be exercised with restraint.
- (i) In the case of **Muriadih Colliery (Supra) & Krishnakali Tea Estate (Supra)**, the Apex Court expressly held that interference by Labour Courts with dismissal orders passed for acts involving violence and assault was not permissible under section 11-A of the ID Act, as the punishment was not disproportionate.

Thus, in view of the principles laid down by the Honorable Apex Court as discussed above, there is ample oral and documentary evidence on record to substantiate the charges against the petitioner workman, and it cannot be said that the order of dismissal of Petitioner is perverse or shockingly disproportionate.

12. As regard the plea of the petitioner workman that Respondent Management has victimize him due to the being member of the union and also for raising the demand related to welfare of the workman.

In this context, Respondent has relied upon the decision of the Supreme Court in the case of **Bharat Iron Works versus Bhagobhai Balubhai Patel, 1976 SCC page 518**. Therein Hon'ble Supreme Court has laid down the legal test for establishing the plea of victimization as discussed here under: -

"11. The onus of establishing plea of victimisation will be upon the person pleading

it. Since a charge of victimisation is a serious matter reflecting, to a degree, subjective upon the attitude of the employer evidenced by acts and conduct, it has to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

The Apex Court further held:

"12. Once, in the opinion of the Tribunal a gross misconduct is established, as required, on legal evidence either in a fairly conducted domestic enquiry or before the Tribunal on merits, the plea of victimisation will not carry the case of the employee any further. A proved misconduct is antithesis of victimisation as understood in industrial relations."

13. Thus, in view of the principle laid down by Hon'ble Apex Court, as discussed above the petitioner workman has failed to produce any evidence in support of the plea that the action of Respondent management in dismissing him from service is victimization of the petitioner workman. The petitioner workman has failed to discharge his burden of proof regarding plea of victimization or unfair labor practices hence same is untenable.

14. As regard the plea of the petitioner that they he has been acquitted from the criminal trial by court in respect of the alleged acts of misconduct. In this context, the decision of Honorable Supreme Court in the case of Deputy Inspector General of Police versus Sethu . Thiruvan, 2013 SCC page 598 is relevant, wherein Honorable Apex Court have held that mere acquittal in a criminal trial does not nullify or override the finding of a valid domestic inquiry. Further, Honorable Apex Court held that the standard of proof in a criminal trial is proof beyond reasonable doubt, whereas in a domestic inquiry it is only preponderance of the probability.

In the case of Commissioner of Police vs Narendra Singh, 2006 SCC page 265, Honorable Apex Court held that the disciplinary proceeding can proceed independently and that an employee can be dismissed from service based on finding of a department inquiry even if no conviction is recorded in the criminal trial. The finding in the inquiry against the workman is based on credible evidence, including eyewitness testimonies and documentary records and same does not warrant any interference.

15. Hon'ble Supreme Court in the case of Employers Management **West Bokaro Gallery Colly of TISCO Limited vs Concern Workman Ram Prakash Singh, 2008 LLR, page 432**,

"16. In U.P State Road Transport Corporation Vinod Kumar, 2007 (13) SCALE 690 this Court again observed that in the absence of a challenge to the legality or fairness of the domestic enquiry the Court should be reluctant to either interfere with the finding recorded by the Enquiry officer or the punishment awarded by the Punishing Authority.

17. After going through the order of the industrial Tribunal, were are of the opinion that the Tribunal has interfered with the findings recorded by the domestic. Tribunal as if it was the appellate Tribunal. There was evidence present on record regarding indecent riotous and disorderly behavior of the Respondent towards his superiors. The management witness who were present at the scene of occurrence have unequivocally deposed about the misbehavior of the Respondent towards his superiors. Their evidence has been discarded by the Tribunals by observing that in the absence of independent evidence, the statements of the workmen who were present at the scene of occurrence could not be believed. Industrial Tribunal tell in error in discarding the evidence produce by the management only because the independent witnesses were not produce them. It is possible that at the time of occurrence, only the workers of the Management and the persons who were truing to put up the constructions dependent evidence was available. Statements of the fellow workmen had established the misconduct of the Respondent. Enquiry officer accepted the testimony of the witness produced by the management who had clearly implicated the Respondent. It was a legitimate conclusion which could be arrived at and it would not be open to the industrial Tribunal to substitute the said opinion by its own opinion.

19. Tribunal has set aside the report of the enquiry Officer and the order of dismissal passed by the punishing Authority by observing that the charges against the Respondent were not proved beyond reasonable doubt. It has repeatedly had been held by the court that the acquittal in a criminal case could not operate as a bar for drawing up of a disciplinary proceeding against a delinquent. It is well settled principle of law that yardstick and standard proof in a criminal case is different from the one disciplinary proceeding. While the standard of proof in a criminal case is proof beyond all reasonable doubt, the standard of proof in a departmental proceeding is preponderance of probabilities."

Further, the Honorable Supreme Court has observed that in a case where two views are possible on the evidence on record, then the Industrial Tribunal should be very slow in coming to a conclusion other than the one arrived at by the domestic Tribunal, by substituting its opinion in place of the opinion of the domestic tribunal.

Thus, in view of the law laid down by the apex court, as discussed above, the plea of the petitioner that there is no legal evidence on record is untenable, as there is sufficient evidence on record of the domestic inquiry to prove the guilt of the workman in the alleged misconduct.

16. Further, as regard the appreciation and evaluation of the evidence in matter of domestic inquiry, Hon'ble Supreme Court, in the case of **State of Rajasthan and others Vs Him Singh, Civil Appeal Number 3340 of 2020**, date of decision: 29th October 2021, has laid down the principles extracted as here under: -

"Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.

To determine whether the finding in a disciplinary inquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the courts that there is some evidence to support the charge of misconduct and to guard against perversity, but this does not allow the court to re- appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."

17. In the case of **Hombe Gouda Education Trust Vs State of Karnataka, 2006 SCC, page 430**: Hon'ble Supreme Court have held that assaulting a superior at a workplace amount to an act of gross indiscipline. The respondent is a teacher. Even under grave provocation, a teacher is not expected to abuse the head of the institution in a filthy language and assault him with a chappal. Punishment of dismissal from service, therefore, cannot be said to be wholly disproportionate so as to shock one's conscience. Further, Hon'ble Supreme Court held that a person, when dismissed from service, is put to great hardship, but that would not mean that a grave misconduct (assault on superior at workplace) should go unpunished. Maintenance of discipline of an institution is equally important.

18. Further, In the case of **MP Electricity Board Vs Jagdish Sharma, 2005 SCC, page 401**, Hon'ble Supreme Court have held:

"9. In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the workplace obviously in the breach of Presence of other employees This clearly amounted to a discipline in the organisation Discipline at the workplace organisation like the employer herein, is the sine qua non for the efficient working of the organisation, when an employee breaches such discipline and the employer terminates his services it is not open to a Labour Court of an Industrial Tribunal to take view that the punishment awarded is shockingly disproportionate to the charge proved. We have already

referred to the views of this Court. To quote Jack Chan,

'Discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large.'

Obviously, this idea is more relevant in considering the working of an organisation like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. It is essential for the prosperity of the organisation as well as that of its employee's. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion."

19. Further, in the case of **Ajit Kumar Nag Vs Indian Oil Corporation Limited, 2005 SCC page 764**, the Honorable Supreme Court has held, in a three-judge bench, in paragraph 56, "It is well settled that the burden of proving malafide is on the person making the allegation, and the burden is very heavy. There is every presumption in favor of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of malafide are often more easily made than made out, and the very seriousness of such allegations demands proof of a high degree of credibility."

Further, Hon'ble Supreme Court held that assault, intimidation are penal offences. A workman indulging in commission of criminal offenses should not be spared only because he happens to be a union leader. The act does not encourage indiscipline. It will be a matter of some concern if the opinion of the inquiry officer can be totally ignored, despite the fact that the management is precluded from adducing any fresh evidence before the labor court. A union leader does not enjoy immunity from being proceeded with in a case of misconduct.

20. In the case of D. Mulchandani Electric and Radio Industries Limited Vs Workman, 1975 Supreme Court Cases page 731, Hon'ble Supreme Court have held:

establishment

"It was not disputed before us that the allegation of assault, if proved, would be an act subversive of discipline: what was contended on behalf of the respondent was between Thana and the premises was that the alleged assault having taken place in the train Mulund which was obviously outside the or precincts of the establishment, was not covered by Standing Order.

24(1). The Labour Court also found that the alleged assault did not In our amount to misconduct under Standing Order 24(1) which, it was held was restricted to acts and omissions inside the premises of the establish opinion, Lon a plain reading of the clause, the words "within the premises or precincts of the establishment" refer not to the place where the act which is subversive of discipline or good behaviour is committed but where the consequence of such an act manifests itself. In other words, an act, wherever committed, if it has the effect of sub-verting discipline or good behaviour within the premises or precincts of the establishment, will amount to misconduct under Standing Order 24(1) We are unable to agree that Standing Order 24(1) leaves out of its scone an act committed outside though it may result in subversion of discipline or good behaviour within the premises or precincts of the establishment in question. Such a construction in our view would be quite unreasonable."

21. In the case of **State bank of Bikaner and Jaipur vs Nemi Channel via 2011 Supreme Court cases page 580** Hon'ble Supreme Court have held that subsequent acquittal by criminal court will not in any way render completed discipline proceeding invalid, nor affect the validity of finding of the guilt and consequential punishment.

22. Thus, in view of the foregone discussion and law laid down by the apex court as discussed above, in the instant matter all the charges framed and proved in domestic inquiry against the workman being serious and grave in nature and stands proved by oral and documentary evidence recorded and produced bin the inquiry. Further, the evidence produced by the management before inquiry is legal and admissible as per principle of preponderance of probability laid down by Hon'ble Supreme Court in its various decisions as discussed in preceding paragraph of this Award. Therefore, order of dismissal of Petitioner workman cannot be faulted with, nor it can be said to be in any way disproportionate to the gravity of the charges. Thus, the punishment of dismissal of the workman is proportionate to the gravity of the charges, and hence deserve to be upheld. Thus, the action of the respondent management in dismissing the services of the workman is held legal and justified.

This issue is decided against the workman and in favor of the respondent management.

Issue No: IV

In view of foregone discussion and finding given at issue No. I, II and III, I am of the considered opinion that the action of Respondent management in dismissing the Petitioner from service vide order dated 30-08-2016 is legal and justified. Therefore, no interference warrants in the punishment of dismissal order dated 30-08-2016 of the Petitioner and the action of Respondent Management is held legal and justified and liable to be confirmed.

AWARD

In view of the foregone discussion and finding given at issue No. I, II, III, and IV, the action of Respondent Management in dismissing the service of the Petitioner workman vide order dated 30-08-2016 is held legal and justified. Petition filed by the Petitioner sans merit hence dismissed.

Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected, and signed by me on this the 30th day of October, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Petitioner

NIL

Witnesses examined for the

Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2068.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, तेलंगाना, निदेशक (प्राधिकृत हस्ताक्षरकर्ता), स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद, सहायक महाप्रबंधक, समूह मानव संसाधन, स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद के प्रबंधन के संबंध में नियोजकों और श्री मोदी बोयिना गोपाल, ई एम (सं.187), आंध्र प्रदेश, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय हैदराबाद पंचाट (संदर्भ संख्या- 12/2021) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल -42025/07/2025/241-आईआर-(डीयू)]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2068.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 12/2021) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Highways Authority of India, Telangana, The Director (Authorised Signatory), Swarna Tollway Private Limited, Hyderabad, The Asst. General Manager, Group H.R., Swarna Tollway Private Limited, Hyderabad and Sh. Modi Boyina Gopal, , Em (No.187), Andhra Pradesh, workman.**

[No. L-42025/07/2025/241- IR (DU)]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD

Present: - Sri Irfan Qamar

Presiding Officer

Dated 31st day of October 2025

INDUSTRIAL DISPUTE L.C.No. 12 / 2021

Between:

Modi Boyina Gopal, Emp. No.187,

S/o. Venkata Krishnaiah,

Chittedu Post,Kota Mandal,

SPSR. Nellore District.

Andhra Pradesh State- 524 410.

... Petitioner

AND

1. National Highways Authority of India,
Rep. by Executive Engineer - Chief Engineer-Regional Officer,
First Floor, New Building Administrative Staff College of India (ASCI),
College Park Campus, Road No.3,
Banjara Hills, Hyderabad, Telangana 500034
2. The Director (Authorised Signatory),
Swarna Tollway Private Limited,
D.No.6-3-1090, 4n Floor, C. Block, TSR Towers,

Raja Bhavan Road, Somajiguda,

Hyderabad. Rep. by its Director

3. The Asst. General Manger, Group H.R.

Swarna Tollway Private Limited,

Plot No. 1-89/1. Plot No. 42 & 43.

Kavuri Hills, Phase -I Madhapur, Hyderabad. ...Respondents

Appearances:

For the Petitioner: M/s. S. Chakrapani, T. Naveen Chowdary and M. Ravi Kiran, Advocates

For the Respondent: M/s. CRS Associates, Advocates

1. This Petition has been filed by the Petitioner workman under section 2(A) (2) of Industrial Dispute Act 1947 with the prayer to set aside his dismissal order dated 27th May 2016 passed by the Respondent Management and to direct the Respondent to reinstate Petitioner in the service with continuity of service with all back wages and all other attendant benefits.

2. The facts in brief culled out from the petition are that the Petitioner workman was appointed as a Toll Collector in Swarna Tollway Private Limited Organization on 29th September 2003.

Further, Petitioner submitted that he was placed under suspension with issuing Charge sheet on 9th September 2015, and without considering his explanation Respondent has dismissed him vide order dated 27th May 2016. Further, Petitioner submitted that on 1st September 2015 he was member of Swarna Toll Employees Union, and he went to Budanam Base Camp office to meet with office bearer of the union and number of employees, union president and some other office bearers were also present at Budanam base camp office to meet with the COM to represent their demands. When the union leader entered into the Chamber of COM. Other employees were waiting outside camp office of COM and Some discussions took place between Union leaders and the management. As per petitioner COM did not consider the lawful demands of the employees and union leaders came outside and explained to other employees. Since lawful demands were not considered by the Respondent COM, Union leaders and employees expressed their protest against the Respondent Management by shouting slogans. COM and other managers foisted a false case against the petitioner and rest of the employees present there at Chillakuru Police Station. The Police authority registered a case in Crime No.154/2015 against the 28 employees and they sent the there employees to remand. The Chief of operation and maintenance and other Toll Managers made a complaint what has been alleged in the charge sheet. Further, Petitioner stated that he was no way concerned in the said incident there was no specific allegation against him. The allegations made against all the 28 employees are in common Petitioner contended that before issuing charge sheet, the copy of complaint was not supplied to him to submit his explanation and he never committed any misconduct of willful in subordination or disobedience with the lawful and reasonable order of superior. He never damage the employer's business or property and did not instigate co-workman to misbehave with official of Management. He never committed any act subversive of discipline and I never assaulted and grievously hurting the management as alleged in the charge sheet. Further, Petitioner submitted that enquiry has been conducted by the enquiry officer into the allegations without following principle of natural justice. There was no corroborative evidence to prove the guilt of Petitioner and only management witness were examined in the enquiry. The management witness nowhere has stated that what acts, and omission committed by C.S.E and, there was no legal evidence to prove the allegations against C.S.E. Thus, enquiry officer has also failed to bring home the guilt of C.S.E and gave common findings of all the 28 C.S.E which is not legal. Enquiry officer has conducted enquiry an empty formality, and submitted his report holding that the allegation are proved. The procedure followed by the enquiry office, and enquiry findings are not fair, proper and not maintainable under law. Respondent management had issued show cause notice to petitioner and without considering his explanation the Respondent management passed his dismissal order on 27-05-2016 that is not sustainable under law.

Further, Petitioner submitted that the allegation leveled against him were false and fabricated and there was no specific allegation against him for violation of any acts or omissions. All the common allegations has been made against the 28 employees. There was no willful in subordination or disobedience of instruction in connection with the order of the superior and no damages done with the employer business or property. There was no unprovoked behavior with customers riotous disorderly or indecent behavior in premises of the establishment. There was no act subversive of discipline. It is submitted that Petitioner had not committed due serious misconduct to dismiss him from service. Further it is submitted that Petitioner filed the ID No 14 of 2017 before the labour Court Guntur and labour court passed the order dated 31 -8-2019 thereby rejecting the petition on the ground of lack jurisdiction. Therefore, any delay in filing the appeal is on account of COVID-19 pandemic situations prevailing all over the world. Therefore, prayed to set aside the order dated 30-08-2016 passed by Respondent and to reinstate the Petitioner in the service,

3. Per contra Respondent 1 has filed counter therein he has contended that the Respondent No.1 NHAI unnecessarily has been made party in the present Petition as there is no employee relationship between the Petitioner and Respondent No.1. Further, it is submitted that the Respondent No.1 is neither concerned nor related to allegation made in the petition hence denied. Respondent has unnecessarily been made party to the present proceeding and petition is liable to be dismissed against Respondent No.1 with cost.

Respondent No. 2 and 3 has filed counter and has contended there in that present petition has been filed by the Petitioner under section 2(A) (2) of the Industrial Disputes Act challenging the dismissal order dated 30th August 2016 issued by Respondent no. 2 which is barred by the limitation prescribed under section 2A (3) of the Act. Respondent contended that the present ID has been raised by the Petitioner on 30th September 2021, i.e., after a lapse of over five years and as such is liable to be dismissed by the court in limine as a time-barred one. Further, it is submitted that Labour Court, Guntur, vide order dated 31st August 2019 has returned the petition for want of jurisdiction while holding that Petitioner may raise dispute before the competent court of appropriate jurisdiction. However, the present ID has been raised before this Hon'ble Court after a lapse of two years without any explanation for the delay, and not maintainable on the ground of barred by limitation.

Further, Respondent contended that Petitioner was found guilty of riotous, disorderly, unruly behavior of mob attack on the chief Operation and Maintenance, Mr. Hari Panduranga swamy madusa, Mr. S. Vijay Deepak, and other toll managers at Budanam Base camp of the Respondent no. 2 company on 1st September 2015, Domestic inquiry against Petitioner workman has been held by following principle of natural justice and dismissal order dated 30th August 2016 is not liable to be interfered with by this court under any circumstances. Further, it is submitted that the Petitioner and other workmen assaulted and has beaten the manager by giving them punches, kicking with legs, and hitting with iron rods, and in the said attack by the Petitioner and other workmen, Chief Operation and Maintenance, Mr. Hari Panduranga Swamy Madusa, sustained grievous bleedings injuries to his eye and suffered injuries of jaws dislocation and he was hospitalized. Further, Respondent contended that Petitioner with other workmen, also damaged the property of the Respondent No.2 in the said mob attack.

10) Respondent contended that on 01/09/2015, an important meeting was going on between a supplier and the senior management of Toll Plazas at Base Camp office off the Respondent No.2 Company at Budhanam Village, Chillakuru Mandal, SPSR Nellore District, to discuss about the toll collection system related issues, at about 16:20 Hours. Petitioner along with Mr. M. Chaitanya, who was the President of Swarna Toll way Employees' Union and other Toll Collectors working at Venkatachalam, Bhudanam and sullurpet Toll Plazas, concertedly and forcibly entered into the base camp office and barged into the room of Chief Operations Manager (COM), Mr. Hari Pandu Ranga Swamy Madasu in a most indecent and insubordinate Manner and insisted that COM should come out of the ongoing meeting and discuss with them on some pending issues in the Conference Hall. Petitioner and co-workman insisted for an Immediate settlement of their COM tried to convince Petitioner and other mob of workmen and asked to give two days' time to resolve their issues and grievances, but it was in vain and workman started using abusive language against him and against other officials too.

In the meantime, one of the Toll Collectors under suspension, Mr. Daggu Satish and also other employees, caught hold of Mr.S.Vejay Deepak, Maintenance Manager and brought him to the Union President, Mr. M. Chaitanya, who started assaulting him and beating him indiscriminately., When the COM and the Toll Manager tried to save him from the mob, Petitioner and the workman present there acted in a most riotous and disorderly manner and in utter disregard of the discipline in the office premises of the Respondent No.2 Company. Thereafter, S. Vejay Deepak Was taken to the COM's Chamber, but Petitioner and other mob of workmen also went there and again started beating Mr. S. Vejay Deepak by throwing water glass and laptop on him and they also broken the glass panes of the room.

Respondent further submitted that Mr. M. Chaitanya, started beating the COM and he also instigated Petitioner and others workman to beat COM, and Mr. S. Vijay Deepak and other Toll Managers with kicks and punches. Two of the workmen punched the COM on his face causing dislocation of lower jaw teeth, while one Mr. D. Satish pounced on him with fist punches on his face and shoulder, Mr. S. Murali and Mr. M. Chaitanya has hit COM with an iron rod on the left side of his eye, whereby he suffered a serious and grievous injuries to his lower jaw and a bleeding injury near his left eye and he fell unconscious and later was shifted to Hospital. Mr. M. Chaitanya also threatened to kill the officials of the Respondent and their family members, if they did not heed to his orders, thereby created a great tension and fears in their minds. The above-mentioned acts of the Petitioner and other workmen/union leaders of instigating assaulting, beating, threatening and abusing the officials of Respondent No.2 was of highly intolerable, illegal, mischievous and unruly, which have caused a serious disturbance at the Base Camp Office and adversely affected the discipline in general and safety of the other Workmen and Officers of the Respondent as well.

Respondent contended that in view of the gravity and severity of the acts of misconduct reported against the Petitioner, he was placed under suspension pending enquiry and was issued with detailed charge-sheet dated 09/09/2015, with the following Charges as per Clauses 19(a), (b),(c), (d), (e) and (f) of the A.P. Shops and Establishments Rules, 1990 detailed as her under:-

- "(a) Wilful insubordination or disobedience of instruction, whether alone or in combination with others of any lawful and reasonable order of a Superior;
- (b) Damage or dishonesty in connection with the employer's business or property;
- (c) unprovoked misbehaviour with customers, riotous, disorderly, or indecent behaviour in the premises of the establishment.
- (d) Any act subversive of discipline;
- (e) Assaulting and grievously hurting the managerial staff"

The Petitioner he submitted his explanation dated 30/09/201 and management considered his explanation but that was found unconvincing and unsatisfactory, and in view of the seriousness to the acts of misconduct, management decided to hold an enquiry into the charges levelled against Petitioner.

During the inquiry Petitioner was permitted to avail the assistance of a co-workman and enquiry was conducted in Telugu and proceedings thereof were also recorded in Telugu. The management has examined ten witnesses (MW-1 to MW-10) in Support of the charges, Management witness were cross-examined by the Petitioner with the aid of his co-Workman/Defence Assistant. The management has also produced documents, and same has been marked Exhibits M-1 to M-10. Petitioner has examined WW1 in defence and Enquiry Officer, after due appraisal of oral and documentary evidence submitted his Report & Findings holding workman guilty of charges levelled against him. The Enquiry Officer had assigned cogent reasons reference to the evidence brought on record for holding the with Petitioner guilty of the charges. Upon receipt of the above Enquiry Report, Final Show-Cause Notice dated 02/05/2016 was issued calling upon the Petitioner to show-cause as to why he should not be dismissed from the services of the Respondent No.2, while enclosing a copy of the Enquiry Report & Findings dated 16/02/2016 and seeking his comments, if any, thereon. The Petitioner submitted his explanation to the above Final Show-Cause Notice dated 02/05/2016, vide his letter dated 18/05/2016 and the same was found not convincing. Respondent contended that Disciplinary Authority has also evaluated the proportionality of the punishment to be imposed and in the light of the gravity of the acts of misconduct proved and its adverse impact on the discipline and safety of officials within the Respondent No.2 Company Establishment and as there were no extenuating and/or mitigating circumstances to take any lenient view in the matter, after having been convinced, that no punishment lesser than that of dismissal can be imposed, and Petitioner was dismissed from the services of the Respondent No.2 Company vide Dismissal Order dated 30/08/2016.

Therefore, in view of the seriousness of the acts of misconduct proved against the Petitioner, the dismissal order is fully justified and is not liable to be interfered with by this Hon'ble Court under any circumstances. Hence, this Hon'ble Court, at any rate, may not direct reinstatement of the Petitioner. The Respondent No.2 conducted that the enquiry conducted against the Petitioner is fully in accordance law and principles of natural justice and is valid. Petitioner was given all reasonable opportunities to himself by cross-examining the witnesses examined in of the charges and also to adduce evidence, both oral and documentary. Therefore, the enquiry so conducted was fair & proper and is also not liable to be interfered with by this Hon'ble Court. Should this Hon'ble Court, for some reason, find that the enquiry conducted is not valid, without prejudice to its contentions that the enquiry is valid and legal.

In support of his contention Respondent has relied upon the certain decisions of the Hon'ble Supreme Court which are detailed as here under: -

1. Hombe Gouda Educational Trust Vs. State of Karnataka – (2006) 1 SCC 430
2. M.P. Electricity Board Vs. Jagadish Chandra Sharma – (2005) 3 SCC 401
3. Usha Breco Mazdoor Sangh Vs Management of Usha Breco Limited 2008 SCC Page 554
4. Mulchandni electricals and Radio Industries limited Vs Workman 1975 SCC page 731.
5. Ch. Ramakoteswar Rao Vs GM, APS RTC 2000 (4) ALD Ald page 208
6. M/s Bharath Iron works Vs Bhagubhai patel (1976) 1 SCC page 518
7. S.S.P. sharma Vs Industrial Tribunal- II Hyderabad 2016 (2) ALD page 107
8. State bank of Bikaner and Jaipur Vs Nemi Chand Nalwaya (2011) 4 SCC page 584
9. Dig of police Vs S. Samuthiram 2013 1 SCC page 598
10. State bank of BNikaner & Jaipur Vs Srinath Gupta (1996) 6 SCC page 486
11. Commissioner of police Vs Narender Singh (2006) 4 SCC 265

The Law laid down by the Hon'ble Court in the above-mentioned cases will be discussed at the appropriate stage of this judgement. Therefore, Respondent contended that Petitioner does not deserve any leniency and the punishment of dismissal is just proper and under in any circumstances Petitioner may not be directed to be reinstated into the service.

Therefore, prayed to dismiss the petition with exemplary costs.

Heard the argument of learned counsel for petitioner as well as Respondent. Both the parties have also filed their written submission. Pursue the record.

4. On the basis of submission of either parties, following issues arise for determination in the present matter: -

1. Whether the departmental enquiry held against the Petitioner is legal and valid?
2. Whether present petition filed by Petitioner raising industrial Dispute against his dismissal order 30-08-2016 is barred by limitation?
3. Whether action of Respondent management Director, Swarna Toll way private Limited, Hyderabad, vide order dated 30-08-2016 whereby in terminating the services of the Petitioner is legal and justified?
4. To what relief If any, Petitioner, is entitled for?

Findings: -

Issue No. I

The Departmental inquiry conducted against the Workman Sri. Daggu Sathish has been held legal and valid, by this court vide order dated 11th November 2024.

Thus, issue is decided accordingly.

Issue No. II

In this context, Respondent No.2 and 3 contended that the present Industrial Dispute has been raised by the Petitioner on 2nd August 2021 after the lapse of five years from the date of his dismissal order dated 27th May 2016. Therefore, in view of the provision contained under section 2-A (3) of the Industrial Disputes Act, this claim could be filed by the Petitioner before the expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service as specified in (1) of section 2-A. Therefore, the present claim Petition raising the Industrial Dispute by Petitioner under section 2A (2) of the ID Act, is barred by limitation.

The perusal of claim petition goes to reveals that Petitioner has raised the Industrial Dispute against his dismissal order, dated 30th august 2016 passed the by the Respondent Management by filing claim petition in the year 2021. In the para 11 of claim petition, Petitioner has averred that against his termination order, he approached to the Deputy Labour Commissioner of Labor, Nellore for cancellation and same was dismissed without considering the merit. Thereafter, he filed petition before Labour court, Guntur, which got registered as ID Number 200/2016. Labour Court, Guntur, vide order dated 31st August 2019, has returned his petition on the ground of lack of jurisdiction. Thereafter due to COVID-19 pandemic situation Petitioner could not approach this court within time. Petitioner has also filed the copy of the order dated 31-08-2019 passed by the Presiding Officer, Labour Court, Guntur, in ID no. 200/2016, whereby Labour Court Guntur has returned petition of the Petitioner for presentation before the appropriate court of jurisdiction. It is established fact that in the year 2020, there was a prevailing situation of COVID-19 pandemic and Petitioner was not able to approach this court to present petition at Hyderabad. Thus, Petitioner has furnished cogent and sufficient explanation of delay in filing the present petition and same is not fatal to present Industrial Dispute. Therefore, in view of the above present petition raising the Industrial Dispute under section 2-A (2) of the ID Act, against the dismissal order dated 30-08-2016 is not barred by limitation. Issue is decided in favor of the Petitioner.

Issue No. III

The perusal of record goes to reveal that in this claim petition, petitioner has challenged his dismissal order dated 30th August 2016, passed by Respondent Management on the grounds alleged in petition. Furthermore, perusal of the record of inquiry proceeding along with inquiry report, goes to reveal that the Petitioner was given fair opportunity of hearing at every stage of proceedings, which he availed, without raising any objection complaining of any prejudice of any nature caused to him before the inquiry officer at any point of time. Further, it is noticed that the Workman CSC received all the documents filed and relied upon by the Respondent management in support of the charge sheet, and CSC workman also filed a reply, cross-examined the management witnesses, and also examined himself as a witness in defense. Thus, the workman CSC has participated in the inquiry proceeding at every stage. Inquiry officer, on appreciation of evidence recorded in inquiry has submitted his reasoned report holding the workman guilty of the charges. Therefore, in the opinion of the court, no case is made out to hold that the domestic inquiry suffers from any procedural lapses or was conducted in violation of principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Moreover, validity and legality of the domestic inquiry has been upheld by the court vide order dated 11th November 2024. Thus, the plea of the Petitioner that the domestic inquiry was conducted against the Petitioner in violation of principle of natural justice is untenable.

It is settled law that once it is held that the domestic inquiry is legal and proper, the next question arises for consideration whether the punishment imposed on the Petitioner is just and legal, or it is disproportionate to the gravity of the charges. Petitioner has challenged his dismissal order on the ground that the allegations leveled against him are false and fabricated, and during the inquiry no other employee as witness was examined to prove the charges and there was no corroborating evidence to prove the guilt and only that management witness were examined in the inquiry. Further, it is contended that there was no legal evidence before enquiry to prove the allegations, and the inquiry officer had also failed to bring home the charge against the Petitioner. Further, Petitioner has strenuously argued that the inquiry officer conducted the inquiry as empty formality and without having any valid and legal evidence and came to the conclusion that allegations are proved. Further, it is urged Petitioner that had not committed any misconduct as alleged in the charge sheet, and there was no evidence of loss of revenue to the corporation. Further, it is contended that there was no willful insubordination or disobedience of instructions in connection with the orders of the superior. There was no damage or dishonesty in connection with the employer's business or property, and Petitioner was not involved in unprovoked misbehavior with the customer, riotous, disorderly, or indecent behavior in the premises of the establishment. Lastly it is pleaded that the dismissal order passed by the Respondent management is grossly disproportionate to the gravity of the offense, and same is liable to be set aside. In view of plea taken by Petitioner, peruse the record of inquiry proceeding.

5. The record of proceeding goes to reveal that charge sheet dated 9th September 2015 was furnished to CSE Workman and inquiry was conducted by the inquiry officer, in the presence of CSC workman, as well as his defense representative and management witness were examined during the inquiry proceedings. In support of Charge sheet against the CSC workman, Respondent management has examined as many as ten witnesses namely, Mr. Subramanyam Vijay deepak (MW1), Mr. Hari pandarunga Swami MW2, Mr. Vikram Simha Reddy MW3, Mr. R.V. Prasad (MW4), Mr. T. Krishna Kishore (MW5), Mr. Vijay Kumar (MW6), Mr. L. Elvis Lionel (MW7), Mr. K.V. Ramprasad (MW8), and Mr. B. Vijay Sarathi Babu (MW9), and lastly, Mr. D. Veera swami (MW10). All the above stated witnesses, in their deposition have substantiated the allegations of the charge sheet issued against the CSC workman. The charge Sheet contains the allegation against CSE workman extracted as here under: -

"You have been working as a "Toll Collector" at our Budanam Toll Plaza On 1 September 2015 you were on duty in 'A' shift, which is from 6 Am to 2 Pm.

It has been reported against you that on 1st September 2015 at about 16.20 hours, you along with your union president Mr. M Chaitanya. Mr. D. Satish (Toll Collector under suspension). S Murali ATS, and TC's Mr. Penchalaiah. Mr. Turaka Ramprasad. Mr. Turaka Sudhakar Mr. Deendayal, Mr. Ch. Srinivasulu, Mr. Subba Reddy Mr. Md Hussain Mr. S Hurairah, Mr. J Srinivasulu ATS Mr. N Srinivasulu and others from Venkatachalam, Budanam and Sullurpet Toll Plazas and about 14 others forcibly enter into our base camp office situated at Km 125, NH-5. Bhdhanam Village, Chillakur Mandal, Nellore district, without any prior appointment or intimation

It is reported that at the time you went to our base camp office, a meeting was going on with M/s Kent (A supplier) at our Budanam Base camp office with our staff from HQ and Toll Plazas viz., Mr. Vijay Kumar, Mr. RV Prasad, Mr. Kishore. Mr. Ramprasad, Mr. Aylwin Lionel, Mr. Dilipu kumar Reddy. Mr. Vikram Simha Reddy. Mr. B. V Saradhi Babu, Mr. DV Swamy. Ms. Sunitha and Mr. Baburao and Staff from M/s Kent (Mr. Sandeep Pawar. Mr. Bhatta, Mr. Swapnil and Mr. Kiran) to discuss on the Toll collection system related issues.

While the said meeting was going on. Mr. M. Chaitanya along with you and 26 associates barged into the COM's room and insisted that the COM Mr. Hari Pandu Range Swamy should come along with you to the conference hall immediately, leaving the said meeting, in a most high handed and insubordinate manner. The COM, however, came along with you Thereafter, you along with your union leaders started raising all the issues and insisted him to settle the issues then and there itself. Though, the COM tried to convince you to give him two days' time to resolve the issues you and your union leaders started using abusive language against him and other officials of the company.

Meanwhile, you along with the suspended Toll Collector Mr. D. Satish and other associates caught hold of Mr Vijay Deepak (Maintenance Manager) and brought him to your union leader Mr. M. Chaitanya who started assaulting and beating Mr. Vijay Deepak indiscriminately. When the COM and Toil Managers tried to protect Mr. Vijay Deepak, you and your associates also beat the said officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises With great difficulty Mr. Deepak was taken to COM chamber, but you, and other union leaders went to COM chamber and again beat Mr. Vijay Deepak by throwing water glass, laptop on him and you and others also broke the glass panes of the room

Further, your leader Mr. M Chaitanya started beating the COM and instigated you and others to beat him You along with your other associates have severely beaten the COM and other Toli Managers. In the said attack, the COM suffered serious and grievous injuries to his lower jaw and a bleeding injury near his left eye who subsequently fell unconscious and later he was shifted to the Hospital by the police for treatment.

It is further reported that you also instigated the others to beat the officials and their family members if they did not need to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that your union leader Mr. Chaitanya, in your presence also threatened the officials of our company that he will kill the officials and their family members if they did not heed to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that you also instigated the others to beat the officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises.

Due to your illegal and unruly actions, there was serious disturbance at our base camp office. You are aware that it is the utmost responsibility of the management to maintain discipline and peace in the office premises. Instigating your co-employees, assaulting, threatening and abusing the officials of the company are highly objectionable, illegal, and mischievous.

Your above actions are clearly unwarranted, grave and serious in nature and also have adverse effect on the discipline and personal safety of the other employees in the office.”

6. MW1 in his deposition has categorically stated that on the evening of 1st September 2015, a meeting was going on with the representative of the company called Kent in the chamber of Chief of Operation and Maintenance, Shri Hari panduranga swami, at Budanam Base Camp. At that time, the witness was present in his chamber. Around 4:15 P.M., security guard Kotaiah came into his chamber and said that their union president Chaitanya and some other toll collectors, about 30 people in total, had come to meet COM. Further MW1 deposed that he went to the COM chamber and called Alvin Lionel, who was the Buddhanam toll manager and told him about the matter. Meanwhile, Chaitanya and thirty other people went to the COM chamber. Then COM, Garu, and Vikram who is the manager of Venkatachalam Toll Plaza, Dilip Kumar Reddy of Sullurupet Toll Plaza, and Lionel Daru came out of the COM Chamber and went to the conference hall. Further, MW1 deposed that he saw from the glass door of his chamber and after some time the sound of bells was heard from the conference room. The witness further deposed that he saw toll collector penchalaiah hitting the ground with an iron rod in the open area outside. There were 29 other toll collectors standing next to him. Later, MW1 came to his chamber from the cashier room. Further, witness added that Vijay Deepak and Shri Srinivasulu, the assistant supervisor, came to his chamber. Then he went to the cashier room next to his chamber and informed COM sir. Further, MW1 added that C.O.M. told him that Chaitanya would come here, and he would discuss with him. Further, MW1 states that Chaitanya and other co-worker started to beat him. As soon as he came out other toll collector also started to beat witness, while Shyam and Maria Lion, who had come there, stood between him and C.S.C. for his protection. Further, MW1 stated that immediately he went to the cashier chamber and locked himself inside. Thereafter, toll collectors rushed to his chamber and kicked the door with their feet to open it. Then he went into the chamber of the C.O.M. next to it through the partition door, and there representative of Kent company and staff of his company were present.

Further, witness stated that Satish, Srinivasa, Penchalaiah, and four other toll collectors whose name he didn't know, came from outside in the C.O.M. chamber, threw above seven people out of chamber, and also threw the laptop at the witness. Satish also threw a bottle and a water glass at him. Window glass was broken by it. COM and Leonel Garu had already come to rescue him so that none of the things they were throwing at him could hit. However, the bottle hit witness on the stomach. The glass hit the window glass behind the witness and that glass was broken. Further man states that, meanwhile, Chaitanya, who was outside, came into the room and approached to the witness, and brought the burning cigarette in his hand near his eyes, and threatened to kill him and his wife. Then J. Shrinivas lifted the chair and charged at him to throw it upon witness, but he did not do it. Later, J. Shrinivas and Satish left the chamber. The other toll collectors who remained in the chamber said that MW1 and management should apologize to the Chaitanya Garu. They forcefully grabbed the witness and dragged him to Chaitanya, who was outside, they tied his legs. Tumati Madhava Rao was also present there. Therefore, they took him to his chamber and pushed him inside. Payment manager Nagarjuna was present in his chamber and Vikram had already come to his chamber and these people also witnessed this incident noticed from the glass window that Chaitanya, C.O.M. Garu Dileep Kumar Reddy, and Lionel Garu were in the lobby outside. Further, MW1 added that he saw at the spot that Assistant Toll supervisor Murali was beating to COM, and he was hit above the left eye. MW1 added that he saw from glass window that CSE and other co-employee has beaten COM by slap and kick. Thereafter, Police arrived at the spot, and all toll collectors were present in the open area of base camp. MW1 added that between 7:30 or 8:30 a.m., C.O.M. and he went to the Guntur government hospital for treatment of their injury. The C.O.M. was treated there for his bleeding injuries. He did not suffer any bleeding injuries. However, he was suffering pain in his stomach due to a water bottle hit thrown by Satish, and he was also given painkiller injection. Further, witness added that Lionel and Vikram, who were also injured, accompanied them to the hospital. For their treatment but they did not suffer from any bleeding injuries.

7. MW1 was cross-examined by the defense representative, but nothing has been elicited to discredit or disbelieve the testimony of witness. However, MW1 was not questioned during the cross-examination on the point of occurrence of incident on 1st September 2015, as narrated by this witness in his chief statement. Thus, the version of MW1 regarding incident remained uncontroverted. Whereas CSE has admitted in his cross-examination that he along with other toll collectors were present at spot on the date and time of occurrence and they were raising the demand and shouting the slogans in support of their demands against the Respondent Management. Thus, it is established that C.S.C. workmen, along with the other toll collectors, was present on the spot at the date and time of the alleged

incident, and he also participated in the incident assault and beating to C.O.M and mangers of Respondent in concert of co- employee and in common intention as narrated in the charge sheet. Further, testimony of M.W1 is also corroborated by the testimony of rest of management witness M.W. 2, MW 3, MW 4, MW 5, MW 6, MW 7, MW 10. And also, documentary evidence. It is not the case of the petitioner that these management witnesses have any grudge or enmity with CSE for any reason whatsoever. Therefore, there is no reason for these management witnesses to depose against the CSE workman in support of charges regarding incident.

8. Moreover, the management has also produced the documentary evidence in support of the charge leveled against the CSE workman. These documents namely are Ex M1 charge sheet dated 9th September 2015; ExM2 is the explanation to the notice submitted by the workman, Ex M3 appointment letter of the Inquiry Officer, Ex M4 Outpatient ticket dated 1st September, 2009 of M. Hari Pandya and Exhibit M5 includes fifteen photographs with depicts that injured witness getting treated in the hospital for his injuries caused to his body in the alleged incident of 1st September 2015. Further, ExM6 are the photographs which show that the office of the COM has been damaged by the CSE along with other workers in the alleged incident. ExM7 is the copy of the FIR which discloses that Hari Panduranga Swami Madasu complaint got registered FIR against the petitioner and other workers at Shri Potti Sri Ramulu Nellore District Police Station under Section 147, 148, 452, 307, 506 R/W 149 IPC on 2nd September 2015 at 00.30 AM regarding the incident dated 1-09-2025 and details of the suspected, accused in the FIR is mentioned as here under: -

1. Chaithanya Malapatti. 2. Sathish, 3 Srinivasulu, 4. Sudhakar Thuraka, 5. Prasad Thuraka, 6. Deendayal, 7. Hussain Mohammad, and 8. Balakrishnan Srinivasulu, M9 Srinivasulu N, 10. Srinivasulu 11.C H, Murari 12. Penchalaiah. Thus, the testimony of witness about the incident as alleged in charge sheet is corroborated by the testimonies of other management witnesses i.e. MW1 to MW10 and also by the documentary evidence, on record.

9. Further, domestic inquiry against CSE has been conducted strictly in accordance with the principle of natural justice and workman CSE has been found guilty of grave and serious acts of misconduct. Thus, finding of the inquiry officer is based on of oral and documentary evidence recorded during enquiry and report of inquiry officer do not suffers from any illegality or perversely. The inquiry officer report goes to reveal that on 1-09-2015 CSE workman, has committed the misconduct of physical assault to the official of Respondent Management and he has been rightly held guilty of committing misconduct. The details of specific acts of misconduct allegedly committed by the Petitioner along with other co-workman on 1-09-2015 including physical assault on Respondent staff are as follows: -

That the Petitioner workman has physically assaulted Mr. Hari Pandu Ranga Swamy Madasu, the Chief Operations and Maintenance, thereby causing grievous injuries. The act not only endangered the safety of a senior official but also disrupted the discipline and harmony of the workplace. Further, Petitioner workman actively participated in a riotous mob attack, leading to the damage of company property, and creating an atmosphere of fear and disorder within the establishment. Such conduct undermines the safety and security of the workplace environment and lastly. The Petitioner workman exhibited willful insubordination by disobeying lawful and reasonable orders of his superiors. Furthermore, he threatened senior officials, displaying gross indiscipline and a blatant disregard for the hierarchical structure and decorum expected within the organization.

10. The findings of enquiry officer are based on cogent and credible evidence, including eyewitness testimonies and documentary proof. The enquiry was conducted in accordance with the principles of natural justice, providing the Petitioner ample opportunity to defend himself. Thus, the aforementioned acts committed by the Petitioner workman squarely fall under the category of serious misconduct as defined under Clauses 19(a), (c), (d) and (e) of the Andhra Pradesh Shops and establishments Rules, 1990.

Rules 19 (a), (b), (c), (d) and (e) of AP Shops & Establishment Rules provides as here under: -

- i. Clause 19(a): Willful insubordination or disobedience of any lawful and reasonable order of a superior.
- ii. Clause 19(C): Damage to the employer's property.
- iii. Clause 19(d): Riotous or disorderly behavior in the premises of the establishment.
- iv. Clause 19(e): Threatening or intimidating any employee or superior.

The misconduct committed by the workman along with employees of assaulting superiors, instigating others, and participating in the riotous violent activities constitute serious act of misconduct which strike at the root of workplace discipline. The act of workman causing grievous injuries to managerial staff is a grave and serious misconduct that is not condonable. Therefore, the dismissal order passed by Respondent against the workman is justified and appropriate action.

11. Respondent has relied upon the few decisions of Hon'ble Supreme Court which are relevant to the point and discussed as here under: -

- (d) Hon'ble Supreme Court in Krishnakali Tea Estate Bharatiya Vs. Aknn Chah Mazdoor Sanah - (20o4) 8 SCC 200 upheld the dismissal of workmen who had assaulted managerial personnel causing damage to property,

gherao of the management, wrongfully confining manager. The Apex Court observed that such violent Conduct cannot be taken lightly, and the punishment of dismissal was warranted to preserve discipline and safety at the workplace.

(e) Similarly, Hon'ble Supreme Court in the case of *Muriadih Colliery Vs. Bihar Colliery Kamgar Union* - (2005) 3 SCC 331, held that the dismissal of employees who participated in a violent mob attack, causing injury to the General Manager, was justified, and interference by the Labour Court under Section 11-A of the ID Act was disapproved and the punishment proportionate to the misconduct. was upheld.

(f) The Hon'ble Supreme Court in the case of *M.P. Electricity Board Vs. Jagdish Chandra Sharma* - order (2005) 3 SCC 401. of dismissal of a Workman who assaulted a senior officer, restored the decision of the Industrial Court, thereby reiterating that acts of violence by employees, particularly against their superiors, must be dealt with strictly and are not open to lenient treatment. The reinstatement ordered by the Labour Court was reversed, affirming the employer's authority to maintain discipline through dismissal.

(d) In the case of *Hombe Gowda Educational Trust Vs. State of Karnataka* - (2006) 1

SSC 430, the Hon'ble Supreme Court underscored the importance of workplace discipline and held that even provoked assault on a superior, amounts to gross indiscipline. The Court stated: "30. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by the rule of law. All actions, therefore, must be taken in accordance with law."

(f) In the case of *Usha Breco Mazdoor Sangh Vs. Management of M/S. Usha Breco Ltd* - (2008) 5 SCC 554, Hon'ble Supreme Court while reaffirming the legal position laid down by it is in the case *firestone Tyre and Rubber Co. Vs. The management and Others* - (1973) 1 SCC 813, held: -

"31. It is one thing to say that finding of an Enquiry Officer is perverse or betrays the well-known doctrine of proportionality another thing to say that only because two views are possible, the Labour Court shall interfere therewith. In other words, it is one thing to say that on the basis of the materials on record, the Labour Court comes to a conclusion that a verdict of guilt has been arrived at by the Enquiry Officer whereas the materials suggested otherwise but it is another thing to say that such a verdict was also a possible view.

39. The upshot of our discussion is that the decision of the labour Court should not be based on mere hypothesis. It cannot overturn a decision of the Management on ipse dixit. Its jurisdiction under section 11-A of the Act although is a wide one, must be judiciously exercise either whimsically or capriciously. It may scrutinize and analyze the evidence but what is important is how it does so."

(f) Further, in the case of **New Shorrock Mills vs Maheshbhai T. Rao, 1996 SCC page 590**. Hon'ble Supreme Court held: -

"35. In the case of *New Shorrock Mills Vs. (1996) Maheshbhai T Rao* 6 of SCC 590, held that:

"Labour Court in the present case having come to a Conclusion that the finding of the departmental enquiry was legal and proper, the Respondents order of discharge was not by way of victimization and that the Respondent workman had Seriously misbehaved and was thus guilty of misconduct, ought not to have interfered with the punishment, which was awarded, in the manner it did. This is not a case where the Court Could Come to the conclusion that the punishment was awarded was shockingly disproportionate to the employee's conduct and his past service record."

(g) The Supreme Court in the case of **Northeastern Karnataka RTC Vs. Ashappa 2006 (5) SCC 137** reaffirmed that the Tribunal must not lightly interfere with the employer's disciplinary decisions and reiterated the "shockingly disproportionate" standard.

(h) In **Hombe Gowda Educational Trust Vs. State of Karnataka (cupra)**, the Hon'ble Supreme Court clarified that the days of automatic sympathy towards the workman are over, and that discipline must be maintained at all costs in light of contemporary industrial conditions. The Tribunal's power to substitute the employer's decision must be exercised with restraint.

(i) In the case of **Muriadih Colliery (Supra) & Krishnakali Tea**

Estate (Supra), the Apex Court expressly held that interference by Labour Courts with dismissal orders passed for acts involving violence and assault was not permissible under section 11-A of the ID Act, as the punishment was not disproportionate.

Thus, in view of the principles laid down by the Honorable Apex Court as discussed above, there is ample oral and documentary evidence on record to substantiate the charges against the petitioner workman, and it cannot be said that the order of dismissal of Petitioner is perverse or shockingly disproportionate.

12. As regard the plea of the petitioner workman that Respondent Management has victimize him due to the being member of the union and also for raising the demand related to welfare of the workman.

In this context, Respondent has relied upon the decision of the Supreme Court in the case of **Bharat Iron Works versus Bhagobhai Balubhai Patel, 1976 SCC page 518**. Therein Hon'ble Supreme Court has laid down the legal test for establishing the plea of victimization as discussed here under: -

"11. The onus of establishing plea of victimisation will be upon the person pleading

it. Since a charge of victimisation is a serious matter reflecting, to a degree, subjective upon the attitude of the employer evidenced by acts and conduct, it has to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

The Apex Court further held:

"12. Once, in the opinion of the Tribunal a gross misconduct is established, as required, on legal evidence either in a fairly conducted domestic enquiry or before the Tribunal on merits, the plea of victimisation will not carry the case of the employee any further. A proved misconduct is antithesis of victimisation as understood in industrial relations."

13. Thus, in view of the principle laid down by Hon'ble Apex Court, as discussed above the petitioner workman has failed to produce any evidence in support of the plea that the action of Respondent management in dismissing him from service is victimization of the petitioner workman. The petitioner workman has failed to discharge his burden of proof regarding plea of victimization or unfair labor practices hence same is untenable.

14. As regard the plea of the petitioner that they he has been acquitted from the criminal trial by court in respect of the alleged acts of misconduct. In this context, the decision of Honorable Supreme Court in the case of Deputy Inspector General of Police versus Sethu . Thiruvani, 2013 SCC page 598 is relevant, wherein Honorable Apex Court have held that mere acquittal in a criminal trial does not nullify or override the finding of a valid domestic inquiry. Further, Honorable Apex Court held that the standard of proof in a criminal trial is proof beyond reasonable doubt, whereas in a domestic inquiry it is only preponderance of the probability.

In the case of Commissioner of Police vs Narendra Singh, 2006 SCC page 265, Honorable Apex Court held that the disciplinary proceeding can proceed independently and that an employee can be dismissed from service based on finding of a department inquiry even if no conviction is recorded in the criminal trial. The finding in the inquiry against the workman is based on credible evidence, including eyewitness testimonies and documentary records and same does not warrant any interference.

15. Hon'ble Supreme Court in the case of Employers Management **West Bokaro Gallery Colly of TISCO Limited vs Concern Workman Ram Prakash Singh, 2008 LLR, page 432**,

"16. In U.P State Road Transport Corporation Vinod Kumar, 2007 (13) SCALE 690 this Court again observed that in the absence of a challenge to the legality or fairness of the domestic enquiry the Court should be reluctant to either interfere with the finding recorded by the Enquiry officer or the punishment awarded by the Punishing Authority.

17. After going through the order of the industrial Tribunal, were are of the opinion that the Tribunal has interfered with the findings recorded by the domestic. Tribunal as if it was the appellate Tribunal. There was evidence present on record regarding indecent riotous and disorderly behavior of the Respondent towards his superiors. The management witness who were present at the scene of occurrence have unequivocally deposed about the misbehavior of the Respondent towards his superiors. Their evidence has been discarded by the Tribunals by observing that in the absence of independent evidence, the statements of the workmen who were present at the scene of occurrence could not be believed. Industrial Tribunal tell in error in discarding the evidence produce by the management only because the independent witnesses were not produce them. It is possible that at the time of occurrence, only the workers of the Management and the persons who were truing to put up the constructions dependent evidence was available. Statements of the fellow workmen had established the misconduct of the Respondent. Enquiry officer accepted the testimony of the witness produced by the management who had clearly implicated the Respondent. It was a legitimate conclusion which could be arrived at and it would not be open to the industrial Tribunal to substitute the said opinion by its own opinion.

19. Tribunal has set aside the report of the enquiry Officer and the order of dismissal passed by the punishing Authority by observing that the charges against the Respondent were not proved beyond reasonable doubt. It has repeatedly had been held by the court that the acquittal in a criminal case could not operate as a bar for drawing up of a disciplinary proceeding against a delinquent. It is well settled principle of law that yardstick and standard proof in a criminal case is different from the one disciplinary proceeding. While the standard of proof in a criminal case is proof beyond all reasonable doubt, the standard of proof in a departmental proceeding is preponderance of probabilities."

Further, the Honorable Supreme Court has observed that in a case where two views are possible on the evidence on record, then the Industrial Tribunal should be very slow in coming to a conclusion other than the one arrived at by the domestic Tribunal, by substituting its opinion in place of the opinion of the domestic tribunal.

Thus, in view of the law laid down by the apex court, as discussed above, the plea of the petitioner that there is no legal evidence on record is untenable, as there is sufficient evidence on record of the domestic inquiry to prove the guilt of the workman in the alleged misconduct.

16. Further, as regard the appreciation and evaluation of the evidence in matter of domestic inquiry, Hon'ble Supreme Court, in the case of **State of Rajasthan and others Vs Him Singh, Civil Appeal Number 3340 of 2020**, date of decision: 29th October 2021, has laid down the principles extracted as here under: -

"Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof be yond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.

To determine whether the finding in a disciplinary inquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the courts that there is some evidence to support the charge of misconduct and to guard against perversity, but this does not allow the court to re- appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."

17. In the case of **Hombe Gouda Education Trust Vs State of Karnataka, 2006 SCC**, page 430: Hon'ble Supreme Court have held that assaulting a superior at a workplace amount to an act of gross indiscipline. The respondent is a teacher. Even under grave provocation, a teacher is not expected to abuse the head of the institution in a filthy language and assault him with a chappal. punishment of dismissal from service, therefore, cannot be said to be wholly disproportionate so as to shock one's conscience. Further, Hon'ble Supreme Court held that a person, when dismissed from service, is put to great hardship, but that would not mean that a grave misconduct (assault on superior at workplace) should go unpunished. Maintenance of discipline of an institution is equally important.

18. Further, In the case of **MP Electricity Board Vs Jagdish Sharma, 2005 SCC**, page 401, Hon'ble Supreme Court have held:

"9. In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the workplace obviously in the breach of Presence of other employees This clearly amounted in an discipline in the organisation Discipline at the workplace organisation like the employer herein, is the sine qua non for the efficient working of the organisation, when an employee breaches such discipline and the employer terminates his services it is not open to a Labour Court of an Industrial Tribunal to take view that the punishment awarded is shockingly disproportionate to the charge proved. We have already

referred to the views of this Court. To quote Jack Chan,

'Discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large.'

Obviously, this idea is more relevant in considering the working of an organisation like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. It is essential for the prosperity of the organisation as well as that of its employee's. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion."

19. Further, in the case of **Ajit Kumar Nag Vs Indian Oil Corporation Limited, 2005 SCC page 764, the Honorable Supreme Court has held, in a three-judge bench, in paragraph 56**, "It is well settled that the burden of proving malafide is on the person making the allegation, and the burden is very heavy. There is every presumption in favor of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of malafide are often more easily made than made out, and the very seriousness of such allegations demands proof of a high degree of credibility."

Further, Hon'ble Supreme Court held that assault, intimidation are penal offences. A workman indulging in commission of criminal offenses should not be spared only because he happens to be a union leader. The act does not encourage indiscipline. It will be a matter of some concern if the opinion of the inquiry officer can be totally ignored, despite the fact that the management is precluded from adducing any fresh evidence before the labor court. A union leader does not enjoy immunity from being proceeded with in a case of misconduct.

20. In the case of D. Mulchandani Electric and Radio Industries Limited Vs Workman, 1975 Supreme Court Cases page 731, Hon'ble Supreme Court have held:

establishment

"It was not disputed before us that the allegation of assault, if proved, would be an act subversive of discipline: what was contended on behalf of the respondent was between Thana and the premises was that the alleged assault having taken place in the train Mulund which was obviously outside the or precincts of the establishment, was not covered by Standing Order.

24(1). The Labour Court also found that the alleged assault did not In our amount to misconduct under Standing Order 24(1) which, it was held was restricted to acts and omissions inside the premises of the establish opinion, Lon a plain reading of the clause, the words "within the premises or precincts of the establishment" refer not to the place where the act which is subversive of discipline or good behaviour is committed but where the consequence of such an act manifests itself. In other words, an act, wherever committed, if it has the effect of sub- verting discipline or good behaviour within the premises or precincts of the establishment, will amount to misconduct under Standing Order 24(1) We are unable to agree that Standing Order 24(l) leaves out of its scone an act committed outside though it may result in subversion of discipline or good behaviour within the premises or precincts of the establishment in question. Such a construction in our view would be quite unreasonable."

21. In the case of **State bank of Bikaner and Jaipur vs Nemi Channel via 2011 Supreme Court cases page 580** Hon'ble Supreme Court have held that subsequent acquittal by criminal court will not in any way render completed discipline proceeding invalid, nor affect the validity of finding of the guilt and consequential punishment.

22. Thus, in view of the foregone discussion and law laid down by the apex court as discussed above, in the instant matter all the charges framed and proved in domestic inquiry against the workman being serious and grave in nature and stands proved by oral and documentary evidence recorded and produced bin the inquiry. Further, the evidence produced by the management before inquiry is legal and admissible as per principle of preponderance of probability laid down by Hon'ble Supreme Court in its various decisions as discussed in preceding paragraph of this Award. Therefore, order of dismissal of Petitioner workman cannot be faulted with, nor it can be said to be in any way disproportionate to the gravity of the charges. Thus, the punishment of dismissal of the workman is proportionate to the gravity of the charges, and hence deserve to be upheld. Thus, the action of the respondent management in dismissing the services of the workman is held legal and justified.

This issue is decided against the workman and in favor of the respondent management.

Issue No: IV

In view of foregone discussion and finding given at issue No. I, II and III, I am of the considered opinion that the action of Respondent management in dismissing the Petitioner from service vide order dated 30-08-2016 is legal and justified. Therefore, no interference warrants in the punishment of dismissal order dated 30-08-2016 of the Petitioner and the action of Respondent Management is held legal and justified and liable to be confirmed.

AWARD

In view of the foregone discussion and finding given at issue No. I, II, III, and IV, the action of Respondent Management in dismissing the service of the Petitioner workman vide order dated 30-08-2016 is held legal and justified. Petition filed by the Petitioner sans merit hence dismissed.

Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected, and signed by me on this the 31st day of October, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2069.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, तेलंगाना, निदेशक (प्राधिकृत हस्ताक्षरकर्ता), स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद, सहायक महाप्रबंधक, समूह मानव संसाधन, स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद के प्रबंधन के संबंध में नियोजकों और श्री ईगा सिवैया, कर्मचारी संख्या- 228, आंध्र प्रदेश, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय हैदराबाद पंचाट (संदर्भ संख्या- 13/2021) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल -42025/07/2025/242-आईआर-(डीयू)]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2069.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 13/2021) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Highways Authority of India, Telangana, The Director (Authorised Signatory), Swarna Tollway Private Limited, Hyderabad, The Asst. General Manager, Group H.R., Swarna Tollway Private Limited, Hyderabad and Sh. Eaga Sivaiah, Emp. No. 228, Andhra Pradesh, workman.**

[No. L-42025/07/2025/242- IR (DU)]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABADPresent: - **Sri Irfan Qamar**

Presiding Officer

Dated 30th day of October 2025**INDUSTRIAL DISPUTE L.C.No. 13 / 2021**

Between:

Eaga Sivaiah, Emp. No.228,

S/o. Sathyanarayana,

Chittedu Village and Post,

Kota Mandal,SPSR. Nellore District.

Andhra Pradesh State- 524 410.

... Petitioner

AND

1. National Highways Authority of India,
Rep. by Executive Engineer - Chief Engineer-Regional Officer,
First Floor, New Building Administrative Staff College of India (ASCI),
College Park Campus, Road No.3,
Banjara Hills, Hyderabad, Telangana 500034
2. The Director (Authorised Signatory),
Swarna Tollway Private Limited,
D.No.6-3-1090, 4n Floor, C. Block, TSR Towers,
Raja Bhavan Road, Somajiguda,
Hyderabad. Rep. by its Director

3. The Asst. General Manger, Group H.R.
Swarna Tollway Private Limited,
Plot No. 1-89/1. Plot No. 42 & 43.
Kavuri Hills, Phase -I Madhapur, Hyderabad. ...Respondents

Appearances:

For the Petitioner: M/s. S. Chakrapani, T. Naveen Chowdary and M. Ravi Kiran, Advocates

For the Respondent: M/s. CRS Associates, Advocates

1. This Petition has been filed by the Petitioner workman under section 2(A) (2) of Industrial Dispute Act 1947 with the prayer to set aside his dismissal order dated 27th May 2016 passed by the Respondent Management and to direct the Respondent to reinstate Petitioner in the service with continuity of service with all back wages and all other attendant benefits.

2. The facts in brief culled out from the petition are that the Petitioner workman was appointed as a Toll Collector in Swarna Tollway Private Limited Organization on 31st May 2008.

Further, Petitioner submitted that he was placed under suspension with issuing Charge sheet on 9th September 2015, and without considering his explanation Respondent has dismissed him vide order dated 27th May 2016. Further, Petitioner submitted that on 1st September 2015 he was member of Swarna Toll Employees Union, and he went to Budanam Base Camp office to meet with office bearer of the union and number of employees, union president and some other office bearers were also present at Budanam base camp office to meet with the COM to represent their demands. When the union leader entered into the Chamber of COM. Other employees were waiting outside camp office of COM and Some discussions took place between Union leaders and the management. As per petitioner COM did not consider the lawful demands of the employees and union leaders came outside and explained to other employees. Since lawful demands were not considered by the Respondent COM, Union leaders and employees expressed their protest against the Respondent Management by shouting slogans. COM and other managers foisted a false case against the petitioner and rest of the employees present there at Chillakuru Police Station. The Police authority registered a case in Crime No.154/2015 against the 28 employees and they sent the there employees to remand. The Chief of operation and maintenance and other Toll Managers made a complaint what has been alleged in the charge sheet. Further, Petitioner stated that he was no way concerned in the said incident there was no specific allegation against him. The allegations made against all the 28 employees are in common Petitioner contended that before issuing charge sheet, the copy of complaint was not supplied to him to submit his explanation and he never committed any misconduct of willful in subordination or disobedience with the lawful and reasonable order of superior. He never damage the employer's business or property and did not instigate co-workman to misbehave with official of Management. He never committed any act subversive of discipline and I never assaulted and grievously hurting the management as alleged in the charge sheet. Further, Petitioner submitted that enquiry has been conducted by the enquiry officer into the allegations without following principle of natural justice. There was no corroborative evidence to prove the guilt of Petitioner and only management witness were examined in the enquiry. The management witness nowhere has stated that what acts, and omission committed by C.S.E and, there was no legal evidence to prove the allegations against C.S.E. Thus, enquiry officer has also failed to bring home the guilt of C.S.E and gave common findings of all the 28 C.S.E which is not legal. Enquiry officer has conducted enquiry an empty formality, and submitted his report holding that the allegation are proved. The procedure followed by the enquiry office, and enquiry findings are not fair, proper and not maintainable under law. Respondent management had issued show cause notice to petitioner and without considering his explanation the Respondent management passed his dismissal order on 27-05-2016 that is not sustainable under law.

Further, Petitioner submitted that the allegation leveled against him were false and fabricated and there was no specific allegation against him for violation of any acts or omissions. All the common allegations has been made against the 28 employees. There was no willful in subordination or disobedience of instruction in connection with the order of the superior and no damages done with the employer business or property. There was no unprovoked behavior with customers riotous disorderly or indecent behavior in premises of the establishment. There was no act subversive of discipline. It is submitted that Petitioner had not committed due serious misconduct to dismiss him from service. Further it is submitted that Petitioner filed the ID No 14 of 2017 before the labour Court Guntur and labour court passed the order dated 31 -8-2019 thereby rejecting the petition on the ground of lack jurisdiction. Therefore, any delay in filing the appeal is on account of COVID-19 pandemic situations prevailing all over the world. Therefore, prayed to set aside the order dated 30-08-2016 passed by Respondent and to reinstate the Petitioner in the service,

3. Per contra Respondent 1 has filed counter therein he has contended that the Respondent No.1 NHAI unnecessarily has been made party in the present Petition as there is no employe relationship between the Petitioner and Respondent No.1. Further, it is submitted that the Respondent No.1 is neither concerned nor related to allegation

made in the petition hence denied. Respondent has unnecessarily been made party to the present proceeding and petition is liable to be dismissed against Respondent No.1 with cost.

Respondent No. 2 and 3 has filed counter and has contended there in that present petition has been filed by the Petitioner under section 2(A) (2) of the Industrial Disputes Act challenging the dismissal order dated 30th August 2016 issued by Respondent no. 2 which is barred by the limitation prescribed under section 2A (3) of the Act. Respondent contended that the present ID has been raised by the Petitioner on 30th September 2021, i.e., after a lapse of over five years and as such is liable to be dismissed by the court in limine as a time-barred one. Further, it is submitted that Labour Court, Guntur, vide order dated 31st August 2019 has returned the petition for want of jurisdiction while holding that Petitioner may raise dispute before the competent court of appropriate jurisdiction. However, the present ID has been raised before this Hon'ble Court after a lapse of two years without any explanation for the delay, and not maintainable on the ground of barred by limitation.

Further, Respondent contended that Petitioner was found guilty of riotous, disorderly, unruly behavior of mob attack on the chief Operation and Maintenance, Mr. Hari Panduranga swamy madusa, Mr. S. Vijay Deepak, and other toll managers at Budanam Base camp of the Respondent no. 2 company on 1st September 2015, Domestic inquiry against Petitioner workman has been held by following principle of natural justice and dismissal order dated 30th August 2016 is not liable to be interfered with by this court under any circumstances. Further, it is submitted that the Petitioner and other workmen assaulted and has beaten the manager by giving them punches, kicking with legs, and hitting with iron rods, and in the said attack by the Petitioner and other workmen, Chief Operation and Maintenance, Mr. Hari Panduranga Swamy Madusa, sustained grievous bleedings injuries to his eye and suffered injuries of jaws dislocation and he was hospitalized. Further, Respondent contended that Petitioner with other workmen, also damaged the property of the Respondent No.2 in the said mob attack.

10) Respondent contended that on 01/09/2015, an important meeting was going on between a supplier and the senior management of Toll Plazas at Base Camp office off the Respondent No.2 Company at Budhanam Village, Chillakuru Mandal, SPSR Nellore District, to discuss about the toll collection system related issues, at about 16:20 Hours. Petitioner along with Mr. M. Chaitanya, who was the President of Swarna Toll way Employees' Union and other Toll Collectors working at Venkatachalam, Bhudanam and sullurpet Toll Plazas, concertedly and forcibly entered into the base camp office and barged into the room of Chief Operations Manager (COM), Mr. Hari Pandu Ranga Swamy Madasu in a most indecent and insubordinate Manner and insisted that COM should come out of the ongoing meeting and discuss with them on some pending issues in the Conference Hall. Petitioner and co-workman insisted for an Immediate settlement of their COM tried to convince Petitioner and other mob of workmen and asked to give two days' time to resolve their issues and grievances, but it was in vain and workman started using abusive language against him and against other officials too.

In the meantime, one of the Toll Collectors under suspension, Mr. Daggu Satish and also other employees, caught hold of Mr.S.Vejay Deepak, Maintenance Manager and brought him to the Union President, Mr. M. Chaitanya, who started assaulting him and beating him indiscriminately., When the COM and the Toll Manager tried to save him from the mob, Petitioner and the workman present there acted in a most riotous and disorderly manner and in utter disregard of the discipline in the office premises of the Respondent No.2 Company. Thereafter, S. Vejay Deepak Was taken to the COM's Chamber, but Petitioner and other mob of workmen also went there and again started beating Mr. S. Vejay Deepak by throwing water glass and laptop on him and they also broken the glass panes of the room.

Respondent further submitted that Mr. M. Chaitanya, started beating the COM and he also instigated Petitioner and others workman to beat COM, and Mr. S. Vijay Deepak and other Toll Managers with kicks and punches. Two of the workmen punched the COM on his face causing dislocation of lower jaw teeth, while one Mr. D. Satish pounced on him with fist punches on his face and shoulder, Mr. S. Murali and Mr. M. Chaitanya has hit COM with an iron rod on the left side of his eye, whereby he suffered a serious and grievous injuries to his lower jaw and a bleeding injury near his left eye and he fell unconscious and later was shifted to Hospital. Mr. M. Chaitanya also threatened to kill the officials of the Respondent and their family members, if they did not heed to his orders, thereby created a great tension and fears in their minds. The above-mentioned acts of the Petitioner and other workmen/union leaders of instigating assaulting, beating, threatening and abusing the officials of Respondent No.2 was of highly intolerable, illegal, mischievous and unruly, which have caused a serious disturbance at the Base Camp Office and adversely affected the discipline in general and safety of the other Workmen and Officers of the Respondent as well.

Respondent contended that in view of the gravity and severity of the acts of misconduct reported against the Petitioner, he was placed under suspension pending enquiry and was issued with detailed charge-sheet dated 09/09/2015, with the following Charges as per Clauses 19(a), (b),(c), (d), (e) and (f) of the A.P. Shops and Establishments Rules, 1990 detailed as her under:-

"(a) Wilful insubordination or disobedience of instruction, whether alone or in combination with others of any lawful and reasonable order of a Superior;

(b) Damage or dishonesty in connection with the employer's business or property;

(c) unprovoked misbehaviour with customers, riotous, disorderly, or indecent behaviour in the premises of the establishment.

(d) Any act subversive of discipline;

(e) Assaulting and grievously hurting the managerial staff"

The Petitioner he submitted his explanation dated 30/09/201 and management considered his explanation but that was found unconvincing and unsatisfactory, and in view of the seriousness to the acts of misconduct, management decided to hold an enquiry into the charges levelled against Petitioner.

During the inquiry Petitioner was permitted to avail the assistance of a co-workman and enquiry was conducted in Telugu and proceedings thereof were also recorded in Telugu. The management has examined ten witnesses (MW-1 to MW-10) in Support of the charges, Management witness were cross-examined by the Petitioner with the aid of his co-Workman/Defence Assistant. The management has also produced documents, and same has been marked Exhibits M-1 to M-10. Petitioner has examined WW1 in defence and Enquiry Officer, after due appraisal of oral and documentary evidence submitted his Report & Findings holding workman guilty of charges levelled against him. The Enquiry Officer had assigned cogent reasons reference to the evidence brought on record for holding the with Petitioner guilty of the charges. Upon receipt of the above Enquiry Report, Final Show-Cause Notice dated 02/05/2016 was issued calling upon the Petitioner to show-cause as to why he should not be dismissed from the services of the Respondent No.2, while enclosing a copy of the Enquiry Report & Findings dated 16/02/2016 and seeking his comments, if any, thereon. The Petitioner submitted his explanation to the above Final Show-Cause Notice dated 02/05/2016, vide his letter dated 18/05/2016 and the same was found not convincing. Respondent contended that Disciplinary Authority has also evaluated the proportionality of the punishment to be imposed and in the light of the gravity of the acts of misconduct proved and its adverse impact on the discipline and safety of officials within the Respondent No.2 Company Establishment and as there were no extenuating and/or mitigating circumstances to take any lenient view in the matter, after having been convinced, that no punishment lesser than that of dismissal can be imposed, and Petitioner was dismissed from the services of the Respondent No.2 Company vide Dismissal Order dated 30/08/2016.

Therefore, in view of the seriousness of the acts of misconduct proved against the Petitioner, the dismissal order is fully justified and is not liable to be interfered with by this Hon'ble Court under any circumstances. Hence, this Hon'ble Court, at any rate, may not direct reinstatement of the Petitioner. The Respondent No.2 conducted that the enquiry conducted against the Petitioner is fully in accordance law and principles of natural justice and is valid. Petitioner was given all reasonable opportunities to himself by cross-examining the witnesses examined in of the charges and also to adduce evidence, both oral and documentary. Therefore, the enquiry so conducted was fair & proper and is also not liable to be interfered with by this Hon'ble Court. Should this Hon'ble Court, for some reason, find that the enquiry conducted is not valid, without prejudice to its contentions that the enquiry is valid and legal.

In support of his contention Respondent has relied upon the certain decisions of the Hon'ble Supreme Court which are detailed as here under: -

1. Hombe Gouda Educational Trust Vs. State of Karnataka – (2006) 1 SCC 430
2. M.P. Electricity Board Vs. Jagadish Chandra Sharma – (2005) 3 SCC 401
3. Usha Breco Mazdoor Sangh Vs Management of Usha Breco Limited 2008 SCC Page 554
4. Mulchandni electricals and Radio Industries limited Vs Workman 1975 SCC page 731.
5. Ch. Ramakoteswar Rao Vs GM, APS RTC 2000 (4) ALD Ald page 208
6. M/s Bharath Iron works Vs Bhagubhai patel (1976) 1 SCC page 518
7. S.S.P. sharma Vs Industrial Tribunal- II Hyderabad 2016 (2) ALD page 107
8. State bank of Bikaner and Jaipur Vs Nemi Chand Nalwaya (2011) 4 SCC page 584
9. Dig of police Vs S. Samuthiram 2013 1 SCC page 598
10. State bank of BNikaner & Jaipur Vs Srinath Gupta (1996) 6 SCC page 486
11. Commissioner of police Vs Narender Singh (2006) 4 SCC 265

The Law laid down by the Hon'ble Court in the above-mentioned cases will be discussed at the appropriate stage of this judgement. Therefore, Respondent contended that Petitioner does not deserve any leniency and the punishment of dismissal is just proper and under in any circumstances Petitioner may not be directed to be reinstated into the service.

Therefore, prayed to dismiss the petition with exemplary costs.

Heard the argument of learned counsel for petitioner as well as Respondent. Both the parties have also filed their written submission. Pursue the record.

4. On the basis of submission of either parties, following issues arise for determination in the present matter: -

1. Whether the departmental enquiry held against the Petitioner is legal and valid?
2. Whether present petition filed by Petitioner raising industrial Dispute against his dismissal order 30-08-2016 is barred by limitation?
3. Whether action of Respondent management Director, Swarna Toll way private Limited, Hyderabad, vide order dated 30-08-2016 whereby in terminating the services of the Petitioner is legal and justified?
4. To what relief If any, Petitioner, is entitled for?

Findings: -

Issue No. I

The Departmental inquiry conducted against the Workman Sri. Daggu Sathish has been held legal and valid, by this court vide order dated 11th November 2024.

Thus, issue is decided accordingly.

Issue No. II

In this context, Respondent No.2 and 3 contended that the present Industrial Dispute has been raised by the Petitioner on 2nd August 2021 after the lapse of five years from the date of his dismissal order dated 27th May 2016. Therefore, in view of the provision contained under section 2-A (3) of the Industrial Disputes Act, this claim could be filed by the Petitioner before the expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service as specified in (1) of section 2-A. Therefore, the present claim Petition raising the Industrial Dispute by Petitioner under section 2A (2) of the ID Act, is barred by limitation.

The perusal of claim petition goes to reveals that Petitioner has raised the Industrial Dispute against his dismissal order, dated 30th august 2016 passed the by the Respondent Management by filing claim petition in the year 2021. In the para 11 of claim petition, Petitioner has averred that against his termination order, he approached to the Deputy Labour Commissioner of Labor, Nellore for cancellation and same was dismissed without considering the merit. Thereafter, he filed petition before Labour court, Guntur, which got registered as ID Number 203/2016. Labour Court, Guntur, vide order dated 31st August 2019, has returned his petition on the ground of lack of jurisdiction. Thereafter due to COVID-19 pandemic situation Petitioner could not approach this court within time. Petitioner has also filed the copy of the order dated 31-08-2019 passed by the Presiding Officer, Labour Court, Guntur, in ID no. 203/2016, whereby Labour Court Guntur has returned petition of the Petitioner for presentation before the appropriate court of jurisdiction. It is established fact that in the year 2020, there was a prevailing situation of COVID-19 pandemic and Petitioner was not able to approach this court to present petition at Hyderabad. Thus, Petitioner has furnished cogent and sufficient explanation of delay in filing the present petition and same is not fatal to present Industrial Dispute. Therefore, in view of the above present petition raising the Industrial Dispute under section 2-A (2) of the ID Act, against the dismissal order dated 30-08-2016 is not barred by limitation. Issue is decided in favor of the Petitioner.

Issue No. III

The perusal of record goes to reveal that in this claim petition, petitioner has challenged his dismissal order dated 30th August 2016, passed by Respondent Management on the grounds alleged in petition. Furthermore, perusal of the record of inquiry proceeding along with inquiry report, goes to reveal that the Petitioner was given fair opportunity of hearing at every stage of proceedings, which he availed, without raising any objection complaining of any prejudice of any nature caused to him before the inquiry officer at any point of time. Further, it is noticed that the Workman CSC received all the documents filed and relied upon by the Respondent management in support of the charge sheet, and CSC workman also filed a reply, cross-examined the management witnesses, and also examined himself as a witness in defense. Thus, the workman CSC has participated in the inquiry proceeding at every stage. Inquiry officer, on appreciation of evidence recorded in inquiry has submitted his reasoned report holding the workman guilty of the charges. Therefore, in the opinion of the court, no case is made out to hold that the domestic inquiry suffers from any procedural lapses or was conducted in violation of principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Moreover, validity and legality of the domestic inquiry has been upheld by the court vide order dated 11th November 2024. Thus, the plea of the Petitioner that the domestic inquiry was conducted against the Petitioner in violation of principle of natural justice is untenable.

It is settled law that once it is held that the domestic inquiry is legal and proper, the next question arises for consideration whether the punishment imposed on the Petitioner is just and legal, or it is disproportionate to the

gravity of the charges. Petitioner has challenged his dismissal order on the ground that the allegations leveled against him are false and fabricated, and during the inquiry no other employee as witness was examined to prove the charges and there was no corroborating evidence to prove the guilt and only that management witness were examined in the inquiry. Further, it is contended that there was no legal evidence before enquiry to prove the allegations, and the inquiry officer had also failed to bring home the charge against the Petitioner. Further, Petitioner has strenuously argued that the inquiry officer conducted the inquiry as empty formality and without having any valid and legal evidence and came to the conclusion that allegations are proved. Further, it is urged Petitioner that had not committed any misconduct as alleged in the charge sheet, and there was no evidence of loss of revenue to the corporation. Further, it is contended that there was no willful insubordination or disobedience of instructions in connection with the orders of the superior. There was no damage or dishonesty in connection with the employer's business or property, and Petitioner was not involved in unprovoked misbehavior with the customer, riotous, disorderly, or indecent behavior in the premises of the establishment. Lastly it is pleaded that the dismissal order passed by the Respondent management is grossly disproportionate to the gravity of the offense, and same is liable to be set aside. In view of plea taken by Petitioner, peruse the record of inquiry proceeding.

5. The record of proceeding goes to reveal that charge sheet dated 9th September 2015 was furnished to CSE Workman and inquiry was conducted by the inquiry officer, in the presence of CSC workman, as well as his defense representative and management witness were examined during the inquiry proceedings. In support of Charge sheet against the CSC workman, Respondent management has examined as many as ten witnesses namely, Mr. Subramanyam Vijay deepak (MW1), Mr. Hari pandarunga Swami MW2, Mr. Vikram Simha Reddy MW3, Mr. R.V. Prasad (MW4), Mr. T. Krishna Kishore (MW5), Mr. Vijay Kumar (MW6), Mr. L. Elvis Lionel (MW7), Mr. K.V. Ramprasad (MW8), and Mr. B. Vijay Sarathi Babu (MW9), and lastly, Mr. D. Veera swami (MW10). All the above stated witnesses, in their deposition have substantiated the allegations of the charge sheet issued against the CSC workman. The charge Sheet contains the allegation against CSE workman extracted as here under: -

"You have been working as a "Asst. Toll Supervisor at our Budanam Toll Plaza On 1 September 2015 you were on duty in 'A' shift, which is from 10 Am to 6 Am

It has been reported against you that on 1st September 2015 at about 16.20 hours, you along with your union president Mr. M Chaitanya. Mr. D. Satish (Toll Collector under suspension). S Murali ATS, and TC's Mr. Penchalaiah. Mr. Turaka Ramprasad. Mr. Turaka Sudhakar Mr. Deendayal, Mr. Ch. Srinivasulu, Mr. Subba Reddy Mr. Md Hussain Mr. S Hurairah, Mr. J Srinivasulu ATS Mr. N Srinivasulu and others from Venkatachalam, Budanam and Sullurpet Toll Plazas and about 14 others forcibly enter into our base camp office situated at Km 125, NH-5. Bhdhanam Village, Chillakur Mandal, Nellore district, without any prior appointment or intimation

It is reported that at the time you went to our base camp office, a meeting was going on with M/s Kent (A supplier) at our Budanam Base camp office with our staff from HQ and Toll Plazas viz., Mr. Vijay Kumar, Mr. RV Prasad, Mr. Kishore. Mr. Ramprasad, Mr. Aylwin Lionel, Mr. Dilipu kumar Reddy. Mr. Vikram Simha Reddy. Mr. B. V Saradhi Babu, Mr. DV Swamy. Ms. Sunitha and Mr. Baburao and Staff from M/s Kent (Mr. Sandeep Pawar. Mr. Bhatta, Mr. Swapnil and Mr. Kiran) to discuss on the Toll collection system related issues.

While the said meeting was going on. Mr. M. Chaitanya along with you and 26 associates barged into the COM's room and insisted that the COM Mr. Hari Pandu Range Swamy should come along with you to the conference hall immediately, leaving the said meeting, in a most high handed and insubordinate manner. The COM, however, came along with you Thereafter, you along with your union leaders started raising all the issues and insisted him to settle the issues then and there itself. Though, the COM tried to convince you to give him two days' time to resolve the issues you and your union leaders started using abusive language against him and other officials of the company.

Meanwhile, you along with the suspended Toll Collector Mr. D. Satish and other associates caught hold of Mr Vijay Deepak (Maintenance Manager) and brought him to your union leader Mr. M. Chaitanya who started assaulting and beating Mr. Vijay Deepak indiscriminately. When the COM and Toil Managers tried to protect Mr. Vijay Deepak, you and your associates also beat the said officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises With great difficulty Mr. Deepak was taken to COM chamber, but you, and other union leaders went to COM chamber and again beat Mr. Vijay Deepak by throwing water glass, laptop on him and you and others also broke the glass panes of the room

Further, your leader Mr. M Chaitanya started beating the COM and instigated you and others to beat him You along with your other associates have severely beaten the COM and other Toli Managers. In the said attack, the COM suffered serious and grievous injuries to his lower jaw and a bleeding injury near his left eye who subsequently fell unconscious and later he was shifted to the Hospital by the police for treatment.

It is further reported that you also instigated the others to beat the officials and their family members if they did not need to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that your union leader Mr. Chaitanya, in your presence also threatened the officials of our company that he will kill the officials and their family members if they did not heed to nis orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that you also instigated the others to beat the officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises.

Due to your illegal and unruly actions, there was serious disturbance at our base camp office. You are aware that it is the utmost responsibility of the management to maintain discipline and peace in the office premises. Instigating your co-employees, assaulting, threatening and abusing the officials of the company are highly objectionable, illegal, and mischievous.

Your above actions are clearly unwarranted, grave and serious in nature and also have adverse effect on the discipline and personal safety of the other employees in the office.”

6. MW1 in his deposition has categorically stated that on the evening of 1st September 2015, a meeting was going on with the representative of the company called Kent in the chamber of Chief of Operation and Maintenance, Shri Hari panduranga swami, at Budanam Base Camp. At that time, the witness was present in his chamber. Around 4:15 P.M., security guard Kotaiah came into his chamber and said that their union president Chaitanya and some other toll collectors, about 30 people in total, had come to meet COM. Further MW1 deposed that he went to the COM chamber and called Alvin Lionel, who was the Buddhanam toll manager and told him about the matter. Meanwhile, Chaitanya and thirty other people went to the COM chamber. Then COM, Garu, and Vikram who is the manager of Venkatachalam Toll Plaza, Dilip Kumar Reddy of Sullurupet Toll Plaza, and Lionel Daru came out of the COM Chamber and went to the conference hall. Further, MW1 deposed that he saw from the glass door of his chamber and after some time the sound of bells was heard from the conference room. The witness further deposed that he saw toll collector penchalaiah hitting the ground with an iron rod in the open area outside. There were 29 other toll collectors standing next to him. Later, MW1 came to his chamber from the cashier room. Further, witness added that Vijay Deepak and Shri Srinivasulu, the assistant supervisor, came to his chamber. Then he went to the cashier room next to his chamber and informed COM sir. Further, MW1 Added that C.O.M. told him that Chaitanya would come here, and he would discuss with him. Further, MW1 states that Chaitanya and other co-worker started to beat him. As soon as he came out other toll collector also started to beat witness, while Shyam and Maria Lion, who had come there, stood between him and C.S.C. for his protection. Further, MW1 stated that immediately he went to the cashier chamber and locked himself inside. Thereafter, toll collectors rushed to his chamber and kicked the door with their feet to open it. Then he went into the chamber of the C.O.M. next to it through the partition door, and there representative of Kent company and staff of his company were present.

Further, witness stated that Satish, Srinivasa, Penchalaiah, and four other toll collectors whose name he didn't know, came from outside in the C.O.M. chamber, threw above seven people out of chamber, and also threw the laptop at the witness. Satish also threw a bottle and a water glass at him. Window glass was broken by it. COM and Leonel Garu had already come to rescue him so that none of the things they were throwing at him could hit. However, the bottle hit witness on the stomach. The glass hit the window glass behind the witness and that glass was broken. Further man states that, meanwhile, Chaitanya, who was outside, came into the room and approached to the witness, and brought the burning cigarette in his hand near his eyes, and threatened to kill him and his wife. Then J. Shrinivas lifted the chair and charged at him to throw it upon witness, but he did not do it. Later, J. Shrinivas and Satish left the chamber. The other toll collectors who remained in the chamber said that MW1 and management should apologize to the Chaitanya Garu. They forcefully grabbed the witness and dragged him to Chaitanya, who was outside, they tied his legs. Tumati Madhava Rao was also present there. Therefore, they took him to his chamber and pushed him inside. Payment manager Nagarjuna was present in his chamber and Vikram had already come to his chamber and these people also witnessed this incident noticed from the glass window that Chaitanya, C.O.M. Garu Dileep Kumar Reddy, and Lionel Garu were in the lobby outside. Further, MW1 added that he saw at the spot that Assistant Toll supervisor Murali was beating to COM, and he was hit above the left eye. MW1 added that he saw from glass window that CSE and other co-employee has beaten COM by slap and kick. Thereafter, Police arrived at the spot, and all toll collectors were present in the open area of base camp. MW1 added that between 7:30 or 8:30 a.m., C.O.M. and he went to the Guntur government hospital for treatment of their injury. The C.O.M. was treated there for his bleeding injuries. He did not suffer any bleeding injuries. However, he was suffering pain in his stomach due to a water bottle hit thrown by Satish, and he was also given painkiller injection. Further, witness added that Lionel and Vikram, who were also injured, accompanied them to the hospital. For their treatment but they did not suffer from any bleeding injuries.

7. MW1 was cross-examined by the defense representative, but nothing has been elicited to discredit or disbelieve the testimony of witness. However, MW1 was not questioned during the cross-examination on the point of occurrence of incident on 1st September 2015, as narrated by this witness in his chief statement. Thus, the version of MW1 regarding incident remained uncontroverted. Whereas CSE has admitted in his cross-examination that he along with other toll collectors were present at spot on the date and time of occurrence and they were raising the demand and shouting the slogans in support of their demands against the Respondent Management. Thus, it is established that C.S.C. workmen, along with the other toll collectors, was present on the spot at the date and time of the alleged incident, and he also participated in the incident assault and beating to C.O.M and managers of Respondent in concert of co- employee and in common intention as narrated in the charge sheet. Further, testimony of M.W1 is also corroborated by the testimony of rest of management witness M.W. 2, MW 3, MW 4, MW 5, MW 6, MW 7, MW 10.

And also, documentary evidence. It is not the case of the petitioner that these management witnesses have any grudge or enmity with CSE for any reason whatsoever. Therefore, there is no reason for these management witnesses to depose against the CSE workman in support of charges regarding incident.

8. Moreover, the management has also produced the documentary evidence in support of the charge leveled against the CSE workman. These documents namely are Ex M1 charge sheet dated 9th September 2015; ExM2 is the explanation to the notice submitted by the workman, Ex M3 appointment letter of the Inquiry Officer, Ex M4 Outpatient ticket dated 1st September, 2009 of M. Hari Pandya and Exhibit M5 includes fifteen photographs with depicts that injured witness getting treated in the hospital for his injuries caused to his body in the alleged incident of 1st September 2015. Further, ExM6 are the photographs which show that the office of the COM has been damaged by the CSE along with other workers in the alleged incident. ExM7 is the copy of the FIR which discloses that Hari Panduranga Swami Madasu complaint got registered FIR against the petitioner and other workers at Shri Potti Sri Ramulu Nellore District Police Station under Section 147, 148, 452, 307, 506 R/W 149 IPC on 2nd September 2015 at 00.30 AM regarding the incident dated 1-09-2025 and details of the suspected, accused in the FIR is mentioned as here under: -

1. Chaithanya Malapatti. 2. Sathish, 3 Srinivasulu, 4. Sudhakar Thuraka, 5. Prasad Thuraka, 6. Deendayal, 7. Hussain Mohammad, and 8. Balakrishnan Srinivasulu, M9 Srinivasulu N, 10. Srinivasulu 11.C H, Murari 12. Penchalaiah. Thus, the testimony of witness about the incident as alleged in charge sheet is corroborated by the testimonies of other management witnesses i.e. MW1 to MW10 and also by the documentary evidence, on record.

9. Further, domestic inquiry against CSE has been conducted strictly in accordance with the principle of natural justice and workman CSE has been found guilty of grave and serious acts of misconduct. Thus, finding of the inquiry officer is based on of oral and documentary evidence recorded during enquiry and report of inquiry officer do not suffers from any illegality or perversely. The inquiry officer report goes to reveal that on 1-09-2015 CSE workman, has committed the misconduct of physical assault to the official of Respondent Management and he has been rightly held guilty of committing misconduct. The details of specific acts of misconduct allegedly committed by the Petitioner along with other co-workman on 1-09-2015 including physical assault on Respondent staff are as follows: -

That the Petitioner workman has physically assaulted Mr. Hari Pandu Ranga Swamy Madasu, the Chief Operations and Maintenance, thereby causing grievous injuries. The act not only endangered the safety of a senior official but also disrupted the discipline and harmony of the workplace. Further, Petitioner workman actively participated in a riotous mob attack, leading to the damage of company property, and creating an atmosphere of fear and disorder within the establishment. Such conduct undermines the safety and security of the workplace environment and lastly. The Petitioner workman exhibited willful insubordination by disobeying lawful and reasonable orders of his superiors. Furthermore, he threatened senior officials, displaying gross indiscipline and a blatant disregard for the hierarchical structure and decorum expected within the organization.

10. The findings of enquiry officer are based on cogent and credible evidence, including eyewitness testimonies and documentary proof. The enquiry was conducted in accordance with the principles of natural justice, providing the Petitioner ample opportunity to defend himself. Thus, the aforementioned acts committed by the Petitioner workman squarely fall under the category of serious misconduct as defined under Clauses 19(a), (c), (d) and (e) of the Andhra Pradesh Shops and establishments Rules, 1990.

Rules 19 (a), (b), (c), (d) and (e) of AP Shops & Establishment Rules provides as here under: -

- i. Clause 19(a): Willful insubordination or disobedience of any lawful and reasonable order of a superior.
- ii. Clause 19(C): Damage to the employer's property.
- iii. Clause 19(d): Riotous or disorderly behavior in the premises of the establishment.
- iv. Clause 19(e): Threatening or intimidating any employee or superior.

The misconduct committed by the workman along with employees of assaulting superiors, instigating others, and participating in the riotous violent activities constitute serious act of misconduct which strike at the root of workplace discipline. The act of workman causing grievous injuries to managerial staff is a grave and serious misconduct that is not condonable. Therefore, the dismissal order passed by Respondent against the workman is justified and appropriate action.

11. Respondent has relied upon the few decisions of Hon'ble Supreme Court which are relevant to the point and discussed as here under: -

- (a) Hon'ble Supreme Court in Krishnakali Tea Estate Bharatiya Vs. Aknn Chah Mazdoor Sanah - (20o4) 8 SCC 200 upheld the dismissal of workmen who had assaulted managerial personnel causing damage to property, gherao of the management, wrongfully confining manager. The Apex Court observed that such violent Conduct cannot be taken lightly, and the punishment of dismissal was warranted to preserve discipline and safety at the workplace.

(b) Similarly, Hon'ble Supreme Court in the case of *Muriadih Colliery Vs. Bihar Colliery Kamgar Union* - (2005) 3 SCC 331, held that the dismissal of employees who participated in a violent mob attack, causing injury to the General Manager, was justified, and interference by the Labour Court under Section 11-A of the ID Act was disapproved and the punishment proportionate to the misconduct. was upheld.

(c) The Hon'ble Supreme Court in the case of *M.P, Electricity Board Vs. Jagdish Chandra Sharma* - order (2005) 3 SCC 401. of dismissal of a Workman who assaulted a senior officer, restored the decision of the Industrial Court, thereby reiterating that acts of violence by employees, particularly against their superiors, must be dealt with strictly and are not open to lenient treatment. The reinstatement ordered by the Labour Court was reversed, affirming the employer's authority to maintain discipline through dismissal.

(d) In the case of *Hombe Gowda Educational Trust Vs. State of Karnataka* - (2006) 1

SSC 430, the Hon'ble Supreme Court underscored the importance of workplace discipline and held that even provoked assault on a superior, amounts to gross indiscipline. The Court stated: "30. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by the rule of law. All actions, therefore, must be taken in accordance with law."

(e) In the case of *Usha Breco Mazdoor Sangh Vs. Management of M/S. Usha Breco Ltd* – (2008) 5 SCC 554, Hon'ble Supreme Court while reaffirming the legal position laid down by it is in the case *firestone Tyre and Rubber Co. Vs. The management and Others* – (1973) 1 SCC 813, held: -

"31. It is one thing to say that finding of an Enquiry Officer is perverse or betrays the well-known doctrine of proportionality another thing to say that only because two views are possible, the Labour Court shall interfere therewith. In other words, it is one thing to say that on the basis of the materials on record, the Labour Court comes to a conclusion that a verdict of guilt has been arrived at by the Enquiry Officer whereas the materials suggested otherwise but it is another thing to say that such a verdict was also a possible view.

39. The upshot of our discussion is that the decision of the labour Court should not be based on mere hypothesis. It cannot overturn a decision of the Management on ipse dixit. Its jurisdiction under section 11-A of the Act although is a wide one, must be judiciously exercise either whimsically or capriciously. It may scrutinize and analyze the evidence but what is important is how it does so."

(f) Further, in the case of **New Shorrock Mills vs Maheshbhai T. Rao, 1996 SCC page 590**. Hon'ble Supreme Court held: -

"35. In the case of *New Shorrock Mills Vs. (1996) Maheshbhai T Rao* 6 of SCC 590, held that:

"Labour Court in the present case having come to a Conclusion that the finding of the departmental enquiry was legal and proper, the Respondents order of discharge was not by way of victimization and that the Respondent workman had Seriously misbehaved and was thus guilty of misconduct, ought not to have interfered with the punishment, which was awarded, in the manner it did. This is not a case where the Court Could Come to the conclusion that the punishment was awarded was shockingly disproportionate to the employee's conduct and his past service record."

(g) The Supreme Court in the case of **Northeastern Karnataka RTC Vs. Ashappa 2006 (5) SCC 137** reaffirmed that the Tribunal must not lightly interfere with the employer's disciplinary decisions and reiterated the "shockingly disproportionate" standard.

(h) In **Hombe Gowda Educational Trust Vs. State of Karnataka (supra)**, the Hon'ble Supreme Court clarified that the days of automatic sympathy towards the workman are over, and that discipline must be maintained at all costs in light of contemporary industrial conditions. The Tribunal's power to substitute the employer's decision must be exercised with restraint.

(i) In the case of **Muriadih Colliery (Supra) & Krishnakali Tea**

Estate (Supra), the Apex Court expressly held that interference by Labour Courts with dismissal orders passed for acts involving violence and assault was not permissible under section 11-A of the ID Act, as the punishment was not disproportionate.

Thus, in view of the principles laid down by the Honorable Apex Court as discussed above, there is ample oral and documentary evidence on record to substantiate the charges against the petitioner workman, and it cannot be said that the order of dismissal of Petitioner is perverse or shockingly disproportionate.

12. As regard the plea of the petitioner workman that Respondent Management has victimize him due to the being member of the union and also for raising the demand related to welfare of the workman.

In this context, Respondent has relied upon the decision of the Supreme Court in the case of **Bharat Iron Works versus Bhagobhai Balubhai Patel, 1976 SCC page 518**. Therein Hon'ble Supreme Court has laid down the legal test for establishing the plea of victimization as discussed here under: -

"11. The onus of establishing plea of victimisation will be upon the person pleading

it. Since a charge of victimisation is a serious matter reflecting, to a degree, subjective upon the attitude of the employer evidenced by acts and conduct, it has to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

The Apex Court further held:

"12. Once, in the opinion of the Tribunal a gross misconduct is established, as required, on legal evidence either in a fairly conducted domestic enquiry or before the Tribunal on merits, the plea of victimisation will not carry the case of the employee any further. A proved misconduct is antithesis of victimisation as understood in industrial relations."

13. Thus, in view of the principle laid down by Hon'ble Apex Court, as discussed above the petitioner workman has failed to produce any evidence in support of the plea that the action of Respondent management in dismissing him from service is victimization of the petitioner workman. The petitioner workman has failed to discharge his burden of proof regarding plea of victimization or unfair labor practices hence same is untenable.

14. As regard the plea of the petitioner that they he has been acquitted from the criminal trial by court in respect of the alleged acts of misconduct. In this context, the decision of Honorable Supreme Court in the case of Deputy Inspector General of Police versus Sethu . Thiruvan, 2013 SCC page 598 is relevant, wherein Honorable Apex Court have held that mere acquittal in a criminal trial does not nullify or override the finding of a valid domestic inquiry. Further, Honorable Apex Court held that the standard of proof in a criminal trial is proof beyond reasonable doubt, whereas in a domestic inquiry it is only preponderance of the probability.

In the case of Commissioner of Police vs Narendra Singh, 2006 SCC page 265, Honorable Apex Court held that the disciplinary proceeding can proceed independently and that an employee can be dismissed from service based on finding of a department inquiry even if no conviction is recorded in the criminal trial. The finding in the inquiry against the workman is based on credible evidence, including eyewitness testimonies and documentary records and same does not warrant any interference.

15. Hon'ble Supreme Court in the case of Employers Management **West Bokaro Gallery Colly of TISCO Limited vs Concern Workman Ram Prakash Singh, 2008 LLR, page 432,**

"16. In U.P State Road Transport Corporation Vinod Kumar, 2007 (13) SCALE 690 this Court again observed that in the absence of a challenge to the legality or fairness of the domestic enquiry the Court should be reluctant to either interfere with the finding recorded by the Enquiry officer or the punishment awarded by the Punishing Authority.

17. After going through the order of the industrial Tribunal, were are of the opinion that the Tribunal has interfered with the findings recorded by the domestic. Tribunal as if it was the appellate Tribunal. There was evidence present on record regarding indecent riotous and disorderly behavior of the Respondent towards his superiors. The management witness who were present at the scene of occurrence have unequivocally deposed about the misbehavior of the Respondent towards his superiors. Their evidence has been discarded by the Tribunals by observing that in the absence of independent evidence, the statements of the workmen who were present at the scene of occurrence could not be believed. Industrial Tribunal tell in error in discarding the evidence produce by the management only because the independent witnesses were not produce them. It is possible that at the time of occurrence, only the workers of the Management and the persons who were truing to put up the constructions dependent evidence was available. Statements of the fellow workmen had established the misconduct of the Respondent. Enquiry officer accepted the testimony of the witness produced by the management who had clearly implicated the Respondent. It was a legitimate conclusion which could be arrived at and it would not be open to the industrial Tribunal to substitute the said opinion by its own opinion.

19. Tribunal has set aside the report of the enquiry Officer and the order of dismissal passed by the punishing Authority by observing that the charges against the Respondent were not proved beyond reasonable doubt. It has repeatedly had been held by the court that the acquittal in a criminal case could not operate as a bar for drawing up of a disciplinary proceeding against a delinquent. It is well settled principle of law that yardstick and standard proof in a criminal case is different from the one disciplinary proceeding. While the standard of proof in a criminal case is proof beyond all reasonable doubt, the standard of proof in a departmental proceeding is preponderance of probabilities."

Further, the Honorable Supreme Court has observed that in a case where two views are possible on the evidence on record, then the Industrial Tribunal should be very slow in coming to a conclusion other than the one arrived at by the domestic Tribunal, by substituting its opinion in place of the opinion of the domestic tribunal.

Thus, in view of the law laid down by the apex court, as discussed above, the plea of the petitioner that there is no legal evidence on record is untenable, as there is sufficient evidence on record of the domestic inquiry to prove the guilt of the workman in the alleged misconduct.

16. Further, as regard the appreciation and evaluation of the evidence in matter of domestic inquiry, Hon'ble Supreme Court, in the case of **State of Rajasthan and others Vs Him Singh, Civil Appeal Number 3340 of 2020**, date of decision: 29th October 2021, has laid down the principles extracted as here under: -

"Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.

To determine whether the finding in a disciplinary inquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the courts that there is some evidence to support the charge of misconduct and to guard against perversity, but this does not allow the court to re- appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."

17. In the case of **Hombe Gouda Education Trust Vs State of Karnataka, 2006 SCC, page 430**: Hon'ble Supreme Court have held that assaulting a superior at a workplace amount to an act of gross indiscipline. The respondent is a teacher. Even under grave provocation, a teacher is not expected to abuse the head of the institution in a filthy language and assault him with a chappal. Punishment of dismissal from service, therefore, cannot be said to be wholly disproportionate so as to shock one's conscience. Further, Hon'ble Supreme Court held that a person, when dismissed from service, is put to great hardship, but that would not mean that a grave misconduct (assault on superior at workplace) should go unpunished. Maintenance of discipline of an institution is equally important.

18. Further, In the case of **MP Electricity Board Vs Jagdish Sharma, 2005 SCC, page 401**, Hon'ble Supreme Court have held:

"9. In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the workplace obviously in the breach of Discipline of other employees. This clearly amounted to a breach of discipline in the organisation. Discipline at the workplace organisation like the employer herein, is the sine qua non for the efficient working of the organisation, when an employee breaches such discipline and the employer terminates his services it is not open to a Labour Court or an Industrial Tribunal to take view that the punishment awarded is shockingly disproportionate to the charge proved. We have already

referred to the views of this Court. To quote Jack Chan,

'Discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large.'

Obviously, this idea is more relevant in considering the working of an organisation like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. It is essential for the prosperity of the organisation as well as that of its employees. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion."

19. Further, in the case of **Ajit Kumar Nag Vs Indian Oil Corporation Limited, 2005 SCC page 764**, the Honorable Supreme Court has held, in a three-judge bench, in paragraph 56, "It is well settled that the burden of proving malafide is on the person making the allegation, and the burden is very heavy. There is every presumption in favor of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of malafide are often more easily made than made out, and the very seriousness of such allegations demands proof of a high degree of credibility."

Further, Hon'ble Supreme Court held that assault, intimidation are penal offences. A workman indulging in commission of criminal offenses should not be spared only because he happens to be a union leader. The act does not encourage indiscipline. It will be a matter of some concern if the opinion of the inquiry officer can be totally ignored, despite the fact that the management is precluded from adducing any fresh evidence before the labor court. A union leader does not enjoy immunity from being proceeded with in a case of misconduct.

20. In the case of **D. Mulchandani Electric and Radio Industries Limited Vs Workman, 1975 Supreme Court Cases page 731**, Hon'ble Supreme Court have held:

establishment

“It was not disputed before us that the allegation of assault, if proved, would be an act subversive of discipline: what was contended on behalf of the respondent was between Thana and the premises was that the alleged assault having taken place in the train Mulund which was obviously outside the or precincts of the establishment, was not covered by Standing Order.

24(1). The Labour Court also found that the alleged assault did not In our amount to misconduct under Standing Order 24(1) which, it was held was restricted to acts and omissions inside the premises of the establish opinion, Lon a plain reading of the clause, the words "within the premises or precincts of the establishment" refer not to the place where the act which is subversive of discipline or good behaviour is committed but where the consequence of such an act manifests itself. In other words, an act, wherever committed, if it has the effect of sub- verting discipline or good behaviour within the premises or precincts of the establishment, will amount to misconduct under Standing Order 24(1) We are unable to agree that Standing Order 24(1) leaves out of its scone an act committed outside though it may result in subversion of discipline or good behaviour within the premises or precincts of the establishment in question. Such a construction in our view would be quite unreasonable.”

21. In the case of **State bank of Bikaner and Jaipur vs Nemi Channel via 2011 Supreme Court cases page 580** Hon’ble Supreme Court have held that subsequent acquittal by criminal court will not in any way render completed discipline proceeding invalid, nor affect the validity of finding of the guilt and consequential punishment.

22. Thus, in view of the foregone discussion and law laid down by the apex court as discussed above, in the instant matter all the charges framed and proved in domestic inquiry against the workman being serious and grave in nature and stands proved by oral and documentary evidence recorded and produced bin the inquiry. Further, the evidence produced by the management before inquiry is legal and admissible as per principle of preponderance of probability laid down by Hon’ble Supreme Court in its various decisions as discussed in preceding paragraph of this Award. Therefore, order of dismissal of Petitioner workman cannot be faulted with, nor it can be said to be in any way disproportionate to the gravity of the charges. Thus, the punishment of dismissal of the workman is proportionate to the gravity of the charges, and hence deserve to be upheld. Thus, the action of the respondent management in dismissing the services of the workman is held legal and justified.

This issue is decided against the workman and in favor of the respondent management.

Issue No: IV

In view of foregone discussion and finding given at issue No. I, II and III, I am of the considered opinion that the action of Respondent management in dismissing the Petitioner from service vide order dated 30-08-2016 is legal and justified. Therefore, no interference warrants in the punishment of dismissal order dated 30-08-2016 of the Petitioner and the action of Respondent Management is held legal and justified and liable to be confirmed.

This Issue is decided accordingly.

AWARD

In view of the foregone discussion and finding given at issue No. I, II, III, and IV, the action of Respondent Management in dismissing the service of the Petitioner workman vide order dated 30-08-2016 is held legal and justified. Petition filed by the Petitioner sans merit hence dismissed.

Award passed accordingly. Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected, and signed by me on this the 30th day of October, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2070.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, तेलंगाना, निदेशक (प्राधिकृत हस्ताक्षरकर्ता), स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद, सहायक महाप्रबंधक, समूह मानव संसाधन, स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद के प्रबंधन के संबंध में नियोजकों और श्री कोल्लापुडी कोटेश्वर राव, आंध्र प्रदेश, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय हैदराबाद पंचाट (संदर्भ संख्या- 14/2021) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल -42025/07/2025/243-आईआर-(डीयू)]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2070.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 14/2021) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Highways Authority of India, Telangana, The Director (Authorised Signatory), Swarna Tollway Private Limited, Hyderabad, The Asst. General Manager, Group H.R., Swarna Tollway Private Limited, Hyderabad** and **Sri. Kollapudi Koteswara Rao, Andhra Pradesh**, workman.

[No. L-42025/07/2025/243- IR (DU)]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Irfan Qamar**
Presiding Officer

Dated 6th day of November 2025

INDUSTRIAL DISPUTE L.C.No. 14 / 2021

Between:

Sri. Kollapudi Koteswara Rao, (Emp.No.142)
S/o. Penchalaiah,
NCR Nagar, 4th Line, Kota Village & Mandal,
S.P.S.R. Nellore District. – 524 411.
Andhra Pradesh.

... Petitioner

AND

1. National Highways Authority of India,
Rep. by Executive Engineer - Chief Engineer-Regional Officer,
First Floor, New Building Administrative Staff College of India (ASCI),
College Park Campus, Road No.3,
Banjara Hills, Hyderabad, Telangana 500034
2. The Director (Authorised Signatory),
Swarna Tollway Private Limited,
D.No.6-3-1090, 4ⁿ Floor, C. Block, TSR Towers,
Raja Bhavan Road, Somajiguda,
Hyderabad. Rep. by its Director

3. The Asst. General Manger, Group H.R.
Swarna Tollway Private Limited,
Plot No. 1-89/1. Plot No. 42 & 43.
Kavuri Hills, Phase -I Madhapur, Hyderabad. ...Respondents

Appearances:

For the Petitioner: M/s. S. Chakrapani, T. Naveen Chowdary and M. Ravi Kiran, Advocates

For the Respondent: M/s. CRS Associates, Advocates

1. This Petition has been filed by the Petitioner workman under section 2(A) (2) of Industrial Dispute Act 1947 with the prayer to set aside his dismissal order dated 27th May 2016 passed by the Respondent Management and to direct the Respondent to reinstate Petitioner in the service with continuity of service with all back wages and all other attendant benefits.

2. The facts in brief culled out from the petition are that the Petitioner workman was appointed as a Toll Collector in Swarna Tollway Private Limited Organization on 23rd June 2004.

Further, Petitioner submitted that he was placed under suspension with issuing Charge sheet on 9th September 2015, and without considering his explanation Respondent has dismissed him vide order dated 27th May 2016. Further, Petitioner submitted that on 1st September 2015 he was member of Swarna Toll Employees Union, and he went to Budanam Base Camp office to meet with office bearer of the union and number of employees, union president and some other office bearers were also present at Budanam base camp office to meet with the COM to represent their demands. When the union leader entered into the Chamber of COM. Other employees were waiting outside camp office of COM and Some discussions took place between Union leaders and the management. As per petitioner COM did not consider the lawful demands of the employees and union leaders came outside and explained to other employees. Since lawful demands were not considered by the Respondent COM, Union leaders and employees expressed their protest against the Respondent Management by shouting slogans. COM and other managers foisted a false case against the petitioner and rest of the employees present there at Chillakuru Police Station. The Police authority registered a case in Crime No.154/2015 against the 28 employees and they sent the there employees to remand. The Chief of operation and maintenance and other Toll Managers made a complaint what has been alleged in the charge sheet. Further, Petitioner stated that he was no way concerned in the said incident there was no specific allegation against him. The allegations made against all the 28 employees are in common Petitioner contended that before issuing charge sheet, the copy of complaint was not supplied to him to submit his explanation and he never committed any misconduct of willful in subordination or disobedience with the lawful and reasonable order of superior. He never damage the employer's business or property and did not instigate co-workman to misbehave with official of Management. He never committed any act subversive of discipline and I never assaulted and grievously hurting the management as alleged in the charge sheet. Further, Petitioner submitted that enquiry has been conducted by the enquiry officer into the allegations without following principle of natural justice. There was no corroborative evidence to prove the guilt of Petitioner and only management witness were examined in the enquiry. The management witness nowhere has stated that what acts, and omission committed by C.S.E and, there was no legal evidence to prove the allegations against C.S.E. Thus, enquiry officer has also failed to bring home the guilt of C.S.E and gave common findings of all the 28 C.S.E which is not legal. Enquiry officer has conducted enquiry an empty formality, and submitted his report holding that the allegation are proved. The procedure followed by the enquiry office, and enquiry findings are not fair, proper and not maintainable under law. Respondent management had issued show cause notice to petitioner and without considering his explanation the Respondent management passed his dismissal order on 27-05-2016 that is not sustainable under law.

Further, Petitioner submitted that the allegation leveled against him were false and fabricated and there was no specific allegation against him for violation of any acts or omissions. All the common allegations has been made against the 28 employees. There was no willful in subordination or disobedience of instruction in connection with the order of the superior and no damages done with the employer business or property. There was no unprovoked behavior with customers riotous disorderly or indecent behavior in premises of the establishment. There was no act subversive of discipline. It is submitted that Petitioner had not committed due serious misconduct to dismiss him from service. Further it is submitted that Petitioner filed the ID No 14 of 2017 before the labour Court Guntur and labour court passed the order dated 31 -8-2019 thereby rejecting the petition on the ground of lack jurisdiction. Therefore, any delay in filing the appeal is on account of COVID-19 pandemic situations prevailing all over the world. Therefore, prayed to set aside the order dated 27-05-2016 passed by Respondent and to reinstate the Petitioner in the service,

3. Per contra Respondent 1 has filed counter therein he has contended that the Respondent No.1 NHAI unnecessarily has been made party in the present Petition as there is no employee relationship between the Petitioner and Respondent No.1. Further, it is submitted that the Respondent No.1 is neither concerned nor related to allegation made in the petition hence denied. Respondent has unnecessarily been made party to the present proceeding and petition is liable to be dismissed against Respondent No.1 with cost.

Respondent No. 2 and 3 has filed counter and has contended there in that present petition has been filed by the Petitioner under section 2(A) (2) of the Industrial Disputes Act challenging the dismissal order dated 30th August 2016 issued by Respondent no. 2 which is barred by the limitation prescribed under section 2A (3) of the Act. Respondent contended that the present ID has been raised by the Petitioner on 30th September 2021, i.e., after a lapse of over five years and as such is liable to be dismissed by the court in limine as a time-barred one. Further, it is submitted that Labour Court, Guntur, vide order dated 31st August 2019 has returned the petition for want of jurisdiction while holding that Petitioner may raise dispute before the competent court of appropriate jurisdiction. However, the present ID has been raised before this Hon'ble Court after a lapse of two years without any explanation for the delay, and not maintainable on the ground of barred by limitation.

Further, Respondent contended that Petitioner was found guilty of riotous, disorderly, unruly behavior of mob attack on the chief Operation and Maintenance, Mr. Hari Panduranga swamy madusa, Mr. S. Vijay Deepak, and other toll managers at Budanam Base camp of the Respondent no. 2 company on 1st September 2015, Domestic inquiry against Petitioner workman has been held by following principle of natural justice and dismissal order dated 30th August 2016 is not liable to be interfered with by this court under any circumstances. Further, it is submitted that the Petitioner and other workmen assaulted and has beaten the manager by giving them punches, kicking with legs, and hitting with iron rods, and in the said attack by the Petitioner and other workmen, Chief Operation and Maintenance, Mr. Hari Panduranga Swamy Madusa, sustained grievous bleedings injuries to his eye and suffered injuries of jaws dislocation and he was hospitalized. Further, Respondent contended that Petitioner with other workmen, also damaged the property of the Respondent No.2 in the said mob attack.

10) Respondent contended that on 01/09/2015, an important meeting was going on between a supplier and the senior management of Toll Plazas at Base Camp office off the Respondent No.2 Company at Budhanam Village, Chillakuru Mandal, SPSR Nellore District, to discuss about the toll collection system related issues, at about 16:20 Hours. Petitioner along with Mr. M. Chaitanya, who was the President of Swarna Toll way Employees' Union and other Toll Collectors working at Venkatachalam, Bhudanam and sullurpet Toll Plazas, concertedly and forcibly entered into the base camp office and barged into the room of Chief Operations Manager (COM), Mr. Hari Pandu Ranga Swamy Madasu in a most indecent and insubordinate Manner and insisted that COM should come out of the ongoing meeting and discuss with them on some pending issues in the Conference Hall. Petitioner and co-workman insisted for an Immediate settlement of their COM tried to convince Petitioner and other mob of workmen and asked to give two days' time to resolve their issues and grievances, but it was in vain and workman started using abusive language against him and against other officials too.

In the meantime, one of the Toll Collectors under suspension, Mr. Daggu Satish and also other employees, caught hold of Mr.S.Vejay Deepak, Maintenance Manager and brought him to the Union President, Mr. M. Chaitanya, who started assaulting him and beating him indiscriminately., When the COM and the Toll Manager tried to save him from the mob, Petitioner and the workman present there acted in a most riotous and disorderly manner and in utter disregard of the discipline in the office premises of the Respondent No.2 Company. Thereafter, S. Vejay Deepak Was taken to the COM's Chamber, but Petitioner and other mob of workmen also went there and again started beating Mr. S. Vejay Deepak by throwing water glass and laptop on him and they also broken the glass panes of the room.

Respondent further submitted that Mr. M. Chaitanya, started beating the COM and he also instigated Petitioner and others workman to beat COM, and Mr. S. Vijay Deepak and other Toll Managers with kicks and punches. Two of the workmen punched the COM on his face causing dislocation of lower jaw teeth, while one Mr. D. Satish pounced on him with fist punches on his face and shoulder, Mr. S. Murali and Mr. M. Chaitanya has hit COM with an iron rod on the left side of his eye, whereby he suffered a serious and grievous injuries to his lower jaw and a bleeding injury near his left eye and he fell unconscious and later was shifted to Hospital. Mr. M. Chaitanya also threatened to kill the officials of the Respondent and their family members, if they did not heed to his orders, thereby created a great tension and fears in their minds. The above-mentioned acts of the Petitioner and other workmen/union leaders of instigating assaulting, beating, threatening and abusing the officials of Respondent No.2 was of highly intolerable, illegal, mischievous and unruly, which have caused a serious disturbance at the Base Camp Office and adversely affected the discipline in general and safety of the other Workmen and Officers of the Respondent as well.

Respondent contended that in view of the gravity and severity of the acts of misconduct reported against the Petitioner, he was placed under suspension pending enquiry and was issued with detailed charge-sheet dated 09/09/2015, with the following Charges as per Clauses 19(a), (b),(c), (d), (e) and (f) of the A.P. Shops and Establishments Rules, 1990 detailed as her under:-

"(a) Wilful insubordination or disobedience of instruction, whether alone or in combination with others of any lawful and reasonable order of a Superior;

(b) Damage or dishonesty in connection with the employer's business or property;

(c) unprovoked misbehaviour with customers, riotous, disorderly, or indecent behaviour in the premises of the establishment.

(d) Any act subversive of discipline;

(e) Assaulting and grievously hurting the managerial staff"

The Petitioner he submitted his explanation dated 30/09/201 and management considered his explanation but that was found unconvincing and unsatisfactory, and in view of the seriousness to the acts of misconduct, management decided to hold an enquiry into the charges levelled against Petitioner.

During the inquiry Petitioner was permitted to avail the assistance of a co-workman and enquiry was conducted in Telugu and proceedings thereof were also recorded in Telugu. The management has examined ten witnesses (MW-1 to MW-10) in Support of the charges, Management witness were cross-examined by the Petitioner with the aid of his co-Workman/Defence Assistant. The management has also produced documents, and same has been marked Exhibits M-1 to M-10. Petitioner has examined WW1 in defence and Enquiry Officer, after due appraisal of oral and documentary evidence submitted his Report & Findings holding workman guilty of charges levelled against him. The Enquiry Officer had assigned cogent reasons reference to the evidence brought on record for holding the with Petitioner guilty of the charges. Upon receipt of the above Enquiry Report, Final Show-Cause Notice dated 02/05/2016 was issued calling upon the Petitioner to show-cause as to why he should not be dismissed from the services of the Respondent No.2, while enclosing a copy of the Enquiry Report & Findings dated 16/02/2016 and seeking his comments, if any, thereon. The Petitioner submitted his explanation to the above Final Show-Cause Notice dated 02/05/2016, vide his letter dated 18/05/2016 and the same was found not convincing. Respondent contended that Disciplinary Authority has also evaluated the proportionality of the punishment to be imposed and in the light of the gravity of the acts of misconduct proved and its adverse impact on the discipline and safety of officials within the Respondent No.2 Company Establishment and as there were no extenuating and/or mitigating circumstances to take any lenient view in the matter, after having been convinced, that no punishment lesser than that of dismissal can be imposed, and Petitioner was dismissed from the services of the Respondent No.2 Company vide Dismissal Order dated 30/08/2016.

Therefore, in view of the seriousness of the acts of misconduct proved against the Petitioner, the dismissal order is fully justified and is not liable to be interfered with by this Hon'ble Court under any circumstances. Hence, this Hon'ble Court, at any rate, may not direct reinstatement of the Petitioner. The Respondent No.2 conducted that the enquiry conducted against the Petitioner is fully in accordance law and principles of natural justice and is valid. Petitioner was given all reasonable opportunities to himself by cross-examining the witnesses examined in of the charges and also to adduce evidence, both oral and documentary. Therefore, the enquiry so conducted was fair & proper and is also not liable to be interfered with by this Hon'ble Court. Should this Hon'ble Court, for some reason, find that the enquiry conducted is not valid, without prejudice to its contentions that the enquiry is valid and legal.

In support of his contention Respondent has relied upon the certain decisions of the Hon'ble Supreme Court which are detailed as here under: -

1. Hombe Gouda Educational Trust Vs. State of Karnataka – (2006) 1 SCC 430
2. M.P. Electricity Board Vs. Jagadish Chandra Sharma – (2005) 3 SCC 401
3. Usha Breco Mazdoor Sangh Vs Management of Usha Breco Limited 2008 SCC Page 554
4. Mulchandni electricals and Radio Industries limited Vs Workman 1975 SCC page 731.
5. Ch. Ramakoteswar Rao Vs GM, APS RTC 2000 (4) ALD Ald page 208
6. M/s Bharath Iron works Vs Bhagubhai patel (1976) 1 SCC page 518
7. S.S.P. sharma Vs Industrial Tribunal- II Hyderabad 2016 (2) ALD page 107
8. State bank of Bikaner and Jaipur Vs Nemi Chand Nalwaya (2011) 4 SCC page 584
9. Dig of police Vs S. Samuthiram 2013 1 SCC page 598
10. State bank of BNikaner & Jaipur Vs Srinath Gupta (1996) 6 SCC page 486
11. Commissioner of police Vs Narender Singh (2006) 4 SCC 265

The Law laid down by the Hon'ble Court in the above-mentioned cases will be discussed at the appropriate stage of this judgement. Therefore, Respondent contended that Petitioner does not deserve any leniency and the punishment of dismissal is just proper and under in any circumstances Petitioner may not be directed to be reinstated into the service.

Therefore, prayed to dismiss the petition with exemplary costs.

Heard the argument of learned counsel for petitioner as well as Respondent. Both the parties have also filed their written submission. Pursue the record.

4. On the basis of submission of either parties, following issues arise for determination in the present matter: -

1. Whether the departmental enquiry held against the Petitioner is legal and valid?
2. Whether present petition filed by Petitioner raising industrial Dispute against his dismissal order 30-08-2016 is barred by limitation?
3. Whether action of Respondent management Director, Swarna Toll way private Limited, Hyderabad, vide order dated 27-05-2016 whereby in terminating the services of the Petitioner is legal and justified?
4. To what relief If any, Petitioner, is entitled for?

Findings: -**Issue No. I**

The Departmental inquiry conducted against the Workman Sri. Daggu Sathish has been held legal and valid, by this court vide order dated 11th November 2024.

Thus, issue is decided accordingly.

Issue No. II

In this context, Respondent No.2 and 3 contended that the present Industrial Dispute has been raised by the Petitioner on 2nd August 2021 after the lapse of five years from the date of his dismissal order dated 27th May 2016. Therefore, in view of the provision contained under section 2-A (3) of the Industrial Disputes Act, this claim could be filed by the Petitioner before the expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service as specified in (1) of section 2-A. Therefore, the present claim Petition raising the Industrial Dispute by Petitioner under section 2A (2) of the ID Act, is barred by limitation.

The perusal of claim petition goes to reveals that Petitioner has raised the Industrial Dispute against his dismissal order, dated 30th august 2016 passed the by the Respondent Management by filing claim petition in the year 2021. In the para 11 of claim petition, Petitioner has averred that against his termination order, he approached to the Deputy Labour Commissioner of Labor, Nellore for cancellation and same was dismissed without considering the merit. Thereafter, he filed petition before Labour court, Guntur, which got registered as ID Number 201/2016. Labour Court, Guntur, vide order dated 31st August 2019, has returned his petition on the ground of lack of jurisdiction. Thereafter due to COVID-19 pandemic situation Petitioner could not approach this court within time. Petitioner has also filed the copy of the order dated 31-08-2019 passed by the Presiding Officer, Labour Court, Guntur, in ID no. 201/2016, whereby Labour Court Guntur has returned petition of the Petitioner for presentation before the appropriate court of jurisdiction. It is established fact that in the year 2020, there was a prevailing situation of COVID-19 pandemic and Petitioner was not able to approach this court to present petition at Hyderabad. Thus, Petitioner has furnished cogent and sufficient explanation of delay in filing the present petition and same is not fatal to present Industrial Dispute. Therefore, in view of the above present petition raising the Industrial Dispute under section 2-A (2) of the ID Act, against the dismissal order dated 30-08-2016 is not barred by limitation. Issue is decided in favor of the Petitioner.

Issue No. III

The perusal of record goes to reveal that in this claim petition, petitioner has challenged his dismissal order dated 27th May 2016 passed by Respondent Management on the grounds alleged in petition. Furthermore, perusal of the record of inquiry proceeding along with inquiry report, goes to reveal that the Petitioner was given fair opportunity of hearing at every stage of proceedings, which he availed, without raising any objection complaining of any prejudice of any nature caused to him before the inquiry officer at any point of time. Further, it is noticed that the Workman CSC received all the documents filed and relied upon by the Respondent management in support of the charge sheet, and CSC workman also filed a reply, cross-examined the management witnesses, and also examined himself as a witness in defense. Thus, the workman CSC has participated in the inquiry proceeding at every stage. Inquiry officer, on appreciation of evidence recorded in inquiry has submitted his reasoned report holding the workman guilty of the charges. Therefore, in the opinion of the court, no case is made out to hold that the domestic inquiry suffers from any procedural lapses or was conducted in violation of principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Moreover, validity and legality of the domestic inquiry has been upheld by the court vide order dated 11th November 2024. Thus, the plea of the Petitioner that the domestic inquiry was conducted against the Petitioner in violation of principle of natural justice is untenable.

It is settled law that once it is held that the domestic inquiry is legal and proper, the next question arises for consideration whether the punishment imposed on the Petitioner is just and legal, or it is disproportionate to the gravity of the charges. Petitioner has challenged his dismissal order on the ground that the allegations leveled against him are false and fabricated, and during the inquiry no other employee as witness was examined to prove the charges and there was no corroborating evidence to prove the guilt and only that management witness were examined in the inquiry. Further, it is contended that there was no legal evidence before enquiry to prove the allegations, and the inquiry officer had also failed to bring home the charge against the Petitioner. Further, Petitioner has strenuously argued that the inquiry officer

conducted the inquiry as empty formality and without having any valid and legal evidence and came to the conclusion that allegations are proved. Further, it is urged Petitioner that had not committed any misconduct as alleged in the charge sheet, and there was no evidence of loss of revenue to the corporation. Further, it is contended that there was no willful insubordination or disobedience of instructions in connection with the orders of the superior. There was no damage or dishonesty in connection with the employer's business or property, and Petitioner was not involved in unprovoked misbehavior with the customer, riotous, disorderly, or indecent behavior in the premises of the establishment. Lastly it is pleaded that the dismissal order passed by the Respondent management is grossly disproportionate to the gravity of the offense, and same is liable to be set aside. In view of plea taken by Petitioner, peruse the record of inquiry proceeding.

5. The record of proceeding goes to reveal that charge sheet dated 9th September 2015 was furnished to CSE Workman and inquiry was conducted by the inquiry officer, in the presence of CSC workman, as well as his defense representative and management witness were examined during the inquiry proceedings. In support of Charge sheet against the CSC workman, Respondent management has examined as many as ten witnesses namely, Mr. Subramanyam Vijay deepak (MW1), Mr. Hari pandarunga Swami MW2, Mr. Vikram Simha Reddy MW3, Mr. R.V. Prasad (MW4), Mr. T. Krishna Kishore (MW5), Mr. Vijay Kumar (MW6), Mr. L. Elvis Lionel (MW7), Mr. K.V. Ramprasad (MW8), and Mr. B. Vijay Sarathi Babu (MW9), and lastly, Mr. D. Veera swami (MW10). All the above stated witnesses, in their deposition have substantiated the allegations of the charge sheet issued against the CSC workman. The charge Sheet contains the allegation against CSE workman extracted as here under:

“You have been working as a "Toll Collector” at our Nellore Toll Plaza On 1 September 2015 you were on Weekly off.

It has been reported against you that on 1st September 2015 at about 16.20 hours, you along with your union president Mr. M Chaitanya. Mr. D. Satish (Toll Collector under suspension). S Murali ATS, and TC's Mr. Panchalaiah. Mr. Turaka Ramprasad. Mr. Turaka Sudhakar Mr. Deendayal, Mr. Ch. Srinivasulu, Mr. Subba Reddy Mr. Md Hussain Mr. S Hurairah, Mr. J Srinivasulu ATS Mr. N Srinivasulu and others from Venkatachalam, Budanam and Sullurpet Toll Plazas and about 14 others forcibly enter into our base camp office situated at Km 125, NH-5. Bhdhanam Village, Chillakur Mandal, Nellore district, without any prior appointment or intimation

It is reported that at the time you went to our base camp office, a meeting was going on with M/s Kent (A supplier) at our Budanam Base camp office with our staff from HQ and Toll Plazas viz., Mr. Vijay Kumar, Mr. RV Prasad, Mr. Kishore. Mr. Ramprasad, Mr. Aylwin Lionel, Mr. Dilipu kumar Reddy. Mr. Vikram Simha Reddy. Mr. B. V Saradhi Babu, Mr. DV Swamy. Ms. Sunitha and Mr. Baburao and Staff from M/s Kent (Mr. Sandeep Pawar. Mr. Bhatta, Mr. Swapnil and Mr. Kiran) to discuss on the Toll collection system related issues.

While the said meeting was going on. Mr. M. Chaitanya along with you and 26 associates barged into the COM's room and insisted that the COM Mr. Hari Pandu Range Swamy should come along with you to the conference hall immediately, leaving the said meeting, in a most high handed and insubordinate manner. The COM, however, came along with you Thereafter, you along with your union leaders started raising all the issues and insisted him to settle the issues then and there itself. Though, the COM tried to convince you to give him two days' time to resolve the issues you and your union leaders started using abusive language against him and other officials of the company.

Meanwhile, you along with the suspended Toll Collector Mr. D. Satish and other associates caught hold of Mr Vijay Deepak (Maintenance Manager) and brought him to your union leader Mr. M. Chaitanya who started assaulting and beating Mr. Vijay Deepak indiscriminately. When the COM and Toil Managers tried to protect Mr. Vijay Deepak, you and your associates also beat the said officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises With great difficulty Mr. Deepak was taken to COM chamber, but you, and other union leaders went to COM chamber and again beat Mr. Vijay Deepak by throwing water glass, laptop on him and you and others also broke the glass panes of the room

Further, your leader Mr. M Chaitanya started beating the COM and instigated you and others to beat him You along with your other associates have severely beaten the COM and other Toli Managers. In the said attack, the COM suffered serious and grievous injuries to his lower jaw and a bleeding injury near his left eye who subsequently fell unconscious and later he was shifted to the Hospital by the police for treatment.

It is further reported that you also instigated the others to beat the officials and their family members if they did not need to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that your union leader Mr. Chaitanya, in your presence also threatened the officials of our company that he will kill the officials and their family members if they did not heed to nis orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that you also instigated the others to beat the officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises.

Due to your illegal and unruly actions, there was serious disturbance at our base camp office You are aware that it is the utmost responsibility of the management to maintain discipline and peace in the office premises Instigating your co-employees, assaulting threatening and abusing the officials of the company are highly objectionable, illegal, and mischievous.

Your above actions are clearly unwarranted, grave and serious in nature and also have adverse affect on the discipline and personal safety of the other employees in the office.”

6. MW1 in his deposition has categorically stated that on the evening of 1st September 2015, a meeting was going on with the representative of the company called Kent in the chamber of Chief of Operation and Maintenance, Shri Hari panduranga swami, at Budanam Base Camp. At that time, the witness was present in his chamber. Around 4:15 P.M., security guard Kotaiah came into his chamber and said that their union president Chaitanya and some other toll collectors, about 30 people in total, had come to meet COM. Further MW1 deposed that he went to the COM chamber and called Alvin Lionel, who was the Buddhanam toll manager and told him about the matter. Meanwhile, Chaitanya and thirty other people went to the COM chamber. Then COM, Garu, and Vikram who is the manager of Venkatachalam Toll Plaza, Dilip Kumar Reddy of Sullurupet Toll Plaza, and Lionel Daru came out of the COM Chamber and went to the conference hall. Further, MW1 deposed that he saw from the glass door of his chamber and after some time the sound of bells was heard from the conference room. The witness further deposed that he saw toll collector penchalaiah hitting the ground with an iron rod in the open area outside. There were 29 other toll collectors standing next to him. Later, MW1 came to his chamber from the cashier room. Further, witness added that Vijay Deepak and Shri Srinivasulu, the assistant supervisor, came to his chamber. Then he went to the cashier room next to his chamber and informed COM sir Further, MW1 Added that C.O.M. told him that Chaitanya would come here, and he would discuss with him. Further, MW1 states that Chaitanya and other co-worker started to beat him. As soon as he came out other toll collector also started to beat witness, while Shyam and Maria Lion, who had come there, stood between him and C.S.C. for his protection. Further, MW1 stated that immediately he went to the cashier chamber and locked himself inside. Thereafter, toll collectors rushed to his chamber and kicked the door with their feet to open it. Then he went into the chamber of the C.O.M. next to it through the partition door, and there representative of Kent company and staff of his company were present.

Further, witness stated that Satish, Srinivasa, Penchalaiah, and four other toll collectors whose name he didn't know, came from outside in the C.O.M. chamber, threw above seven people out of chamber, and also threw the laptop at the witness. Satish also threw a bottle and a water glass at him. Window glass was broken by it. COM and Leonel Garu had already come to rescue him so that none of the things they were throwing at him could hit. However, the bottle hit witness on the stomach. The glass hit the window glass behind the witness and that glass was broken. Further man states that, meanwhile, Chaitanya, who was outside, came into the room and approached to the witness, and brought the burning cigarette in his hand near his eyes, and threatened to kill him and his wife. Then J. Shrinivas lifted the chair and charged at him to throw it upon witness, but he did not do it. Later, J. Shrinivas and Satish left the chamber. The other toll collectors who remained in the chamber said that MW1 and management should apologize to the Chaitanya Garu. They forcefully grabbed the witness and dragged him to Chaitanya, who was outside, they tied his legs. Tumati Madhava Rao was also present there. Therefore, they took him to his chamber and pushed him inside. Payment manager Nagarjuna was present in his chamber and Vikram had already come to his chamber and these people also witnessed this incident noticed from the glass window that Chaitanya, C.O.M. Garu Dileep Kumar Reddy, and Lionel Garu were in the lobby outside. Further, MW1 added that he saw at the spot that Assistant Toll supervisor Murali was beating to COM, and he was hit above the left eye. MW1 added that he saw from glass window that CSE and other co-employee has beaten COM by slap and kick. Thereafter, Police arrived at the spot, and all toll collectors were present in the open area of base camp MW1 added that between 7:30 or 8:30 a.m., C.O.M. and he went to the Guntur government hospital for treatment of their injury. The C.O.M. was treated there for his bleeding injuries. He did not suffer any bleeding injuries. However, he was suffering pain in his stomach due to a water bottle hit thrown by Satish, and he was also given painkiller injection. Further, witness added that Lionel and Vikram, who were also injured, accompanied them to the hospital. For their treatment but they did not suffer from any bleeding injuries.

7. MW1 was cross-examined by the defense representative, but nothing has been elicited to discredit or disbelieve the testimony of witness. However, MW1 was not questioned during the cross-examined on the point of occurrence of incident on 1st September 2015, as narrated by this witness in his chief statement. Thus, the version of MW1 regarding incident remained uncontroverted. Whereas CSE has admitted in his cross-examination that he along with other toll collectors were present at spot on the date and time of occurrence and they were raising the demand and shouting the slogans in support of their demands against the Respondent Management. Thus, it is established that C.S.C. workmen, along with the other toll collectors, was present on the spot at the date and time of the alleged incident, and he also participated in the incident assault and beating to C.O.M and mangers of Respondent in concert of co- employee and in common intention as narrated in the charge sheet. Further, testimony of M.W1 is also corroborated by the testimony of rest of management witness M.W. 2, MW 3, MW 4, MW 5, MW 6, MW 7, MW 10. And also, documentary evidence. It is not the case of the petitioner that these management witnesses have any grudge or enmity with CSE for any reason whatsoever. Therefore, there is no reason for these management witnesses to depose against the CSE workman in support of charges regarding incident.

8. Furthermore, Respondent Management has examined Shri Hari Panduranga Swamy Chief of operations and Maintenance, C.O.M. as MW2 who is said to be got injured during the incident of 1st November 2015. MW2 in his testimony has given a vivid description of the said incident, which further, support the allegation of charges leveled against the CSE Workman in this case. MW2 was cross-examined by the defense, but nothing has been elicited in the cross-examination to discredit the testimony of this witness. Moreover, it is not the plea of the CSE workman that either

due to animosity or personal grudge, MW2 has deposed falsely against the CSE. However, the testimony of MW2 is corroborated by oral and documentary evidence produced before the inquiry.

9. Moreover, the defense witness, WW1 in his cross examination has admitted that on the date of the incident, he went to the base camp of Respondent Management along with the union leader and other co-employees to discuss their demands, but they did not beat anyone. Further, witness admitted that they were shouting slogans in support of their demand. The CSE in his statement has not disclosed the details of demands of workman which were said to be pending with the Respondent Management. There is no evidence on record that CSE, along with the union leader and other co-employee, assembled at the base camp of the Respondent Management on the date of the incident with prior intimation and permission of Respondent. Further, CSE failed to plead and prove the Justifications of their actions on 1-09-2015 in support of their demands. Therefore, in view of the principle of preponderance of the probability it is established from the evidence on record that the CSE workman has participated along with the union leader and other co-workers in the incident of violence and Fracas in common intention on 01-09-2015 at Base Camp of Respondent and also damages the property Respondent.

10. Moreover, the management has also produced the documentary evidence in support of the charge leveled against the CSE workman. These documents namely are Ex M1 charge sheet dated 9th September 2015; ExM2 is the explanation to the notice submitted by the workman, Ex M3 appointment letter of the Inquiry Officer, Ex M4 Outpatient ticket dated 1st September, 2009 of M. Hari Pandya and Exhibit M5 includes fifteen photographs with depicts that injured witness getting treated in the hospital for his injuries caused to his body in the alleged incident of 1st September 2015. Further, ExM6 are the photographs which show that the office of the COM has been damaged by the CSE along with other workers in the alleged incident. ExM7 is the copy of the FIR which discloses that Hari Panduranga Swami Madasu complaint got registered FIR against the petitioner and other workers at Shri Potti Sri Ramulu Nellore District Police Station under Section 147, 148, 452, 307, 506 R/W 149 IPC on 2nd September 2015 at 00.30 AM regarding the incident dated 1-09-2025 and details of the suspected, accused in the FIR is mentioned as here under: -

1. Chaithanya Malapatti. 2. Sathish, 3 Srinivasulu, 4. Sudhakar Thuraka, 5. Prasad Thuraka, 6. Deendayal, 7. Hussain Mohammad, and 8. Balakrishnan Srinivasulu, M9 Srinivasulu N, 10. Srinivasulu 11.C H, Murari 12. Penchalaiah. Thus, the testimony of witness about the incident as alleged in charge sheet is corroborated by the testimonies of other management witnesses i.e. MW1 to MW10 and also by the documentary evidence, on record.

11. Further, domestic inquiry against CSE has been conducted strictly in accordance with the principle of natural justice and workman CSE has been found guilty of grave and serious acts of misconduct. Thus, finding of the inquiry officer is based on of oral and documentary evidence recorded during enquiry and report of inquiry officer do not suffers from any illegality or perversely. The inquiry officer report goes to reveal that on 1-09-2015 CSE workman, has committed the misconduct of physical assault to the official of Respondent Management and he has been rightly held guilty of committing misconduct. The details of specific acts of misconduct allegedly committed by the Petitioner along with other co-workman on 1-09-2015 including physical assault on Respondent staff are as follows: -

That the Petitioner workman has physically assaulted Mr. Hari Pandu Ranga Swamy Madasu, the Chief Operations and Maintenance, thereby causing grievous injuries. The act not only endangered the safety of a senior official but also disrupted the discipline and harmony of the workplace. Further, Petitioner workman actively participated in a riotous mob attack, leading to the damage of company property, and creating an atmosphere of fear and disorder within the establishment. Such conduct undermines the safety and security of the workplace environment and lastly. The Petitioner workman exhibited willful insubordination by disobeying lawful and reasonable orders of his superiors. Furthermore, he threatened senior officials, displaying gross indiscipline and a blatant disregard for the hierarchical structure and decorum expected within the organization.

12. The findings of enquiry officer are based on cogent and credible evidence, including eyewitness testimonies and documentary proof. The enquiry was conducted in accordance with the principles of natural justice, providing the Petitioner ample opportunity to defend himself. Thus, the aforementioned acts committed by the Petitioner workman squarely fall under the category of serious misconduct as defined under Clauses 19(a), (c), (d) and (e) of the Andhra Pradesh Shops and establishments Rules, 1990.

Rules 19 (a), (b), (c), (d) and (e) of AP Shops & Establishment Rules provides as here under: -

- i. Clause 19(a): Willful insubordination or disobedience of any lawful and reasonable order of a superior.
- ii. Clause 19(C): Damage to the employer's property.
- iii. Clause 19(d): Riotous or disorderly behavior in the premises of the establishment.
- iv. Clause 19(e): Threatening or intimidating any employee or superior.

The misconduct committed by the workman along with employees of assaulting superiors, instigating others, and participating in the riotous violent activities constitute serious act of misconduct which strike at the root of workplace discipline. The act of workman causing grievous injuries to managerial staff is a grave and serious misconduct that is not condonable. Therefore, the dismissal order passed by Respondent against the workman is justified and appropriate action.

13. Respondent has relied upon the few decisions of Hon'ble Supreme Court which are relevant to the point and discussed as here under: -

- (a) Hon'ble Supreme Court in *Krishnakali Tea Estate Bharatiya Vs. Aknn Chah Mazdoor Sanah* - (2004) 8 SCC 200 upheld the dismissal of workmen who had assaulted managerial personnel causing damage to property, gherao of the management, wrongfully confining manager. The Apex Court observed that such violent Conduct cannot be taken lightly, and the punishment of dismissal was warranted to preserve discipline and safety at the workplace.
- (b) Similarly, Hon'ble Supreme Court in the case of *Muriadih Colliery Vs. Bihar Colliery Kamgar Union* - (2005) 3 SCC 331, held that the dismissal of employees who participated in a violent mob attack, causing injury to the General Manager, was justified, and interference by the Labour Court under Section 11-A of the ID Act was disapproved and the punishment proportionate to the misconduct. was upheld.
- (c) The Hon'ble Supreme Court in the case of *M.P, Electricity Board Vs. Jagdish Chandra Sharma* - order (2005) 3 SCC 401. of dismissal of a Workman who assaulted a senior officer, restored the decision of the Industrial Court, thereby reiterating that acts of violence by employees, particularly against their superiors, must be dealt with strictly and are not open to lenient treatment. The reinstatement ordered by the Labour Court was reversed, affirming the employer's authority to maintain discipline through dismissal.
- (d) In the case of *Hombe Gowda Educational Trust Vs. State of Karnataka* - (2006) 1 SSC 430, the Hon'ble Supreme Court underscored the importance of workplace discipline and held that even provoked assault on a superior, amounts to gross indiscipline. The Court stated: "30. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by the rule of law. All actions, therefore, must be taken in accordance with law."
- (e) In the case of *Usha Breco Mazdoor Sangh Vs. Management of M/S. Usha Breco Ltd* – (2008) 5 SCC 554, Hon'ble Supreme Court while reaffirming the legal position laid down by it is in the case *firestone Tyre and Rubber Co. Vs. The management and Others* – (1973) 1 SCC 813, held: -

"31. It is one thing to say that finding of an Enquiry Officer is perverse or betrays the well-known doctrine of proportionality another thing to say that only because two views are possible, the Labour Court shall interfere therewith. In other words, it is one thing to say that on the basis of the materials on record, the Labour Court comes to a conclusion that a verdict of guilt has been arrived at by the Enquiry Officer whereas the materials suggested otherwise but it is another thing to say that such a verdict was also a possible view.

39. The upshot of our discussion is that the decision of the labour Court should not be based on mere hypothesis. It cannot overturn a decision of the Management on ipse dixit. Its jurisdiction under section 11-A of the Act although is a wide one, must be judiciously exercise either whimsically or capriciously. It may scrutinize and analyze the evidence but what is important is how it does so."

(f) Further, in the case of **New Shorrock Mills vs Maheshbhai T. Rao, 1996 SCC page 590**. Hon'ble Supreme Court held: -

"35. In the case of *New Shorrock Mills Vs. (1996) Maheshbhai T Rao* 6 of SCC 590, held that:

"Labour Court in the present case having come to a Conclusion that the finding of the departmental enquiry was legal and proper, the Respondents order of discharge was not by way of victimization and that the Respondent workman had Seriously misbehaved and was thus guilty of misconduct, ought not to have interfered with the punishment, which was awarded, in the manner it did. This is not a case where the Court Could Come to the conclusion that the punishment was awarded was shockingly disproportionate to the employee's conduct and his past service record."

(g) The Supreme Court in the case of **Northeastern Karnataka RTC Vs. Ashappa 2006 (5) SCC 137** reaffirmed that the Tribunal must not lightly interfere with the employer's disciplinary decisions and reiterated the "shockingly disproportionate" standard.

(h) In **Hombe Gowda Educational Trust Vs. State of Karnataka (cupra)**, the Hon'ble Supreme Court clarified that the days of automatic sympathy towards the workman are over, and that discipline must be maintained at all costs in light of contemporary industrial conditions. The Tribunal's power to substitute the employer's decision must be exercised with restraint.

(i) In the case of **Muriadih Colliery (Supra) & Krishnakali Tea**

Estate (Supra), the Apex Court expressly held that interference by Labour Courts with dismissal orders passed for acts involving violence and assault was not permissible under section 11-A of the ID Act, as the punishment was not disproportionate.

Thus, in view of the principles laid down by the Honorable Apex Court as discussed above, there is ample oral and documentary evidence on record to substantiate the charges against the petitioner workman, and it cannot be said that the order of dismissal of Petitioner is perverse or shockingly disproportionate.

14. As regard the plea of the petitioner workman that Respondent Management has victimize him due to the being member of the union and also for raising the demand related to welfare of the workman.

In this context, Respondent has relied upon the decision of the Supreme Court in the case of **Bharat Iron Works versus Bhagobhai Balubhai Patel, 1976 SCC page 518**. Therein Hon'ble Supreme Court has laid down the legal test for establishing the plea of victimization as discussed here under: -

"11. The onus of establishing plea of victimisation will be upon the person pleading

it. Since a charge of victimisation is a serious matter reflecting, to a degree, subjective upon the attitude of the employer evidenced by acts and conduct, it has to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

The Apex Court further held:

"12. Once, in the opinion of the Tribunal a gross misconduct is established, as required, on legal evidence either in a fairly conducted domestic enquiry or before the Tribunal on merits, the plea of victimisation will not carry the case of the employee any further. A proved misconduct is antithesis of victimisation as understood in industrial relations."

15. Thus, in view of the principle laid down by Hon'ble Apex Court, as discussed above the petitioner workman has failed to produce any evidence in support of the plea that the action of Respondent management in dismissing him from service is victimization of the petitioner workman. The petitioner workman has failed to discharge his burden of proof regarding plea of victimization or unfair labor practices hence same is untenable.

16. As regard the plea of the petitioner that they he has been acquitted from the criminal trial by court in respect of the alleged acts of misconduct. In this context, the decision of Honorable Supreme Court in the case of Deputy Inspector General of Police versus Sethu . Thiruvan, 2013 SCC page 598 is relevant, wherein Honorable Apex Court have held that mere acquittal in a criminal trial does not nullify or override the finding of a valid domestic inquiry. Further, Honorable Apex Court held that the standard of proof in a criminal trial is proof beyond reasonable doubt, whereas in a domestic inquiry it is only preponderance of the probability.

In the case of Commissioner of Police vs Narendra Singh, 2006 SCC page 265, Honorable Apex Court held that the disciplinary proceeding can proceed independently and that an employee can be dismissed from service based on finding of a department inquiry even if no conviction is recorded in the criminal trial. The finding in the inquiry against the workman is based on credible evidence, including eyewitness testimonies and documentary records and same does not warrant any interference.

17. Hon'ble Supreme Court in the case of Employers Management **West Bokaro Gallery Colly of TISCO Limited vs Concern Workman Ram Prakash Singh, 2008 LLR, page 432**,

"16. In U.P State Road Transport Corporation Vinod Kumar, 2007 (13) SCALE 690 this Court again observed that in the absence of a challenge to the legality or fairness of the domestic enquiry the Court should be reluctant to either interfere with the finding recorded by the Enquiry officer or the punishment awarded by the Punishing Authority.

17. After going through the order of the industrial Tribunal, were are of the opinion that the Tribunal has interfered with the findings recorded by the domestic. Tribunal as if it was the appellate Tribunal. There was evidence present on record regarding indecent riotous and disorderly behavior of the Respondent towards his superiors. The management witness who were present at the scene of occurrence have unequivocally deposed about the misbehavior of the Respondent towards his superiors. Their evidence has been discarded by the Tribunals by observing that in the absence of independent evidence, the statements of the workmen who were present at the scene of occurrence could not be believed. Industrial Tribunal tell in error in discarding the evidence produce by the management only because the independent witnesses were not produce them. It is possible that at the time of occurrence, only the workers of the Management and the persons who were truing to put up the constructions dependent evidence was available. Statements of the fellow workmen had established the misconduct of the Respondent. Enquiry officer accepted the testimony of the witness produced by the management who had clearly implicated the Respondent. It was a legitimate conclusion which could be arrived at and it would not be open to the industrial Tribunal to substitute the said opinion by its own opinion.

19. Tribunal has set aside the report of the enquiry Officer and the order of dismissal passed by the punishing Authority by observing that the charges against the Respondent were not proved beyond reasonable doubt. It has repeatedly had been held by the court that the acquittal in a criminal case could not operate as a bar for drawing up of a disciplinary proceeding against a delinquent. It is well settled principle of law that yardstick and standard proof in a criminal case is different from the one disciplinary proceeding. While the standard of proof in a criminal case is proof beyond all reasonable doubt, the standard of proof in a departmental proceeding is preponderance of probabilities."

Further, the Honorable Supreme Court has observed that in a case where two views are possible on the evidence on record, then the Industrial Tribunal should be very slow in coming to a conclusion other than the one arrived at by the domestic Tribunal, by substituting its opinion in place of the opinion of the domestic tribunal.

Thus, in view of the law laid down by the apex court, as discussed above, the plea of the petitioner that there is no legal evidence on record is untenable, as there is sufficient evidence on record of the domestic inquiry to prove the guilt of the workman in the alleged misconduct.

18. Further, as regard the appreciation and evaluation of the evidence in matter of domestic inquiry, Hon'ble Supreme Court, in the case of **State of Rajasthan and others Vs Him Singh, Civil Appeal Number 3340 of 2020**, date of decision: 29th October 2021, has laid down the principles extracted as here under: -

"Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof be yond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.

To determine whether the finding in a disciplinary inquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the courts that there is some evidence to support the charge of misconduct and to guard against perversity, but this does not allow the court to re- appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."

19. In the case of **Hombe Gouda Education Trust Vs State of Karnataka, 2006 SCC, page 430**: Hon'ble Supreme Court have held that assaulting a superior at a workplace amount to an act of gross indiscipline. The respondent is a teacher. Even under grave provocation, a teacher is not expected to abuse the head of the institution in a filthy language and assault him with a chappal. punishment of dismissal from service, therefore, cannot be said to be wholly disproportionate so as to shock one's conscience. Further, Hon'ble Supreme Court held that a person, when dismissed from service, is put to great hardship, but that would not mean that a grave misconduct (assault on superior at workplace) should go unpunished. Maintenance of discipline of an institution is equally important.

20. Further, In the case of **MP Electricity Board Vs Jagdish Sharma, 2005 SCC, page 401**, Hon'ble Supreme Court have held:

"9. In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the workplace obviously in the breach of Presence of other employees This clearly amounted in an discipline in the organisation Discipline at the workplace organisation like the employer herein, is the sine qua non for the efficient working of the organisation, when an employee breaches such discipline and the employer terminates his services it is not open to a Labour Court of an Industrial Tribunal to take view that the punishment awarded is shockingly disproportionate to the charge proved. We have already

referred to the views of this Court. To quote Jack Chan,

'Discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large.'

Obviously, this idea is more relevant in considering the working of an organisation like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. It is essential for the prosperity of the organisation as well as that of its employee's. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion."

21. Further, in the case of **Ajit Kumar Nag Vs Indian Oil Corporation Limited, 2005 SCC page 764, the Honorable Supreme Court has held, in a three-judge bench, in paragraph 56**, "It is well settled that the burden of proving malafide is on the person making the allegation, and the burden is very heavy. There is every presumption in favor of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of malafide are often more easily made than made out, and the very seriousness of such allegations demands proof of a high degree of credibility."

Further, Hon'ble Supreme Court held that assault, intimidation are penal offences. A workman indulging in commission of criminal offenses should not be spared only because he happens to be a union leader. The act does not encourage indiscipline. It will be a matter of some concern if the opinion of the inquiry officer can be totally ignored, despite the fact that the management is precluded from adducing any fresh evidence before the labor court. A union leader does not enjoy immunity from being proceeded with in a case of misconduct.

22. In the case of D. Mulchandani Electric and Radio Industries Limited Vs Workman, 1975 Supreme Court Cases page 731, Hon'ble Supreme Court have held:

establishment

"It was not disputed before us that the allegation of assault, if proved, would be an act subversive of discipline: what was contended on behalf of the respondent was between Thana and the premises was that the alleged assault having taken place in the train Mulund which was obviously outside the or precincts of the establishment, was not covered by Standing Order.

24(1). The Labour Court also found that the alleged assault did not In our amount to misconduct under Standing Order 24(1) which, it was held was restricted to acts and omissions inside the premises of the establish opinion, Lon a plain reading of the clause, the words "within the premises or precincts of the establishment" refer not to the place where the act which is subversive of discipline or good behaviour is committed but where the consequence of such an act manifests itself. In other words, an act, wherever committed, if it has the effect of sub- verting discipline or good behaviour within the premises or precincts of the establishment, will amount to misconduct under Standing Order 24(1) We are unable to agree that Standing Order 24(l) leaves out of its scone an act committed outside though it may result in subversion of discipline or good behaviour within the premises or precincts of the establishment in question. Such a construction in our view would be quite unreasonable."

23. In the case of **State bank of Bikaner and Jaipur vs Nemi Channel via 2011 Supreme Court cases page 580** Hon'ble Supreme Court have held that subsequent acquittal by criminal court will not in any way render completed discipline proceeding invalid, nor affect the validity of finding of the guilt and consequential punishment.

24. Thus, in view of the foregone discussion and law laid down by the apex court as discussed above, in the instant matter all the charges framed and proved in domestic inquiry against the workman being serious and grave in nature and stands proved by oral and documentary evidence recorded and produced bin the inquiry. Further, the evidence produced by the management before inquiry is legal and admissible as per principle of preponderance of probability laid down by Hon'ble Supreme Court in its various decisions as discussed in preceding paragraph of this Award. Therefore, order of dismissal of Petitioner workman cannot be faulted with, nor it can be said to be in any way disproportionate to the gravity of the charges. Thus, the punishment of dismissal of the workman is proportionate to the gravity of the charges, and hence deserve to be upheld. Thus, the action of the respondent management in dismissing the services of the workman is held legal and justified.

This issue is decided against the workman and in favor of the respondent management.

Issue No: IV

In view of foregone discussion and finding given at issue No. I, II and III, I am of the considered opinion that the action of Respondent management in dismissing the Petitioner from service vide order dated 27-05-2016 is legal and justified. Therefore, no interference warrants in the punishment of dismissal order dated 27-05-2016 of the Petitioner and the action of Respondent Management is held legal and justified and liable to be confirmed.

AWARD

In view of the foregone discussion and finding given at issue No. I, II, III, and IV, the action of Respondent Management in dismissing the service of the Petitioner workman vide order dated 27-05-2016 is held legal and justified. Petition filed by the Petitioner sans merit hence dismissed.

Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected, and signed by me on this the 6th day of November, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2071.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, तेलंगाना, निदेशक (प्राधिकृत हस्ताक्षरकर्ता), स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद, सहायक महाप्रबंधक, समूह मानव संसाधन, स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद के प्रबंधन के संबद्ध नियोजकों और श्री नागीशेट्टी श्रीनिवासुलु, आंध्र प्रदेश, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय हैदराबाद पंचाट(संदर्भ संख्या- 15/2021) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल -42025/07/2025/244-आईआर-(डीयू)]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2071.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 15/2021) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Highways Authority of India, Telangana, The Director (Authorised Signatory), Swarna Tollway Private Limited, Hyderabad, The Asst. General Manager, Group H.R., Swarna Tollway Private Limited, Hyderabad** and **Sri. Nagishetty Sreenivasulu, Andhra Pradesh**, workman.

[No. L-42025/07/2025/244- IR (DU)]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated 4th day of November 2025

INDUSTRIAL DISPUTE L.C.No. 15 / 2021

Between:

Sri. Nagishetty Sreenivasulu,

Employee No.STPL0069,

S/o. Masthaniah,

Odur Post, Chilakur (Mandal)

S.P.S.R. Nellore District. – 524 410.

Andhra Pradesh.

... Petitioner

AND

1. National Highways Authority of India,
Rep. by Executive Engineer - Chief Engineer-Regional Officer,
First Floor, New Building Administrative Staff College of India (ASCI),
College Park Campus, Road No.3,
Banjara Hills, Hyderabad, Telangana 500034
2. The Director (Authorised Signatory),
Swarna Tollway Private Limited,
D.No.6-3-1090, 4n Floor, C. Block, TSR Towers,
Raja Bhavan Road, Somajiguda,
Hyderabad. Rep. by its Director

3. The Asst. General Manger, Group H.R.
Swarna Tollway Private Limited,
Plot No. 1-89/1. Plot No. 42 & 43.
Kavuri Hills, Phase -I Madhapur, Hyderabad. ...Respondents

Appearances:

For the Petitioner: M/s. S. Chakrapani, T. Naveen Chowdary and M. Ravi Kiran, Advocates

For the Respondent: M/s. CRS Associates, Advocates

1. This Petition has been filed by the Petitioner workman under section 2(A) (2) of Industrial Dispute Act 1947 with the prayer to set aside his dismissal order dated 27th May 2016 passed by the Respondent Management and to direct the Respondent to reinstate Petitioner in the service with continuity of service with all back wages and all other attendant benefits.

2. The facts in brief culled out from the petition are that the Petitioner workman was appointed as a Toll Collector in Swarna Tollway Private Limited Organization on 25th September 2003.

Further, Petitioner submitted that he was placed under suspension with issuing Charge sheet on 9th September 2015, and without considering his explanation Respondent has dismissed him vide order dated 27th May 2016. Further, Petitioner submitted that on 1st September 2015 he was member of Swarna Toll Employees Union, and he went to Budanam Base Camp office to meet with office bearer of the union and number of employees, union president and some other office bearers were also present at Budanam base camp office to meet with the COM to represent their demands. When the union leader entered into the Chamber of COM. Other employees were waiting outside camp office of COM and Some discussions took place between Union leaders and the management. As per petitioner COM did not consider the lawful demands of the employees and union leaders came outside and explained to other employees. Since lawful demands were not considered by the Respondent COM, Union leaders and employees expressed their protest against the Respondent Management by shouting slogans. COM and other managers foisted a false case against the petitioner and rest of the employees present there at Chillakuru Police Station. The Police authority registered a case in Crime No.154/2015 against the 28 employees and they sent the there employees to remand. The Chief of operation and maintenance and other Toll Managers made a complaint what has been alleged in the charge sheet. Further, Petitioner stated that he was no way concerned in the said incident there was no specific allegation against him. The allegations made against all the 28 employees are in common Petitioner contended that before issuing charge sheet, the copy of complaint was not supplied to him to submit his explanation and he never committed any misconduct of willful in subordination or disobedience with the lawful and reasonable order of superior. He never damage the employer's business or property and did not instigate co-workman to misbehave with official of Management. He never committed any act subversive of discipline and I never assaulted and grievously hurting the management as alleged in the charge sheet. Further, Petitioner submitted that enquiry has been conducted by the enquiry officer into the allegations without following principle of natural justice. There was no corroborative evidence to prove the guilt of Petitioner and only management witness were examined in the enquiry. The management witness nowhere has stated that what acts, and omission committed by C.S.E and, there was no legal evidence to prove the allegations against C.S.E. Thus, enquiry officer has also failed to bring home the guilt of C.S.E and gave common findings of all the 28 C.S.E which is not legal. Enquiry officer has conducted enquiry an empty formality, and submitted his report holding that the allegation are proved. The procedure followed by the enquiry office, and enquiry findings are not fair, proper and not maintainable under law. Respondent management had issued show cause notice to petitioner and without considering his explanation the Respondent management passed his dismissal order on 27-05-2016 that is not sustainable under law.

Further, Petitioner submitted that the allegation leveled against him were false and fabricated and there was no specific allegation against him for violation of any acts or omissions. All the common allegations has been made against the 28 employees. There was no willful in subordination or disobedience of instruction in connection with the order of the superior and no damages done with the employer business or property. There was no unprovoked behavior with customers riotous disorderly or indecent behavior in premises of the establishment. There was no act subversive of discipline. It is submitted that Petitioner had not committed due serious misconduct to dismiss him from service. Further it is submitted that Petitioner filed the ID No 14 of 2017 before the labour Court Guntur and labour court passed the order dated 31 -8-2019 thereby rejecting the petition on the ground of lack jurisdiction. Therefore, any delay in filing the appeal is on account of COVID-19 pandemic situations prevailing all over the world. Therefore, prayed to set aside the order dated 27-05-2016 passed by Respondent and to reinstate the Petitioner in the service,

3. Per contra Respondent 1 has filed counter therein he has contended that the Respondent No.1 NHAI unnecessarily has been made party in the present Petition as there is no employe relationship between the Petitioner and Respondent No.1. Further, it is submitted that the Respondent No.1 is neither concerned nor related to allegation

made in the petition hence denied. Respondent has unnecessarily been made party to the present proceeding and petition is liable to be dismissed against Respondent No.1 with cost.

Respondent No. 2 and 3 has filed counter and has contended there in that present petition has been filed by the Petitioner under section 2(A) (2) of the Industrial Disputes Act challenging the dismissal order dated 30th August 2016 issued by Respondent no. 2 which is barred by the limitation prescribed under section 2A (3) of the Act. Respondent contended that the present ID has been raised by the Petitioner on 30th September 2021, i.e., after a lapse of over five years and as such is liable to be dismissed by the court in limine as a time-barred one. Further, it is submitted that Labour Court, Guntur, vide order dated 31st August 2019 has returned the petition for want of jurisdiction while holding that Petitioner may raise dispute before the competent court of appropriate jurisdiction. However, the present ID has been raised before this Hon'ble Court after a lapse of two years without any explanation for the delay, and not maintainable on the ground of barred by limitation.

Further, Respondent contended that Petitioner was found guilty of riotous, disorderly, unruly behavior of mob attack on the chief Operation and Maintenance, Mr. Hari Panduranga swamy madusa, Mr. S. Vijay Deepak, and other toll managers at Budanam Base camp of the Respondent no. 2 company on 1st September 2015, Domestic inquiry against Petitioner workman has been held by following principle of natural justice and dismissal order dated 30th August 2016 is not liable to be interfered with by this court under any circumstances. Further, it is submitted that the Petitioner and other workmen assaulted and has beaten the manager by giving them punches, kicking with legs, and hitting with iron rods, and in the said attack by the Petitioner and other workmen, Chief Operation and Maintenance, Mr. Hari Panduranga Swamy Madusa, sustained grievous bleedings injuries to his eye and suffered injuries of jaws dislocation and he was hospitalized. Further, Respondent contended that Petitioner with other workmen, also damaged the property of the Respondent No.2 in the said mob attack.

10) Respondent contended that on 01/09/2015, an important meeting was going on between a supplier and the senior management of Toll Plazas at Base Camp office off the Respondent No.2 Company at Budhanam Village, Chillakuru Mandal, SPSR Nellore District, to discuss about the toll collection system related issues, at about 16:20 Hours. Petitioner along with Mr. M. Chaitanya, who was the President of Swarna Toll way Employees' Union and other Toll Collectors working at Venkatachalam, Bhudanam and sullurpet Toll Plazas, concertedly and forcibly entered into the base camp office and barged into the room of Chief Operations Manager (COM), Mr. Hari Pandu Ranga Swamy Madasu in a most indecent and insubordinate Manner and insisted that COM should come out of the ongoing meeting and discuss with them on some pending issues in the Conference Hall. Petitioner and co-workman insisted for an Immediate settlement of their COM tried to convince Petitioner and other mob of workmen and asked to give two days' time to resolve their issues and grievances, but it was in vain and workman started using abusive language against him and against other officials too.

In the meantime, one of the Toll Collectors under suspension, Mr. Daggu Satish and also other employees, caught hold of Mr.S.Vejay Deepak, Maintenance Manager and brought him to the Union President, Mr. M. Chaitanya, who started assaulting him and beating him indiscriminately., When the COM and the Toll Manager tried to save him from the mob, Petitioner and the workman present there acted in a most riotous and disorderly manner and in utter disregard of the discipline in the office premises of the Respondent No.2 Company. Thereafter, S. Vejay Deepak Was taken to the COM's Chamber, but Petitioner and other mob of workmen also went there and again started beating Mr. S. Vejay Deepak by throwing water glass and laptop on him and they also broken the glass panes of the room.

Respondent further submitted that Mr. M. Chaitanya, started beating the COM and he also instigated Petitioner and others workman to beat COM, and Mr. S. Vijay Deepak and other Toll Managers with kicks and punches. Two of the workmen punched the COM on his face causing dislocation of lower jaw teeth, while one Mr. D. Satish pounced on him with fist punches on his face and shoulder, Mr. S. Murali and Mr. M. Chaitanya has hit COM with an iron rod on the left side of his eye, whereby he suffered a serious and grievous injuries to his lower jaw and a bleeding injury near his left eye and he fell unconscious and later was shifted to Hospital. Mr. M. Chaitanya also threatened to kill the officials of the Respondent and their family members, if they did not heed to his orders, thereby created a great tension and fears in their minds. The above-mentioned acts of the Petitioner and other workmen/union leaders of instigating assaulting, beating, threatening and abusing the officials of Respondent No.2 was of highly intolerable, illegal, mischievous and unruly, which have caused a serious disturbance at the Base Camp Office and adversely affected the discipline in general and safety of the other Workmen and Officers of the Respondent as well.

Respondent contended that in view of the gravity and severity of the acts of misconduct reported against the Petitioner, he was placed under suspension pending enquiry and was issued with detailed charge-sheet dated 09/09/2015, with the following Charges as per Clauses 19(a), (b),(c), (d), (e) and (f) of the A.P. Shops and Establishments Rules, 1990 detailed as her under:-

"(a) Wilful insubordination or disobedience of instruction, whether alone or in combination with others of any lawful and reasonable order of a Superior;

(b) Damage or dishonesty in connection with the employer's business or property;

(c) unprovoked misbehaviour with customers, riotous, disorderly, or indecent behaviour in the premises of the establishment.

(d) Any act subversive of discipline;

(e) Assaulting and grievously hurting the managerial staff"

The Petitioner he submitted his explanation dated 30/09/201 and management considered his explanation but that was found unconvincing and unsatisfactory, and in view of the seriousness to the acts of misconduct, management decided to hold an enquiry into the charges levelled against Petitioner.

During the inquiry Petitioner was permitted to avail the assistance of a co-workman and enquiry was conducted in Telugu and proceedings thereof were also recorded in Telugu. The management has examined ten witnesses (MW-1 to MW-10) in Support of the charges, Management witness were cross-examined by the Petitioner with the aid of his co-Workman/Defence Assistant. The management has also produced documents, and same has been marked Exhibits M-1 to M-10. Petitioner has examined WW1 in defence and Enquiry Officer, after due appraisal of oral and documentary evidence submitted his Report & Findings holding workman guilty of charges levelled against him. The Enquiry Officer had assigned cogent reasons reference to the evidence brought on record for holding the with Petitioner guilty of the charges. Upon receipt of the above Enquiry Report, Final Show-Cause Notice dated 02/05/2016 was issued calling upon the Petitioner to show-cause as to why he should not be dismissed from the services of the Respondent No.2, while enclosing a copy of the Enquiry Report & Findings dated 16/02/2016 and seeking his comments, if any, thereon. The Petitioner submitted his explanation to the above Final Show-Cause Notice dated 02/05/2016, vide his letter dated 18/05/2016 and the same was found not convincing. Respondent contended that Disciplinary Authority has also evaluated the proportionality of the punishment to be imposed and in the light of the gravity of the acts of misconduct proved and its adverse impact on the discipline and safety of officials within the Respondent No.2 Company Establishment and as there were no extenuating and/or mitigating circumstances to take any lenient view in the matter, after having been convinced, that no punishment lesser than that of dismissal can be imposed, and Petitioner was dismissed from the services of the Respondent No.2 Company vide Dismissal Order dated 30/08/2016.

Therefore, in view of the seriousness of the acts of misconduct proved against the Petitioner, the dismissal order is fully justified and is not liable to be interfered with by this Hon'ble Court under any circumstances. Hence, this Hon'ble Court, at any rate, may not direct reinstatement of the Petitioner. The Respondent No.2 conducted that the enquiry conducted against the Petitioner is fully in accordance law and principles of natural justice and is valid. Petitioner was given all reasonable opportunities to himself by cross-examining the witnesses examined in of the charges and also to adduce evidence, both oral and documentary. Therefore, the enquiry so conducted was fair & proper and is also not liable to be interfered with by this Hon'ble Court. Should this Hon'ble Court, for some reason, find that the enquiry conducted is not valid, without prejudice to its contentions that the enquiry is valid and legal.

In support of his contention Respondent has relied upon the certain decisions of the Hon'ble Supreme Court which are detailed as here under: -

1. Hombe Gouda Educational Trust Vs. State of Karnataka – (2006) 1 SCC 430
2. M.P. Electricity Board Vs. Jagadish Chandra Sharma – (2005) 3 SCC 401
3. Usha Breco Mazdoor Sangh Vs Management of Usha Breco Limited 2008 SCC Page 554
4. Mulchandni electricals and Radio Industries limited Vs Workman 1975 SCC page 731.
5. Ch. Ramakoteswar Rao Vs GM, APS RTC 2000 (4) ALD Ald page 208
6. M/s Bharath Iron works Vs Bhagubhai patel (1976) 1 SCC page 518
7. S.S.P. sharma Vs Industrial Tribunal- II Hyderabad 2016 (2) ALD page 107
8. State bank of Bikaner and Jaipur Vs Nemi Chand Nalwaya (2011) 4 SCC page 584
9. Dig of police Vs S. Samuthiram 2013 1 SCC page 598
10. State bank of BNikaner & Jaipur Vs Srinath Gupta (1996) 6 SCC page 486
11. Commissioner of police Vs Narender Singh (2006) 4 SCC 265

The Law laid down by the Hon'ble Court in the above-mentioned cases will be discussed at the appropriate stage of this judgement. Therefore, Respondent contended that Petitioner does not deserve any leniency and the punishment of dismissal is just proper and under in any circumstances Petitioner may not be directed to be reinstated into the service.

Therefore, prayed to dismiss the petition with exemplary costs.

Heard the argument of learned counsel for petitioner as well as Respondent. Both the parties have also filed their written submission. Pursue the record.

4. On the basis of submission of either parties, following issues arise for determination in the present matter: -

1. Whether the departmental enquiry held against the Petitioner is legal and valid?
2. Whether present petition filed by Petitioner raising industrial Dispute against his dismissal order 30-08-2016 is barred by limitation?
3. Whether action of Respondent management Director, Swarna Toll way private Limited, Hyderabad, vide order dated 27-05-2016 whereby in terminating the services of the Petitioner is legal and justified?
4. To what relief If any, Petitioner, is entitled for?

Findings: -

Issue No. I

The Departmental inquiry conducted against the Workman Sri. Daggu Sathish has been held legal and valid, by this court vide order dated 11th November 2024.

Thus, issue is decided accordingly.

Issue No. II

In this context, Respondent No.2 and 3 contended that the present Industrial Dispute has been raised by the Petitioner on 2nd August 2021 after the lapse of five years from the date of his dismissal order dated 27th May 2016. Therefore, in view of the provision contained under section 2-A (3) of the Industrial Disputes Act, this claim could be filed by the Petitioner before the expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service as specified in (1) of section 2-A. Therefore, the present claim Petition raising the Industrial Dispute by Petitioner under section 2A (2) of the ID Act, is barred by limitation.

The perusal of claim petition goes to reveals that Petitioner has raised the Industrial Dispute against his dismissal order, dated 30th august 2016 passed the by the Respondent Management by filing claim petition in the year 2021. In the para 11 of claim petition, Petitioner has averred that against his termination order, he approached to the Deputy Labour Commissioner of Labor, Nellore for cancellation and same was dismissed without considering the merit. Thereafter, he filed petition before Labour court, Guntur, which got registered as ID Number 206/2016. Labour Court, Guntur, vide order dated 31st August 2019, has returned his petition on the ground of lack of jurisdiction. Thereafter due to COVID-19 pandemic situation Petitioner could not approach this court within time. Petitioner has also filed the copy of the order dated 31-08-2019 passed by the Presiding Officer, Labour Court, Guntur, in ID no. 206/2016, whereby Labour Court Guntur has returned petition of the Petitioner for presentation before the appropriate court of jurisdiction. It is established fact that in the year 2020, there was a prevailing situation of COVID-19 pandemic and Petitioner was not able to approach this court to present petition at Hyderabad. Thus, Petitioner has furnished cogent and sufficient explanation of delay in filing the present petition and same is not fatal to present Industrial Dispute. Therefore, in view of the above present petition raising the Industrial Dispute under section 2-A (2) of the ID Act, against the dismissal order dated 30-08-2016 is not barred by limitation. Issue is decided in favor of the Petitioner.

Issue No. III

The perusal of record goes to reveal that in this claim petition, petitioner has challenged his dismissal order dated 27th May 2016 passed by Respondent Management on the grounds alleged in petition. Furthermore, perusal of the record of inquiry proceeding along with inquiry report, goes to reveal that the Petitioner was given fair opportunity of hearing at every stage of proceedings, which he availed, without raising any objection complaining of any prejudice of any nature caused to him before the inquiry officer at any point of time. Further, it is noticed that the Workman CSC received all the documents filed and relied upon by the Respondent management in support of the charge sheet, and CSC workman also filed a reply, cross-examined the management witnesses, and also examined himself as a witness in defense. Thus, the workman CSC has participated in the inquiry proceeding at every stage. Inquiry officer, on appreciation of evidence recorded in inquiry has submitted his reasoned report holding the workman guilty of the charges. Therefore, in the opinion of the court, no case is made out to hold that the domestic inquiry suffers from any procedural lapses or was conducted in violation of principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Moreover, validity and legality of the domestic inquiry has been upheld by the court vide order dated 11th November 2024. Thus, the plea of the Petitioner that the domestic inquiry was conducted against the Petitioner in violation of principle of natural justice is untenable.

It is settled law that once it is held that the domestic inquiry is legal and proper, the next question arises for consideration whether the punishment imposed on the Petitioner is just and legal, or it is disproportionate to the

gravity of the charges. Petitioner has challenged his dismissal order on the ground that the allegations leveled against him are false and fabricated, and during the inquiry no other employee as witness was examined to prove the charges and there was no corroborating evidence to prove the guilt and only that management witness were examined in the inquiry. Further, it is contended that there was no legal evidence before enquiry to prove the allegations, and the inquiry officer had also failed to bring home the charge against the Petitioner. Further, Petitioner has strenuously argued that the inquiry officer conducted the inquiry as empty formality and without having any valid and legal evidence and came to the conclusion that allegations are proved. Further, it is urged Petitioner that had not committed any misconduct as alleged in the charge sheet, and there was no evidence of loss of revenue to the corporation. Further, it is contended that there was no willful insubordination or disobedience of instructions in connection with the orders of the superior. There was no damage or dishonesty in connection with the employer's business or property, and Petitioner was not involved in unprovoked misbehavior with the customer, riotous, disorderly, or indecent behavior in the premises of the establishment. Lastly it is pleaded that the dismissal order passed by the Respondent management is grossly disproportionate to the gravity of the offense, and same is liable to be set aside. In view of plea taken by Petitioner, peruse the record of inquiry proceeding.

5. The record of proceeding goes to reveal that charge sheet dated 9th September 2015 was furnished to CSE Workman and inquiry was conducted by the inquiry officer, in the presence of CSC workman, as well as his defense representative and management witness were examined during the inquiry proceedings. In support of Charge sheet against the CSC workman, Respondent management has examined as many as ten witnesses namely, Mr. Subramanyam Vijay deepak (MW1), Mr. Hari pandarunga Swami MW2, Mr. Vikram Simha Reddy MW3, Mr. R.V. Prasad (MW4), Mr. T. Krishna Kishore (MW5), Mr. Vijay Kumar (MW6), Mr. L. Elvis Lionel (MW7), Mr. K.V. Ramprasad (MW8), and Mr. B. Vijay Sarathi Babu (MW9), and lastly, Mr. D. Veera swami (MW10). All the above stated witnesses, in their deposition have substantiated the allegations of the charge sheet issued against the CSC workman. The charge Sheet contains the allegation against CSE workman extracted as here under: -

“You have been working as a "Toll Collector" at our Nellore Toll Plaza On 1 September 2015 you were on duty in 'A' shift, which is from 6 Am to 2 Pm.

It has been reported against you that on 1st September 2015 at about 16.20 hours, you along with your union president Mr. M Chaitanya. Mr. D. Satish (Toll Collector under suspension). S Murali ATS, and TC's Mr. Penchalaiah. Mr. Turaka Ramprasad. Mr. Turaka Sudhakar Mr. Deendayal, Mr. Ch. Srinivasulu, Mr. Subba Reddy Mr. Md Hussain Mr. S Hurairah, Mr. J Srinivasulu ATS Mr. N Srinivasulu and others from Venkatachalam, Budanam and Sullurpet Toll Plazas and about 14 others forcibly enter into our base camp office situated at Km 125, NH-5. Bhdhanam Village, Chillakur Mandal, Nellore district, without any prior appointment or intimation

It is reported that at the time you went to our base camp office, a meeting was going on with M/s Kent (A supplier) at our Budanam Base camp office with our staff from HQ and Toll Plazas viz., Mr. Vijay Kumar, Mr. RV Prasad, Mr. Kishore. Mr. Ramprasad, Mr. Aylwin Lionel, Mr. Dilipu kumar Reddy. Mr. Vikram Simha Reddy. Mr. B. V Saradhi Babu, Mr. DV Swamy. Ms. Sunitha and Mr. Baburao and Staff from M/s Kent (Mr. Sandeep Pawar. Mr. Bhatta, Mr. Swapnil and Mr. Kiran) to discuss on the Toll collection system related issues.

While the said meeting was going on. Mr. M. Chaitanya along with you and 26 associates barged into the COM's room and insisted that the COM Mr. Hari Pandu Range Swamy should come along with you to the conference hall immediately, leaving the said meeting, in a most high handed and insubordinate manner. The COM, however, came along with you Thereafter, you along with your union leaders started raising all the issues and insisted him to settle the issues then and there itself. Though, the COM tried to convince you to give him two days' time to resolve the issues you and your union leaders started using abusive language against him and other officials of the company.

Meanwhile, you along with the suspended Toll Collector Mr. D. Satish and other associates caught hold of Mr Vijay Deepak (Maintenance Manager) and brought him to your union leader Mr. M. Chaitanya who started assaulting and beating Mr. Vijay Deepak indiscriminately. When the COM and Toil Managers tried to protect Mr. Vijay Deepak, you and your associates also beat the said officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises With great difficulty Mr. Deepak was taken to COM chamber, but you, and other union leaders went to COM chamber and again beat Mr. Vijay Deepak by throwing water glass, laptop on him and you and others also broke the glass panes of the room

Further, your leader Mr. M Chaitanya started beating the COM and instigated you and others to beat him You along with your other associates have severely beaten the COM and other Toli Managers. In the said attack, the COM suffered serious and grievous injuries to his lower jaw and a bleeding injury near his left eye who subsequently fell unconscious and later he was shifted to the Hospital by the police for treatment.

It is further reported that you also instigated the others to beat the officials and their family members if they did not need to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that your union leader Mr. Chaitanya, in your presence also threatened the officials of our company that he will kill the officials and their family members if they did not heed to nis orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that you also instigated the others to beat the officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises.

Due to your illegal and unruly actions, there was serious disturbance at our base camp office. You are aware that it is the utmost responsibility of the management to maintain discipline and peace in the office premises. Instigating your co-employees, assaulting, threatening and abusing the officials of the company are highly objectionable, illegal, and mischievous.

Your above actions are clearly unwarranted, grave and serious in nature and also have adverse effect on the discipline and personal safety of the other employees in the office.”

6. MW1 in his deposition has categorically stated that on the evening of 1st September 2015, a meeting was going on with the representative of the company called Kent in the chamber of Chief of Operation and Maintenance, Shri Hari panduranga swami, at Budanam Base Camp. At that time, the witness was present in his chamber. Around 4:15 P.M., security guard Kotaiah came into his chamber and said that their union president Chaitanya and some other toll collectors, about 30 people in total, had come to meet COM. Further MW1 deposed that he went to the COM chamber and called Alvin Lionel, who was the Buddhanam toll manager and told him about the matter. Meanwhile, Chaitanya and thirty other people went to the COM chamber. Then COM, Garu, and Vikram who is the manager of Venkatachalam Toll Plaza, Dilip Kumar Reddy of Sullurupet Toll Plaza, and Lionel Daru came out of the COM Chamber and went to the conference hall. Further, MW1 deposed that he saw from the glass door of his chamber and after some time the sound of bells was heard from the conference room. The witness further deposed that he saw toll collector penchalaiah hitting the ground with an iron rod in the open area outside. There were 29 other toll collectors standing next to him. Later, MW1 came to his chamber from the cashier room. Further, witness added that Vijay Deepak and Shri Srinivasulu, the assistant supervisor, came to his chamber. Then he went to the cashier room next to his chamber and informed COM sir. Further, MW1 Added that C.O.M. told him that Chaitanya would come here, and he would discuss with him. Further, MW1 states that Chaitanya and other co-worker started to beat him. As soon as he came out other toll collector also started to beat witness, while Shyam and Maria Lion, who had come there, stood between him and C.S.C. for his protection. Further, MW1 stated that immediately he went to the cashier chamber and locked himself inside. Thereafter, toll collectors rushed to his chamber and kicked the door with their feet to open it. Then he went into the chamber of the C.O.M. next to it through the partition door, and there representative of Kent company and staff of his company were present.

Further, witness stated that Satish, Srinivasa, Penchalaiah, and four other toll collectors whose name he didn't know, came from outside in the C.O.M. chamber, threw above seven people out of chamber, and also threw the laptop at the witness. Satish also threw a bottle and a water glass at him. Window glass was broken by it. COM and Leonel Garu had already come to rescue him so that none of the things they were throwing at him could hit. However, the bottle hit witness on the stomach. The glass hit the window glass behind the witness and that glass was broken. Further man states that, meanwhile, Chaitanya, who was outside, came into the room and approached to the witness, and brought the burning cigarette in his hand near his eyes, and threatened to kill him and his wife. Then J. Shrinivas lifted the chair and charged at him to throw it upon witness, but he did not do it. Later, J. Shrinivas and Satish left the chamber. The other toll collectors who remained in the chamber said that MW1 and management should apologize to the Chaitanya Garu. They forcefully grabbed the witness and dragged him to Chaitanya, who was outside, they tied his legs. Tumati Madhava Rao was also present there. Therefore, they took him to his chamber and pushed him inside. Payment manager Nagarjuna was present in his chamber and Vikram had already come to his chamber and these people also witnessed this incident noticed from the glass window that Chaitanya, C.O.M. Garu Dileep Kumar Reddy, and Lionel Garu were in the lobby outside. Further, MW1 added that he saw at the spot that Assistant Toll supervisor Murali was beating to COM, and he was hit above the left eye. MW1 added that he saw from glass window that CSE and other co-employee has beaten COM by slap and kick. Thereafter, Police arrived at the spot, and all toll collectors were present in the open area of base camp. MW1 added that between 7:30 or 8:30 a.m., C.O.M. and he went to the Guntur government hospital for treatment of their injury. The C.O.M. was treated there for his bleeding injuries. He did not suffer any bleeding injuries. However, he was suffering pain in his stomach due to a water bottle hit thrown by Satish, and he was also given painkiller injection. Further, witness added that Lionel and Vikram, who were also injured, accompanied them to the hospital. For their treatment but they did not suffer from any bleeding injuries.

7. MW1 was cross-examined by the defense representative, but nothing has been elicited to discredit or disbelieve the testimony of witness. However, MW1 was not questioned during the cross-examination on the point of occurrence of incident on 1st September 2015, as narrated by this witness in his chief statement. Thus, the version of MW1 regarding incident remained uncontroverted. Whereas CSE has admitted in his cross-examination that he along with other toll collectors were present at spot on the date and time of occurrence and they were raising the demand and shouting the slogans in support of their demands against the Respondent Management. Thus, it is established that C.S.C. workmen, along with the other toll collectors, was present on the spot at the date and time of the alleged incident, and he also participated in the incident assault and beating to C.O.M and managers of Respondent in concert of co- employee and in common intention as narrated in the charge sheet. Further, testimony of M.W1 is also corroborated by the testimony of rest of management witness M.W. 2, MW 3, MW 4, MW 5, MW 6, MW 7, MW 10.

And also, documentary evidence. It is not the case of the petitioner that these management witnesses have any grudge or enmity with CSE for any reason whatsoever. Therefore, there is no reason for these management witnesses to depose against the CSE workman in support of charges regarding incident.

8. Furthermore, Respondent Management has examined Shri Hari Panduranga Swamy Chief of operations and Maintenance, C.O.M. as MW2 who is said to be got injured during the incident of 1st November 2015. MW2 in his testimony has given a vivid description of the said incident, which further, support the allegation of charges leveled against the CSE Workman in this case. MW2 was cross-examined by the defense, but nothing has been elicited in the cross-examination to discredit the testimony of this witness. Moreover, it is not the plea of the CSE workman that either due to animosity or personal grudge, MW2 has deposed falsely against the CSE. However, the testimony of MW2 is corroborated by oral and documentary evidence produced before the inquiry.

9. Moreover, the defense witness, WW1 in his cross examination has admitted that on the date of the incident, he went to the base camp of Respondent Management along with the union leader and other co-employees to discuss their demands, but they did not beat anyone. Further, witness admitted that they were shouting slogans in support of their demand. The CSE in his statement has not disclosed the details of demands of workman which were said to be pending with the Respondent Management. There is no evidence on record that CSE, along with the union leader and other co-employee, assembled at the base camp of the Respondent Management on the date of the incident with prior intimation and permission of Respondent. Further, CSE failed to plead and prove the Justifications of their actions on 1-09-2015 in support of their demands. Therefore, in view of the principle of preponderance of the probability it is established from the evidence on record that the CSE workman has participated along with the union leader and other co-workers in the incident of violence and Fracas in common intention on 01-09-2015 at Base Camp of Respondent and also damages the property Respondent.

10. Moreover, the management has also produced the documentary evidence in support of the charge leveled against the CSE workman. These documents namely are Ex M1 charge sheet dated 9th September 2015; ExM2 is the explanation to the notice submitted by the workman, Ex M3 appointment letter of the Inquiry Officer, Ex M4 Outpatient ticket dated 1st September, 2009 of M. Hari Pandya and Exhibit M5 includes fifteen photographs with depicts that injured witness getting treated in the hospital for his injuries caused to his body in the alleged incident of 1st September 2015. Further, ExM6 are the photographs which show that the office of the COM has been damaged by the CSE along with other workers in the alleged incident. ExM7 is the copy of the FIR which discloses that Hari Panduranga Swami Madasu complaint got registered FIR against the petitioner and other workers at Shri Potti Sri Ramulu Nellore District Police Station under Section 147, 148, 452, 307, 506 R/W 149 IPC on 2nd September 2015 at 00.30 AM regarding the incident dated 1-09-2025 and details of the suspected, accused in the FIR is mentioned as here under: -

1. Chaithanya Malapatti. 2. Sathish, 3 Srinivasulu, 4. Sudhakar Thuraka, 5. Prasad Thuraka, 6. Deendayal, 7. Hussain Mohammad, and 8. Balakrishnan Srinivasulu, M9 Srinivasulu N, 10. Srinivasulu 11.C H, Murari 12. Penchalaiah. Thus, the testimony of witness about the incident as alleged in charge sheet is corroborated by the testimonies of other management witnesses i.e. MW1 to MW10 and also by the documentary evidence, on record.

11. Further, domestic inquiry against CSE has been conducted strictly in accordance with the principle of natural justice and workman CSE has been found guilty of grave and serious acts of misconduct. Thus, finding of the inquiry officer is based on of oral and documentary evidence recorded during enquiry and report of inquiry officer do not suffers from any illegality or perversely. The inquiry officer report goes to reveal that on 1-09-2015 CSE workman, has committed the misconduct of physical assault to the official of Respondent Management and he has been rightly held guilty of committing misconduct. The details of specific acts of misconduct allegedly committed by the Petitioner along with other co-workman on 1-09-2015 including physical assault on Respondent staff are as follows: -

That the Petitioner workman has physically assaulted Mr. Hari Pandu Ranga Swamy Madasu, the Chief Operations and Maintenance, thereby causing grievous injuries. The act not only endangered the safety of a senior official but also disrupted the discipline and harmony of the workplace. Further, Petitioner workman actively participated in a riotous mob attack, leading to the damage of company property, and creating an atmosphere of fear and disorder within the establishment. Such conduct undermines the safety and security of the workplace environment and lastly. The Petitioner workman exhibited willful insubordination by disobeying lawful and reasonable orders of his superiors. Furthermore, he threatened senior officials, displaying gross indiscipline and a blatant disregard for the hierarchical structure and decorum expected within the organization.

12. The findings of enquiry officer are based on cogent and credible evidence, including eyewitness testimonies and documentary proof. The enquiry was conducted in accordance with the principles of natural justice, providing the Petitioner ample opportunity to defend himself. Thus, the aforementioned acts committed by the Petitioner workman squarely fall under the category of serious misconduct as defined under Clauses 19(a), (c), (d) and (e) of the Andhra Pradesh Shops and establishments Rules, 1990.

Rules 19 (a), (b), (c), (d) and (e) of AP Shops & Establishment Rules provides as here under: -

- i. Clause 19(a): Willful insubordination or disobedience of any lawful and reasonable order of a superior.
- ii. Clause 19(C): Damage to the employer's property.
- iii. Clause 19(d): Riotous or disorderly behavior in the premises of the establishment.
- iv. Clause 19(e): Threatening or intimidating any employee or superior.

The misconduct committed by the workman along with employees of assaulting superiors, instigating others, and participating in the riotous violent activities constitute serious act of misconduct which strike at the root of workplace discipline. The act of workman causing grievous injuries to managerial staff is a grave and serious misconduct that is not condonable. Therefore, the dismissal order passed by Respondent against the workman is justified and appropriate action.

13. Respondent has relied upon the few decisions of Hon'ble Supreme Court which are relevant to the point and discussed as here under: -

- (d) Hon'ble Supreme Court in *Krishnakali Tea Estate Bharatiya Vs. Aknn Chah Mazdoor Sanah* - (2004) 8 SCC 200 upheld the dismissal of workmen who had assaulted managerial personnel causing damage to property, gherao of the management, wrongfully confining manager. The Apex Court observed that such violent Conduct cannot be taken lightly, and the punishment of dismissal was warranted to preserve discipline and safety at the workplace.
- (e) Similarly, Hon'ble Supreme Court in the case of *Muriadih Colliery Vs. Bihar Colliery Kamgar Union* - (2005) 3 SCC 331, held that the dismissal of employees who participated in a violent mob attack, causing injury to the General Manager, was justified, and interference by the Labour Court under Section 11-A of the ID Act was disapproved and the punishment proportionate to the misconduct. was upheld.
- (f) The Hon'ble Supreme Court in the case of *M.P, Electricity Board Vs. Jagdish Chandra Sharma* - order (2005) 3 SCC 401. of dismissal of a Workman who assaulted a senior officer, restored the decision of the Industrial Court, thereby reiterating that acts of violence by employees, particularly against their superiors, must be dealt with strictly and are not open to lenient treatment. The reinstatement ordered by the Labour Court was reversed, affirming the employer's authority to maintain discipline through dismissal.

(d) In the case of *Hombe Gowda Educational Trust Vs. State of Karnataka* - (2006) 1

SSC 430, the Hon'ble Supreme Court underscored the importance of workplace discipline and held that even provoked assault on a superior, amounts to gross indiscipline. The Court stated: "30. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by the rule of law. All actions, therefore, must be taken in accordance with law."

- (f) In the case of *Usha Breco Mazdoor Sangh Vs. Management of M/S. Usha Breco Ltd* – (2008) 5 SCC 554, Hon'ble Supreme Court while reaffirming the legal position laid down by it is in the case *firestone Tyre and Rubber Co. Vs. The management and Others* – (1973) 1 SCC 813, held: -

"31. It is one thing to say that finding of an Enquiry Officer is perverse or betrays the well-known doctrine of proportionality another thing to say that only because two views are possible, the Labour Court shall interfere therewith. In other words, it is one thing to say that on the basis of the materials on record, the Labour Court comes to a conclusion that a verdict of guilt has been arrived at by the Enquiry Officer whereas the materials suggested otherwise but it is another thing to say that such a verdict was also a possible view.

39. The upshot of our discussion is that the decision of the labour Court should not be based on mere hypothesis. It cannot overturn a decision of the Management on ipse dixit. Its jurisdiction under section 11-A of the Act although is a wide one, must be judiciously exercise either whimsically or capriciously. It may scrutinize and analyze the evidence but what is important is how it does so."

(f) Further, in the case of **New Shorrock Mills vs Maheshbhai T. Rao, 1996 SCC page 590**. Hon'ble Supreme Court held: -

"35. In the case of *New Shorrock Mills Vs. (1996) Maheshbhai T Rao* 6 of SCC 590, held that:

"Labour Court in the present case having come to a Conclusion that the finding of the departmental enquiry was legal and proper, the Respondents order of discharge was not by way of victimization and that the Respondent workman had Seriously misbehaved and was thus guilty of misconduct, ought not to have interfered with the punishment, which was awarded, in the manner it did. This is not a case where the Court Could Come to the conclusion that the punishment was awarded was shockingly disproportionate to the employee's conduct and his past service record."

(g) The Supreme Court in the case of **Northeastern Karnataka RTC Vs. Ashappa 2006 (5) SCC 137** reaffirmed that the Tribunal must not lightly interfere with the employer's disciplinary decisions and reiterated the "shockingly disproportionate" standard.

(h) In **Hombe Gowda Educational Trust Vs. State of Karnataka (cupra)**, the Hon'ble Supreme Court clarified that the days of automatic sympathy towards the workman are over, and that discipline must be maintained at all costs in light of contemporary industrial conditions. The Tribunal's power to substitute the employer's decision must be exercised with restraint.

(i) In the case of **Muriadih Colliery (Supra) & Krishnakali Tea**

Estate (Supra), the Apex Court expressly held that interference by Labour Courts with dismissal orders passed for acts involving violence and assault was not permissible under section 11-A of the ID Act, as the punishment was not disproportionate.

Thus, in view of the principles laid down by the Honorable Apex Court as discussed above, there is ample oral and documentary evidence on record to substantiate the charges against the petitioner workman, and it cannot be said that the order of dismissal of Petitioner is perverse or shockingly disproportionate.

14. As regard the plea of the petitioner workman that Respondent Management has victimize him due to the being member of the union and also for raising the demand related to welfare of the workman.

In this context, Respondent has relied upon the decision of the Supreme Court in the case of **Bharat Iron Works versus Bhagobhai Balubhai Patel, 1976 SCC page 518**. Therein Hon'ble Supreme Court has laid down the legal test for establishing the plea of victimization as discussed here under: -

"11. The onus of establishing plea of victimisation will be upon the person pleading

it. Since a charge of victimisation is a serious matter reflecting, to a degree, subjective upon the attitude of the employer evidenced by acts and conduct, it has to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

The Apex Court further held:

"12. Once, in the opinion of the Tribunal a gross misconduct is established, as required, on legal evidence either in a fairly conducted domestic enquiry or before the Tribunal on merits, the plea of victimisation will not carry the case of the employee any further. A proved misconduct is antithesis of victimisation as understood in industrial relations."

15. Thus, in view of the principle laid down by Hon'ble Apex Court, as discussed above the petitioner workman has failed to produce any evidence in support of the plea that the action of Respondent management in dismissing him from service is victimization of the petitioner workman. The petitioner workman has failed to discharge his burden of proof regarding plea of victimization or unfair labor practices hence same is untenable.

16. As regard the plea of the petitioner that they he has been acquitted from the criminal trial by court in respect of the alleged acts of misconduct. In this context, the decision of Honorable Supreme Court in the case of Deputy Inspector General of Police versus Sethu . Thiruvan, 2013 SCC page 598 is relevant, wherein Honorable Apex Court have held that mere acquittal in a criminal trial does not nullify or override the finding of a valid domestic inquiry. Further, Honorable Apex Court held that the standard of proof in a criminal trial is proof beyond reasonable doubt, whereas in a domestic inquiry it is only preponderance of the probability.

In the case of Commissioner of Police vs Narendra Singh, 2006 SCC page 265, Honorable Apex Court held that the disciplinary proceeding can proceed independently and that an employee can be dismissed from service based on finding of a department inquiry even if no conviction is recorded in the criminal trial. The finding in the inquiry against the workman is based on credible evidence, including eyewitness testimonies and documentary records and same does not warrant any interference.

17. Hon'ble Supreme Court in the case of Employers Management **West Bokaro Gallery Colly of TISCO Limited vs Concern Workman Ram Prakash Singh, 2008 LLR, page 432**,

"16. In U.P State Road Transport Corporation Vinod Kumar, 2007 (13) SCALE 690 this Court again observed that in the absence of a challenge to the legality or fairness of the domestic enquiry the Court should be reluctant to either interfere with the finding recorded by the Enquiry officer or the punishment awarded by the Punishing Authority.

17. After going through the order of the industrial Tribunal, were are of the opinion that the Tribunal has interfered with the findings recorded by the domestic. Tribunal as if it was the appellate Tribunal. There was evidence present on record regarding indecent riotous and disorderly behavior of the Respondent towards his superiors. The management witness who were present at the scene of occurrence have unequivocally deposed about the misbehavior of the Respondent towards his superiors. Their evidence has been discarded by the Tribunals by observing that in the absence of independent evidence, the statements of the workmen who were present at the scene of occurrence could

not be believed. Industrial Tribunal tell in error in discarding the evidence produce by the management only because the independent witnesses were not produce them. It is possible that at the time of occurrence, only the workers of the Management and the persons who were truing to put up the constructions dependent evidence was available. Statements of the fellow workmen had established the misconduct of the Respondent. Enquiry officer accepted the testimony of the witness produced by the management who had clearly implicated the Respondent. It was a legitimate conclusion which could be arrived at and it would not be open to the industrial Tribunal to substitute the said opinion by its own opinion.

19. Tribunal has set aside the report of the enquiry Officer and the order of dismissal passed by the punishing Authority by observing that the charges against the Respondent were not proved beyond reasonable doubt. It has repeatedly had been held by the court that the acquittal in a criminal case could not operate as a bar for drawing up of a disciplinary proceeding against a delinquent. It is well settled principle of law that yardstick and standard proof in a criminal case is different from the one disciplinary proceeding. While the standard of proof in a criminal case is proof beyond all reasonable doubt, the standard of proof in a departmental proceeding is preponderance of probabilities."

Further, the Honorable Supreme Court has observed that in a case where two views are possible on the evidence on record, then the Industrial Tribunal should be very slow in coming to a conclusion other than the one arrived at by the domestic Tribunal, by substituting its opinion in place of the opinion of the domestic tribunal.

Thus, in view of the law laid down by the apex court, as discussed above, the plea of the petitioner that there is no legal evidence on record is untenable, as there is sufficient evidence on record of the domestic inquiry to prove the guilt of the workman in the alleged misconduct.

18. Further, as regard the appreciation and evaluation of the evidence in matter of domestic inquiry, Hon'ble Supreme Court, in the case of **State of Rajasthan and others Vs Him Singh, Civil Appeal Number 3340 of 2020**, date of decision: 29th October 2021, has laid down the principles extracted as here under: -

"Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.

To determine whether the finding in a disciplinary inquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the courts that there is some evidence to support the charge of misconduct and to guard against perversity, but this does not allow the court to re- appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain."

19. In the case of **Hombe Gouda Education Trust Vs State of Karnataka, 2006 SCC, page 430**: Hon'ble Supreme Court have held that assaulting a superior at a workplace amount to an act of gross indiscipline. The respondent is a teacher. Even under grave provocation, a teacher is not expected to abuse the head of the institution in a filthy language and assault him with a chappal. punishment of dismissal from service, therefore, cannot be said to be wholly disproportionate so as to shock one's conscience. Further, Hon'ble Supreme Court held that a person, when dismissed from service, is put to great hardship, but that would not mean that a grave misconduct (assault on superior at workplace) should go unpunished. Maintenance of discipline of an institution is equally important.

20. Further, In the case of **MP Electricity Board Vs Jagdish Sharma, 2005 SCC, page 401**, Hon'ble Supreme Court have held:

"9. In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the workplace obviously in the breach of Presence of other employees This clearly amounted in an discipline in the organisation Discipline at the workplace organisation like the employer herein, is the sine qua non for the efficient working of the organisation, when an employee breaches such discipline and the employer terminates his services it is not open to a Labour Court of an Industrial Tribunal to take view that the punishment awarded is shockingly disproportionate to the charge proved. We have already

referred to the views of this Court. To quote Jack Chan,

'Discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large.'

Obviously, this idea is more relevant in considering the working of an organisation like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. It

is essential for the prosperity of the organisation as well as that of its employee's. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion."

21. Further, in the case of **Ajit Kumar Nag Vs Indian Oil Corporation Limited, 2005 SCC page 764, the Honorable Supreme Court has held, in a three-judge bench, in paragraph 56**, "It is well settled that the burden of proving malafide is on the person making the allegation, and the burden is very heavy. There is every presumption in favor of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of malafide are often more easily made than made out, and the very seriousness of such allegations demands proof of a high degree of credibility."

Further, Hon'ble Supreme Court held that assault, intimidation are penal offences. A workman indulging in commission of criminal offenses should not be spared only because he happens to be a union leader. The act does not encourage indiscipline. It will be a matter of some concern if the opinion of the inquiry officer can be totally ignored, despite the fact that the management is precluded from adducing any fresh evidence before the labor court. A union leader does not enjoy immunity from being proceeded with in a case of misconduct.

22. In the case of **D. Mulchandani Electric and Radio Industries Limited Vs Workman, 1975 Supreme Court Cases page 731**, Hon'ble Supreme Court have held:

establishment

"It was not disputed before us that the allegation of assault, if proved, would be an act subversive of discipline: what was contended on behalf of the respondent was between Thana and the premises was that the alleged assault having taken place in the train Mulund which was obviously outside the or precincts of the establishment, was not covered by Standing Order.

24(1). The Labour Court also found that the alleged assault did not In our amount to misconduct under Standing Order 24(1) which, it was held was restricted to acts and omissions inside the premises of the establish opinion, Lon a plain reading of the clause, the words "within the premises or precincts of the establishment" refer not to the place where the act which is subversive of discipline or good behaviour is committed but where the consequence of such an act manifests itself. In other words, an act, wherever committed, if it has the effect of sub- verting discipline or good behaviour within the premises or precincts of the establishment, will amount to misconduct under Standing Order 24(1) We are unable to agree that Standing Order 24(l) leaves out of its scone an act committed outside though it may result in subversion of discipline or good behaviour within the premises or precincts of the establishment in question. Such a construction in our view would be quite unreasonable."

23. In the case of **State bank of Bikaner and Jaipur vs Nemi Channel via 2011 Supreme Court cases page 580** Hon'ble Supreme Court have held that subsequent acquittal by criminal court will not in any way render completed discipline proceeding invalid, nor affect the validity of finding of the guilt and consequential punishment.

24. Thus, in view of the foregone discussion and law laid down by the apex court as discussed above, in the instant matter all the charges framed and proved in domestic inquiry against the workman being serious and grave in nature and stands proved by oral and documentary evidence recorded and produced bin the inquiry. Further, the evidence produced by the management before inquiry is legal and admissible as per principle of preponderance of probability laid down by Hon'ble Supreme Court in its various decisions as discussed in preceding paragraph of this Award. Therefore, order of dismissal of Petitioner workman cannot be faulted with, nor it can be said to be in any way disproportionate to the gravity of the charges. Thus, the punishment of dismissal of the workman is proportionate to the gravity of the charges, and hence deserve to be upheld. Thus, the action of the respondent management in dismissing the services of the workman is held legal and justified.

This issue is decided against the workman and in favor of the respondent management.

Issue No: IV

In view of foregone discussion and finding given at issue No. I, II and III, I am of the considered opinion that the action of Respondent management in dismissing the Petitioner from service vide order dated 27-05-2016 is legal and justified. Therefore, no interference warrants in the punishment of dismissal order dated 27-05-2016 of the Petitioner and the action of Respondent Management is held legal and justified and liable to be confirmed.

AWARD

In view of the foregone discussion and finding given at issue No. I, II, III, and IV, the action of Respondent Management in dismissing the service of the Petitioner workman vide order dated 27-05-2016 is held legal and justified. Petition filed by the Petitioner sans merit hence dismissed.

Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected, and signed by me on this the 4th day of November, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 20 नवम्बर, 2025

का.आ. 2072.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भारतीय राष्ट्रीय राजमार्ग प्राधिकरण, तेलंगाना, निदेशक (प्राधिकृत हस्ताक्षरकर्ता), स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद, सहायक महाप्रबंधक, समूह मानव संसाधन, स्वर्ण टोलवे प्राइवेट लिमिटेड, हैदराबाद के प्रबंधन के संबंध में नियोजकों और श्री कामिरेड्डी सुब्बा रेड्डी, आंध्र प्रदेश, कामगार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण- सह- श्रम न्यायालय हैदराबाद पंचाट (संदर्भ संख्या- 16/2021) को जैसा कि अनुलग्नक में दिखाया गया है।

[सं. एल -42025/07/2025/245-आईआर-(डीयू)]

सलोनी, उप निदेशक

New Delhi, the 20th November, 2025

S.O. 2072.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 16/2021) of the **Central Government Industrial Tribunal cum Labour Court, Hyderabad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **National Highways Authority of India, Telangana, The Director (Authorised Signatory), Swarna Tollway Private Limited, Hyderabad, The Asst. General Manger, Group H.R., Swarna Tollway Private Limited, Hyderabad and Mr. Kamireddy Subba Reddy, Andhra Pradesh**, workman.

[No. L-42025/07/2025/245- IR (DU)]

SALONI, Dy. Director

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri Irfan Qamar**

Presiding Officer

Dated 4th day of November 2025

INDUSTRIAL DISPUTE L.C.No. 16 / 2021

Between:

Mr. Kamireddy Subba Reddy,
Employee No.STPL0215,
Nellaballi Village & Post,
Doravarisatram Mandalam,
S.P.S.R. Nellore District. – 524 126
Andhra Pradesh.

... Petitioner

AND

1. National Highways Authority of India,
Rep. by Executive Engineer - Chief Engineer-Regional Officer,
First Floor, New Building Administrative Staff College of India (ASCI),
College Park Campus, Road No.3,
Banjara Hills, Hyderabad, Telangana 500034
2. The Director (Authorised Signatory),
Swarna Tollway Private Limited,
D.No.6-3-1090, 4n Floor, C. Block, TSR Towers,
Raja Bhavan Road, Somajiguda,
Hyderabad. Rep. by its Director
3. The Asst. General Manger, Group H.R.
Swarna Tollway Private Limited,
Plot No. 1-89/1. Plot No. 42 & 43.
Kavuri Hills, Phase -I Madhapur, Hyderabad. ...Respondents

Appearances:

For the Petitioner: M/s. S. Chakrapani, T. Naveen Chowdary and M. Ravi Kiran, Advocates

For the Respondent: M/s. CRS Associates, Advocates

1. This Petition has been filed by the Petitioner workman under section 2(A) (2) of Industrial Dispute Act 1947 with the prayer to set aside his dismissal order dated 27th May 2016 passed by the Respondent Management and to direct the Respondent to reinstate Petitioner in the service with continuity of service with all back wages and all other attendant benefits.

2. The facts in brief culled out from the petition are that the Petitioner workman was appointed as a Toll Collector in Swarna Tollway Private Limited Organization on 27th October 2007.

Further, Petitioner submitted that he was placed under suspension with issuing Charge sheet on 9th September 2015, and without considering his explanation Respondent has dismissed him vide order dated 27th May 2016. Further, Petitioner submitted that on 1st September 2015 he was member of Swarna Toll Employees Union, and he went to Budanam Base Camp office to meet with office bearer of the union and number of employees, union president and some other office bearers were also present at Budanam base camp office to meet with the COM to represent their demands. When the union leader entered into the Chamber of COM. Other employees were waiting outside camp office of COM and Some discussions took place between Union leaders and the management. As per petitioner COM did not consider the lawful demands of the employees and union leaders came outside and explained to other employees. Since lawful demands were not considered by the Respondent COM, Union leaders and employees expressed their protest against the Respondent Management by shouting slogans. COM and other managers foisted a false case against the petitioner and rest of the employees present there at Chillakuru Police Station. The Police authority registered a case in Crime No.154/2015 against the 28 employees and they sent the three employees to remand. The Chief of operation and maintenance and other Toll Managers made a complaint what has been alleged in the charge sheet. Further, Petitioner stated that he was not concerned in the said incident there was no specific allegation against him. The allegations made against all the 28 employees are in common Petitioner contended that before issuing charge sheet, the copy of complaint was not supplied to him to submit his explanation and he never committed any misconduct of willful in subordination or disobedience with the lawful and reasonable order of superior. He never damaged the employer's business or property and did not instigate co-workman to misbehave with official of Management. He never committed any act subversive of discipline and I never assaulted and grievously hurting the management as alleged in the charge sheet. Further, Petitioner submitted that enquiry has been conducted by the enquiry officer into the allegations without following principle of natural justice. There was no corroborative evidence to prove the guilt of Petitioner and only management witness were examined in the enquiry. The management witness nowhere has stated that what acts, and omission committed by C.S.E and, there was no legal evidence to prove the allegations against C.S.E. Thus, enquiry officer has also failed to bring home the guilt of C.S.E and gave common findings of all the 28 C.S.E which is not legal. Enquiry officer has conducted enquiry an empty formality, and submitted his report holding that the allegation are proved. The procedure followed by the enquiry office, and enquiry findings are not fair, proper and not maintainable under law. Respondent management had issued show cause notice to petitioner and without considering his explanation the Respondent management passed his dismissal order on 27-05-2016 that is not sustainable under law.

Further, Petitioner submitted that the allegation leveled against him were false and fabricated and there was no specific allegation against him for violation of any acts or omissions. All the common allegations has been made against the 28 employees. There was no willful in subordination or disobedience of instruction in connection with the order of the superior and no damages done with the employer business or property. There was no unprovoked behavior with customers riotous disorderly or indecent behavior in premises of the establishment. There was no act subversive of discipline. It is submitted that Petitioner had not committed due serious misconduct to dismiss him from service. Further it is submitted that Petitioner filed the ID No 14 of 2017 before the labour Court Guntur and labour court passed the order dated 31 -8-2019 thereby rejecting the petition on the ground of lack jurisdiction. Therefore, any delay in filing the appeal is on account of COVID-19 pandemic situations prevailing all over the world. Therefore, prayed to set aside the order dated 27-05-2016 passed by Respondent and to reinstate the Petitioner in the service,

3. Per contra Respondent 1 has filed counter therein he has contended that the Respondent No.1 NHAI unnecessarily has been made party in the present Petition as there is no employee relationship between the Petitioner and Respondent No.1. Further, it is submitted that the Respondent No.1 is neither concerned nor related to allegation made in the petition hence denied. Respondent has unnecessarily been made party to the present proceeding and petition is liable to be dismissed against Respondent No.1 with cost.

Respondent No. 2 and 3 has filed counter and has contended there in that present petition has been filed by the Petitioner under section 2(A) (2) of the Industrial Disputes Act challenging the dismissal order dated 30th August 2016 issued by Respondent no. 2 which is barred by the limitation prescribed under section 2A (3) of the Act. Respondent contended that the present ID has been raised by the Petitioner on 30th September 2021, i.e., after a lapse of over five years and as such is liable to be dismissed by the court in limine as a time-barred one. Further, it is submitted that Labour Court, Guntur, vide order dated 31st August 2019 has returned the petition for want of jurisdiction while holding that Petitioner may raise dispute before the competent court of appropriate jurisdiction. However, the present ID has been raised before this Hon'ble Court after a lapse of two years without any explanation for the delay, and not maintainable on the ground of barred by limitation.

Further, Respondent contended that Petitioner was found guilty of riotous, disorderly, unruly behavior of mob attack on the chief Operation and Maintenance, Mr. Hari Panduranga swamy madusa, Mr. S. Vijay Deepak, and other toll managers at Budanam Base camp of the Respondent no. 2 company on 1st September 2015, Domestic inquiry against Petitioner workman has been held by following principle of natural justice and dismissal order dated 30th August 2016 is not liable to be interfered with by this court under any circumstances. Further, it is submitted that the Petitioner and other workmen assaulted and has beaten the manager by giving them punches, kicking with legs, and hitting with iron rods, and in the said attack by the Petitioner and other workmen, Chief Operation and Maintenance, Mr. Hari Panduranga Swamy Madusa, sustained grievous bleedings injuries to his eye and suffered injuries of jaws dislocation and he was hospitalized. Further, Respondent contended that Petitioner with other workmen, also damaged the property of the Respondent No.2 in the said mob attack.

10) Respondent contended that on 01/09/2015, an important meeting was going on between a supplier and the senior management of Toll Plazas at Base Camp office off the Respondent No.2 Company at Budhanam Village, Chillakuru Mandal, SPSR Nellore District, to discuss about the toll collection system related issues, at about 16:20 Hours. Petitioner along with Mr. M. Chaitanya, who was the President of Swarna Toll way Employees' Union and other Toll Collectors working at Venkatachalam, Bhudanam and sullurpet Toll Plazas, concertedly and forcibly entered into the base camp office and barged into the room of Chief Operations Manager (COM), Mr. Hari Pandu Ranga Swamy Madasu in a most indecent and insubordinate Manner and insisted that COM should come out of the ongoing meeting and discuss with them on some pending issues in the Conference Hall. Petitioner and co-workman insisted for an Immediate settlement of their COM tried to convince Petitioner and other mob of workmen and asked to give two days' time to resolve their issues and grievances, but it was in vain and workman started using abusive language against him and against other officials too.

In the meantime, one of the Toll Collectors under suspension, Mr. Daggu Satish and also other employees, caught hold of Mr.S.Vejay Deepak, Maintenance Manager and brought him to the Union President, Mr. M. Chaitanya, who started assaulting him and beating him indiscriminately., When the COM and the Toll Manager tried to save him from the mob, Petitioner and the workman present there acted in a most riotous and disorderly manner and in utter disregard of the discipline in the office premises of the Respondent No.2 Company. Thereafter, S. Vejay Deepak Was taken to the COM's Chamber, but Petitioner and other mob of workmen also went there and again started beating Mr. S. Vejay Deepak by throwing water glass and laptop on him and they also broken the glass panes of the room.

Respondent further submitted that Mr. M. Chaitanya, started beating the COM and he also instigated Petitioner and others workman to beat COM, and Mr. S. Vijay Deepak and other Toll Managers with kicks and punches. Two of the workmen punched the COM on his face causing dislocation of lower jaw teeth, while one Mr. D. Satish pounced on him with fist punches on his face and shoulder, Mr. S. Murali and Mr. M. Chaitanya has hit COM with an iron rod on the left side of his eye, whereby he suffered a serious and grievous injuries to his lower jaw and a bleeding

injury near his left eye and he fell unconscious and later was shifted to Hospital. Mr. M. Chaitanya also threatened to kill the officials of the Respondent and their family members, if they did not heed to his orders, thereby created a great tension and fears in their minds. The above-mentioned acts of the Petitioner and other workmen/union leaders of instigating assaulting, beating, threatening and abusing the officials of Respondent No.2 was of highly intolerable, illegal, mischievous and unruly, which have caused a serious disturbance at the Base Camp Office and adversely affected the discipline in general and safety of the other Workmen and Officers of the Respondent as well.

Respondent contended that in view of the gravity and severity of the acts of misconduct reported against the Petitioner, he was placed under suspension pending enquiry and was issued with detailed charge-sheet dated 09/09/2015, with the following Charges as per Clauses 19(a), (b),(c), (d), (e) and (f) of the A.P. Shops and Establishments Rules, 1990 detailed as her under:-

"(a) Wilful insubordination or disobedience of instruction, whether alone or in combination with others of any lawful and reasonable order of a Superior;

(b) Damage or dishonesty in connection with the employer's business or property;

(c) unprovoked misbehaviour with customers, riotous, disorderly, or indecent behaviour in the premises of the establishment.

(d) Any act subversive of discipline;

(e) Assaulting and grievously hurting the managerial staff"

The Petitioner he submitted his explanation dated 30/09/201 and management considered his explanation but that was found unconvincing and unsatisfactory, and in view of the seriousness to the acts of misconduct, management decided to hold an enquiry into the charges levelled against Petitioner.

During the inquiry Petitioner was permitted to avail the assistance of a co-workman and enquiry was conducted in Telugu and proceedings thereof were also recorded in Telugu. The management has examined ten witnesses (MW-1 to MW-10) in Support of the charges, Management witness were cross-examined by the Petitioner with the aid of his co-Workman/Defence Assistant. The management has also produced documents, and same has been marked Exhibits M-1 to M-10. Petitioner has examined WW1 in defence and Enquiry Officer, after due appraisal of oral and documentary evidence submitted his Report & Findings holding workman guilty of charges levelled against him. The Enquiry Officer had assigned cogent reasons reference to the evidence brought on record for holding the with Petitioner guilty of the charges. Upon receipt of the above Enquiry Report, Final Show-Cause Notice dated 02/05/2016 was issued calling upon the Petitioner to show-cause as to why he should not be dismissed from the services of the Respondent No.2, while enclosing a copy of the Enquiry Report & Findings dated 16/02/2016 and seeking his comments, if any, thereon. The Petitioner submitted his explanation to the above Final Show-Cause Notice dated 02/05/2016, vide his letter dated 18/05/2016 and the same was found not convincing. Respondent contended that Disciplinary Authority has also evaluated the proportionality of the punishment to be imposed and in the light of the gravity of the acts of misconduct proved and its adverse impact on the discipline and safety of officials within the Respondent No.2 Company Establishment and as there were no extenuating and/or mitigating circumstances to take any lenient view in the matter, after having been convinced, that no punishment lesser than that of dismissal can be imposed, and Petitioner was dismissed from the services of the Respondent No.2 Company vide Dismissal Order dated 30/08/2016.

Therefore, in view of the seriousness of the acts of misconduct proved against the Petitioner, the dismissal order is fully justified and is not liable to be interfered with by this Hon'ble Court under any circumstances. Hence, this Hon'ble Court, at any rate, may not direct reinstatement of the Petitioner. The Respondent No.2 conducted that the enquiry conducted against the Petitioner is fully in accordance law and principles of natural justice and is valid. Petitioner was given all reasonable opportunities to himself by cross-examining the witnesses examined in of the charges and also to adduce evidence, both oral and documentary. Therefore, the enquiry so conducted was fair & proper and is also not liable to be interfered with by this Hon'ble Court. Should this Hon'ble Court, for some reason, find that the enquiry conducted is not valid, without prejudice to its contentions that the enquiry is valid and legal.

In support of his contention Respondent has relied upon the certain decisions of the Hon'ble Supreme Court which are detailed as here under: -

1. Hombe Gouda Educational Trust Vs. State of Karnataka – (2006) 1 SCC 430
2. M.P. Electricity Board Vs. Jagdish Chandra Sharma – (2005) 3 SCC 401
3. Usha Breco Mazdoor Sangh Vs Management of Usha Breco Limited 2008 SCC Page 554
4. Mulchandni electricals and Radio Industries limited Vs Workman 1975 SCC page 731.
5. Ch. Ramakoteswar Rao Vs GM, APS RTC 2000 (4) ALD Ald page 208
6. M/s Bharath Iron works Vs Bhagubhai patel (1976) 1 SCC page 518

7. S.S.P. sharma Vs Industrial Tribunal- II Hyderabad 2016 (2) ALD page 107
8. State bank of Bikaner and Jaipur Vs Nemi Chand Nalwaya (2011) 4 SCC page 584
9. Dig of police Vs S. Samuthiram 2013 1 SCC page 598
10. State bank of BNikaner & Jaipur Vs Srinath Gupta (1996) 6 SCC page 486
11. Commissioner of police Vs Narender Singh (2006) 4 SCC 265

The Law laid down by the Hon'ble Court in the above-mentioned cases will be discussed at the appropriate stage of this judgement. Therefore, Respondent contended that Petitioner does not deserve any leniency and the punishment of dismissal is just proper and under in any circumstances Petitioner may not be directed to be reinstated into the service.

Therefore, prayed to dismiss the petition with exemplary costs.

Heard the argument of learned counsel for petitioner as well as Respondent. Both the parties have also filed their written submission. Pursue the record.

4. On the basis of submission of either parties, following issues arise for determination in the present matter:

1. Whether the departmental enquiry held against the Petitioner is legal and valid?
2. Whether present petition filed by Petitioner raising industrial Dispute against his dismissal order 30-08-2016 is barred by limitation?
3. Whether action of Respondent management Director, Swarna Toll way private Limited, Hyderabad, vide order dated 27-05-2016 whereby in terminating the services of the Petitioner is legal and justified?
4. To what relief If any, Petitioner, is entitled for?

Findings: -

Issue No. I

The Departmental inquiry conducted against the Workman Sri. Daggu Sathish has been held legal and valid, by this court vide order dated 11th November 2024.

Thus, issue is decided accordingly.

Issue No. II

In this context, Respondent No.2 and 3 contended that the present Industrial Dispute has been raised by the Petitioner on 2nd August 2021 after the lapse of five years from the date of his dismissal order dated 27th May 2016. Therefore, in view of the provision contained under section 2-A (3) of the Industrial Disputes Act, this claim could be filed by the Petitioner before the expiry of three years from the date of discharge, dismissal, retrenchment, or otherwise termination of service as specified in (1) of section 2-A. Therefore, the present claim Petition raising the Industrial Dispute by Petitioner under section 2A (2) of the ID Act, is barred by limitation.

The perusal of claim petition goes to reveals that Petitioner has raised the Industrial Dispute against his dismissal order, dated 30th august 2016 passed the by the Respondent Management by filing claim petition in the year 2021. In the para 11 of claim petition, Petitioner has averred that against his termination order, he approached to the Deputy Labour Commissioner of Labor, Nellore for cancellation and same was dismissed without considering the merit. Thereafter, he filed petition before Labour court, Guntur, which got registered as ID Number 154/2016. Labour Court, Guntur, vide order dated 31st August 2019, has returned his petition on the ground of lack of jurisdiction. Thereafter due to COVID-19 pandemic situation Petitioner could not approach this court within time. Petitioner has also filed the copy of the order dated 31-08-2019 passed by the Presiding Officer, Labour Court, Guntur, in ID no. 154/2016, whereby Labour Court Guntur has returned petition of the Petitioner for presentation before the appropriate court of jurisdiction. It is established fact that in the year 2020, there was a prevailing situation of COVID-19 pandemic and Petitioner was not able to approach this court to present petition at Hyderabad. Thus, Petitioner has furnished cogent and sufficient explanation of delay in filing the present petition and same is not fatal to present Industrial Dispute. Therefore, in view of the above present petition raising the Industrial Dispute under section 2-A (2) of the ID Act, against the dismissal order dated 30-08-2016 is not barred by limitation. Issue is decided in favor of the Petitioner.

Issue No. III

The perusal of record goes to reveal that in this claim petition, petitioner has challenged his dismissal order dated 27th May 2016 passed by Respondent Management on the grounds alleged in petition. Furthermore, perusal of the record of inquiry proceeding along with inquiry report, goes to reveal that the Petitioner was given fair

opportunity of hearing at every stage of proceedings, which he availed, without raising any objection complaining of any prejudice of any nature caused to him before the inquiry officer at any point of time. Further, it is noticed that the Workman CSC received all the documents filed and relied upon by the Respondent management in support of the charge sheet, and CSC workman also filed a reply, cross-examined the management witnesses, and also examined himself as a witness in defense. Thus, the workman CSC has participated in the inquiry proceeding at every stage. Inquiry officer, on appreciation of evidence recorded in inquiry has submitted his reasoned report holding the workman guilty of the charges. Therefore, in the opinion of the court, no case is made out to hold that the domestic inquiry suffers from any procedural lapses or was conducted in violation of principles of natural justice, thereby causing any prejudice to the rights of the Petitioner. Moreover, validity and legality of the domestic inquiry has been upheld by the court vide order dated 11th November 2024. Thus, the plea of the Petitioner that the domestic inquiry was conducted against the Petitioner in violation of principle of natural justice is untenable.

It is settled law that once it is held that the domestic inquiry is legal and proper, the next question arises for consideration whether the punishment imposed on the Petitioner is just and legal, or it is disproportionate to the gravity of the charges. Petitioner has challenged his dismissal order on the ground that the allegations leveled against him are false and fabricated, and during the inquiry no other employee as witness was examined to prove the charges and there was no corroborating evidence to prove the guilt and only that management witness were examined in the inquiry. Further, it is contended that there was no legal evidence before enquiry to prove the allegations, and the inquiry officer had also failed to bring home the charge against the Petitioner. Further, Petitioner has strenuously argued that the inquiry officer conducted the inquiry as empty formality and without having any valid and legal evidence and came to the conclusion that allegations are proved. Further, it is urged Petitioner that had not committed any misconduct as alleged in the charge sheet, and there was no evidence of loss of revenue to the corporation. Further, it is contended that there was no willful insubordination or disobedience of instructions in connection with the orders of the superior. There was no damage or dishonesty in connection with the employer's business or property, and Petitioner was not involved in unprovoked misbehavior with the customer, riotous, disorderly, or indecent behavior in the premises of the establishment. Lastly it is pleaded that the dismissal order passed by the Respondent management is grossly disproportionate to the gravity of the offense, and same is liable to be set aside. In view of plea taken by Petitioner, peruse the record of inquiry proceeding.

5. The record of proceeding goes to reveal that charge sheet dated 9th September 2015 was furnished to CSE Workman and inquiry was conducted by the inquiry officer, in the presence of CSC workman, as well as his defense representative and management witness were examined during the inquiry proceedings. In support of Charge sheet against the CSC workman, Respondent management has examined as many as ten witnesses namely, Mr. Subramanyam Vijay deepak (MW1), Mr. Hari pandarunga Swami MW2, Mr. Vikram Simha Reddy MW3, Mr. R.V. Prasad (MW4), Mr. T. Krishna Kishore (MW5), Mr. Vijay Kumar (MW6), Mr. L. Elvis Lionel (MW7), Mr. K.V. Ramprasad (MW8), and Mr. B. Vijay Sarathi Babu (MW9), and lastly, Mr. D. Veera swami (MW10). All the above stated witnesses, in their deposition have substantiated the allegations of the charge sheet issued against the CSC workman. The charge Sheet contains the allegation against CSE workman extracted as here under: -

"You have been working as a "Toll Collector" at our Nellore Toll Plaza On 1 September 2015 you were on duty in 'A' shift, which is from 6 Am to 2 Pm.

It has been reported against you that on 1st September 2015 at about 16.20 hours, you along with your union president Mr. M Chaitanya. Mr. D. Satish (Toll Collector under suspension). S Murali ATS, and TC's Mr. Penchalaiah. Mr. Turaka Ramprasad. Mr. Turaka Sudhakar Mr. Deendayal, Mr. Ch. Srinivasulu, Mr. Subba Reddy Mr. Md Hussain Mr. S Hurairah, Mr. J Srinivasulu ATS Mr. N Srinivasulu and others from Venkatachalam, Budanam and Sullurpet Toll Plazas and about 14 others forcibly enter into our base camp office situated at Km 125, NH-5. Bhdhanam Village, Chillakur Mandal, Nellore district, without any prior appointment or intimation

It is reported that at the time you went to our base camp office, a meeting was going on with M/s Kent (A supplier) at our Budanam Base camp office with our staff from HQ and Toll Plazas viz., Mr. Vijay Kumar, Mr. RV Prasad, Mr. Kishore. Mr. Ramprasad, Mr. Aylwin Lionel, Mr. Dilipu kumar Reddy. Mr. Vikram Simha Reddy. Mr. B. V Saradhi Babu, Mr. DV Swamy. Ms. Sunitha and Mr. Baburao and Staff from M/s Kent (Mr. Sandeep Pawar. Mr. Bhatta, Mr. Swapnil and Mr. Kiran) to discuss on the Toll collection system related issues.

While the said meeting was going on. Mr. M. Chaitanya along with you and 26 associates barged into the COM's room and insisted that the COM Mr. Hari Pandu Range Swamy should come along with you to the conference hall immediately, leaving the said meeting, in a most high handed and insubordinate manner. The COM, however, came along with you Thereafter, you along with your union leaders started raising all the issues and insisted him to settle the issues then and there itself. Though, the COM tried to convince you to give him two days' time to resolve the issues you and your union leaders started using abusive language against him and other officials of the company.

Meanwhile, you along with the suspended Toll Collector Mr. D. Satish and other associates caught hold of Mr Vijay Deepak (Maintenance Manager) and brought him to your union leader Mr. M. Chaitanya who started assaulting and beating Mr. Vijay Deepak indiscriminately. When the COM and Toil Managers tried to protect Mr. Vijay Deepak, you and your associates also beat the said officials and thereby acted in a most riotous and disorderly manner and in

a manner subversive of discipline in the office premises With great difficulty Mr. Deepak was taken to COM chamber, but you, and other union leaders went to COM chamber and again beat Mr. Vijay Deepak by throwing water glass, laptop on him and you and others also broke the glass panes of the room

Further, your leader Mr. M Chaitanya started beating the COM and instigated you and others to beat him You along with your other associates have severely beaten the COM and other Toli Managers. In the said attack, the COM suffered serious and grievous injuries to his lower jaw and a bleeding injury near his left eye who subsequently fell unconscious and later he was shifted to the Hospital by the police for treatment.

It is further reported that you also instigated the others to beat the officials and their family members if they did not need to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that your union leader Mr. Chaitanya, in your presence also threatened the officials of our company that he will kill the officials and their family members if they did not heed to his orders and thereby created great tension and fear in the minds of the officials of the company.

It is further reported that you also instigated the others to beat the officials and thereby acted in a most riotous and disorderly manner and in a manner subversive of discipline in the office premises.

Due to your illegal and unruly actions, there was serious disturbance at our base camp office You are aware that it is the utmost responsibility of the management to maintain discipline and peace in the office premises Instigating your co-employees, assaulting threatening and abusing the officials of the company are highly objectionable, illegal, and mischievous.

Your above actions are clearly unwarranted, grave and serious in nature and also have adverse affect on the discipline and personal safety of the other employees in the office.”

6. MW1 in his deposition has categorically stated that on the evening of 1st September 2015, a meeting was going on with the representative of the company called Kent in the chamber of Chief of Operation and Maintenance, Shri Hari panduranga swami, at Budanam Base Camp. At that time, the witness was present in his chamber. Around 4:15 P.M., security guard Kotaiah came into his chamber and said that their union president Chaitanya and some other toll collectors, about 30 people in total, had come to meet COM. Further MW1 deposed that he went to the COM chamber and called Alvin Lionel, who was the Buddhanam toll manager and told him about the matter. Meanwhile, Chaitanya and thirty other people went to the COM chamber. Then COM, Garu, and Vikram who is the manager of Venkatachalam Toll Plaza, Dilip Kumar Reddy of Sullurupet Toll Plaza, and Lionel Daru came out of the COM Chamber and went to the conference hall. Further, MW1 deposed that he saw from the glass door of his chamber and after some time the sound of bells was heard from the conference room. The witness further deposed that he saw toll collector penchalaiah hitting the ground with an iron rod in the open area outside. There were 29 other toll collectors standing next to him. Later, MW1 came to his chamber from the cashier room. Further, witness added that Vijay Deepak and Shri Srinivasulu, the assistant supervisor, came to his chamber. Then he went to the cashier room next to his chamber and informed COM sir Further, MW1 Added that C.O.M. told him that Chaitanya would come here, and he would discuss with him. Further, MW1 states that Chaitanya and other co-worker started to beat him. As soon as he came out other toll collector also started to beat witness, while Shyam and Maria Lion, who had come there, stood between him and C.S.C. for his protection. Further, MW1 stated that immediately he went to the cashier chamber and locked himself inside. Thereafter, toll collectors rushed to his chamber and kicked the door with their feet to open it. Then he went into the chamber of the C.O.M. next to it through the partition door, and there representative of Kent company and staff of his company were present.

Further, witness stated that Satish, Srinivasa, Penchalaiah, and four other toll collectors whose name he didn't know, came from outside in the C.O.M. chamber, threw above seven people out of chamber, and also threw the laptop at the witness. Satish also threw a bottle and a water glass at him. Window glass was broken by it. COM and Leonel Garu had already come to rescue him so that none of the things they were throwing at him could hit. However, the bottle hit witness on the stomach. The glass hit the window glass behind the witness and that glass was broken. Further man states that, meanwhile, Chaitanya, who was outside, came into the room and approached to the witness, and brought the burning cigarette in his hand near his eyes, and threatened to kill him and his wife. Then J. Shrinivas lifted the chair and charged at him to throw it upon witness, but he did not do it. Later, J. Shrinivas and Satish left the chamber. The other toll collectors who remained in the chamber said that MW1 and management should apologize to the Chaitanya Garu. They forcefully grabbed the witness and dragged him to Chaitanya, who was outside, they tied his legs. Tumati Madhava Rao was also present there. Therefore, they took him to his chamber and pushed him inside. Payment manager Nagarjuna was present in his chamber and Vikram had already come to his chamber and these people also witnessed this incident noticed from the glass window that Chaitanya, C.O.M. Garu Dileep Kumar Reddy, and Lionel Garu were in the lobby outside. Further, MW1 added that he saw at the spot that Assistant Toll supervisor Murali was beating to COM, and he was hit above the left eye. MW1 added that he saw from glass window that CSE and other co-employee has beaten COM by slap and kick. Thereafter, Police arrived at the spot, and all toll collectors were present in the open area of base camp MW1 added that between 7:30 or 8:30 a.m., C.O.M. and he went to the Guntur government hospital for treatment of their injury. The C.O.M. was treated

there for his bleeding injuries. He did not suffer any bleeding injuries. However, he was suffering pain in his stomach due to a water bottle hit thrown by Satish, and he was also given painkiller injection. Further, witness added that Lionel and Vikram, who were also injured, accompanied them to the hospital. For their treatment but they did not suffer from any bleeding injuries.

7. MW1 was cross-examined by the defense representative, but nothing has been elicited to discredit or disbelieve the testimony of witness. However, MW1 was not questioned during the cross-examination on the point of occurrence of incident on 1st September 2015, as narrated by this witness in his chief statement. Thus, the version of MW1 regarding incident remained uncontroverted. Whereas CSE has admitted in his cross-examination that he along with other toll collectors were present at spot on the date and time of occurrence and they were raising the demand and shouting the slogans in support of their demands against the Respondent Management. Thus, it is established that C.S.C. workmen, along with the other toll collectors, was present on the spot at the date and time of the alleged incident, and he also participated in the incident assault and beating to C.O.M and managers of Respondent in concert of co- employee and in common intention as narrated in the charge sheet. Further, testimony of M.W1 is also corroborated by the testimony of rest of management witness M.W. 2, MW 3, MW 4, MW 5, MW 6, MW 7, MW 10. And also, documentary evidence. It is not the case of the petitioner that these management witnesses have any grudge or enmity with CSE for any reason whatsoever. Therefore, there is no reason for these management witnesses to depose against the CSE workman in support of charges regarding incident.

8. Furthermore, Respondent Management has examined Shri Hari Panduranga Swamy Chief of operations and Maintenance, C.O.M. as MW2 who is said to be got injured during the incident of 1st November 2015. MW2 in his testimony has given a vivid description of the said incident, which further, support the allegation of charges leveled against the CSE Workman in this case. MW2 was cross-examined by the defense, but nothing has been elicited in the cross-examination to discredit the testimony of this witness. Moreover, it is not the plea of the CSE workman that either due to animosity or personal grudge, MW2 has deposed falsely against the CSE. However, the testimony of MW2 is corroborated by oral and documentary evidence produced before the inquiry.

9. Moreover, the defense witness, WW1 in his cross examination has admitted that on the date of the incident, he went to the base camp of Respondent Management along with the union leader and other co-employees to discuss their demands, but they did not beat anyone. Further, witness admitted that they were shouting slogans in support of their demand. The CSE in his statement has not disclosed the details of demands of workman which were said to be pending with the Respondent Management. There is no evidence on record that CSE, along with the union leader and other co-employee, assembled at the base camp of the Respondent Management on the date of the incident with prior intimation and permission of Respondent. Further, CSE failed to plead and prove the Justifications of their actions on 1-09-2015 in support of their demands. Therefore, in view of the principle of preponderance of the probability it is established from the evidence on record that the CSE workman has participated along with the union leader and other co-workers in the incident of violence and Fracas in common intention on 01-09-2015 at Base Camp of Respondent and also damages the property Respondent.

10. Moreover, the management has also produced the documentary evidence in support of the charge leveled against the CSE workman. These documents namely are Ex M1 charge sheet dated 9th September 2015; ExM2 is the explanation to the notice submitted by the workman, Ex M3 appointment letter of the Inquiry Officer, Ex M4 Outpatient ticket dated 1st September, 2009 of M. Hari Pandya and Exhibit M5 includes fifteen photographs with depicts that injured witness getting treated in the hospital for his injuries caused to his body in the alleged incident of 1st September 2015. Further, ExM6 are the photographs which show that the office of the COM has been damaged by the CSE along with other workers in the alleged incident. ExM7 is the copy of the FIR which discloses that Hari Panduranga Swami Madasu complaint got registered FIR against the petitioner and other workers at Shri Potti Sri Ramulu Nellore District Police Station under Section 147, 148, 452, 307, 506 R/W 149 IPC on 2nd September 2015 at 00.30 AM regarding the incident dated 1-09-2025 and details of the suspected, accused in the FIR is mentioned as here under: -

1. Chaithanya Malapatti. 2. Sathish, 3 Srinivasulu, 4. Sudhakar Thuraka, 5. Prasad Thuraka, 6. Deendayal, 7. Hussain Mohammad, and 8. Balakrishnan Srinivasulu, M9 Srinivasulu N, 10. Srinivasulu 11.C H, Murari 12. Panchalaiah. Thus, the testimony of witness about the incident as alleged in charge sheet is corroborated by the testimonies of other management witnesses i.e. MW1 to MW10 and also by the documentary evidence, on record.

11. Further, domestic inquiry against CSE has been conducted strictly in accordance with the principle of natural justice and workman CSE has been found guilty of grave and serious acts of misconduct. Thus, finding of the inquiry officer is based on of oral and documentary evidence recorded during enquiry and report of inquiry officer do not suffers from any illegality or perversely. The inquiry officer report goes to reveal that on 1-09-2015 CSE workman, has committed the misconduct of physical assault to the official of Respondent Management and he has been rightly held guilty of committing misconduct. The details of specific acts of misconduct allegedly committed by the Petitioner along with other co-workman on 1-09-2015 including physical assault on Respondent staff are as follows: -

That the Petitioner workman has physically assaulted Mr. Hari Pandu Ranga Swamy Madasu, the Chief Operations and Maintenance, thereby causing grievous injuries. The act not only endangered the safety of a senior official but also disrupted the discipline and harmony of the workplace. Further, Petitioner workman actively participated in a riotous mob attack, leading to the damage of company property, and creating an atmosphere of fear and disorder within the establishment. Such conduct undermines the safety and security of the workplace environment and lastly. The Petitioner workman exhibited willful insubordination by disobeying lawful and reasonable orders of his superiors. Furthermore, he threatened senior officials, displaying gross indiscipline and a blatant disregard for the hierarchical structure and decorum expected within the organization.

12. The findings of enquiry officer are based on cogent and credible evidence, including eyewitness testimonies and documentary proof. The enquiry was conducted in accordance with the principles of natural justice, providing the Petitioner ample opportunity to defend himself. Thus, the aforementioned acts committed by the Petitioner workman squarely fall under the category of serious misconduct as defined under Clauses 19(a), (c), (d) and (e) of the Andhra Pradesh Shops and establishments Rules, 1990.

Rules 19 (a), (b), (c), (d) and (e) of AP Shops & Establishment Rules provides as here under: -

- i. Clause 19(a): Willful insubordination or disobedience of any lawful and reasonable order of a superior.
- ii. Clause 19(C): Damage to the employer's property.
- iii. Clause 19(d): Riotous or disorderly behavior in the premises of the establishment.
- iv. Clause 19(e): Threatening or intimidating any employee or superior.

The misconduct committed by the workman along with employees of assaulting superiors, instigating others, and participating in the riotous violent activities constitute serious act of misconduct which strike at the root of workplace discipline. The act of workman causing grievous injuries to managerial staff is a grave and serious misconduct that is not condonable. Therefore, the dismissal order passed by Respondent against the workman is justified and appropriate action.

13. Respondent has relied upon the few decisions of Hon'ble Supreme Court which are relevant to the point and discussed as here under: -

- (a) Hon'ble Supreme Court in Krishnakali Tea Estate Bharatiya Vs. Aknn Chah Mazdoor Sanah - (2004) 8 SCC 200 upheld the dismissal of workmen who had assaulted managerial personnel causing damage to property, gherao of the management, wrongfully confining manager. The Apex Court observed that such violent Conduct cannot be taken lightly, and the punishment of dismissal was warranted to preserve discipline and safety at the workplace.
- (b) Similarly, Hon'ble Supreme Court in the case of Muriadih Colliery Vs. Bihar Colliery Kamgar Union - (2005) 3 SCC 331, held that the dismissal of employees who participated in a violent mob attack, causing injury to the General Manager, was justified, and interference by the Labour Court under Section 11-A of the ID Act was disapproved and the punishment proportionate to the misconduct. was upheld.
- (c) The Hon'ble Supreme Court in the case of M.P, Electricity Board Vs. Jagdish Chandra Sharma - order (2005) 3 SCC 401. of dismissal of a Workman who assaulted a senior officer, restored the decision of the Industrial Court, thereby reiterating that acts of violence by employees, particularly against their superiors, must be dealt with strictly and are not open to lenient treatment. The reinstatement ordered by the Labour Court was reversed, affirming the employer's authority to maintain discipline through dismissal.
- (d) In the case of Hombe Gowda Educational Trust Vs. State of Karnataka - (2006) 1 SSC 430, the Hon'ble Supreme Court underscored the importance of workplace discipline and held that even provoked assault on a superior, amounts to gross indiscipline. The Court stated: "30. In view of the change in economic policy of the country, it may not now be proper to allow the employees to break the discipline with impunity. Our country is governed by the rule of law. All actions, therefore, must be taken in accordance with law."
- (e) In the case of Usha Breco Mazdoor Sangh Vs. Management of M/S. Usha Breco Ltd – (2008) 5 SCC 554, Hon'ble Supreme Court while reaffirming the legal position laid down by it is in the case firestone Tyre and Rubber Co. Vs. The management and Others – (1973) 1 SCC 813, held: -

"31. It is one thing to say that finding of an Enquiry Officer is perverse or betrays the well-known doctrine of proportionality another thing to say that only because two views are possible, the Labour Court shall interfere therewith. In other words, it is one thing to say that on the basis of the materials on record, the Labour Court comes to a conclusion that a verdict of guilt has been arrived at by the Enquiry Officer whereas the materials suggested otherwise but it is another thing to say that such a verdict was also a possible view.

39. The upshot of our discussion is that the decision of the labour Court should not be based on mere hypothesis. It cannot overturn a decision of the Management on ipse dixit. Its jurisdiction under section 11-A of the Act although is a wide one, must be judiciously exercise either whimsically or capriciously. It may scrutinize and analyze the evidence but what is important is how it does so."

(f) Further, in the case of **New Shorrock Mills vs Maheshbhai T. Rao, 1996 SCC page 590**. Hon'ble Supreme Court held: -

"35. In the case of New Shorrock Mills Vs. (1996) Maheshbhai T Rao 6 of SCC 590, held that:

"Labour Court in the present case having come to a Conclusion that the finding of the departmental enquiry was legal and proper, the Respondents order of discharge was not by way of victimization and that the Respondent workman had Seriously misbehaved and was thus guilty of misconduct, ought not to have interfered with the punishment, which was awarded, in the manner it did. This is not a case where the Court Could Come to the conclusion that the punishment was awarded was shockingly disproportionate to the employee's conduct and his past service record."

(g) The Supreme Court in the case of **Northeastern Karnataka RTC Vs. Ashappa 2006 (5) SCC 137** reaffirmed that the Tribunal must not lightly interfere with the employer's disciplinary decisions and reiterated the "shockingly disproportionate" standard.

(h) In **Hombe Gowda Educational Trust Vs. State of Karnataka (supra)**, the Hon'ble Supreme Court clarified that the days of automatic sympathy towards the workman are over, and that discipline must be maintained at all costs in light of contemporary industrial conditions. The Tribunal's power to substitute the employer's decision must be exercised with restraint.

(i) In the case of **Muriadih Colliery (Supra) & Krishnakali Tea**

Estate (Supra), the Apex Court expressly held that interference by Labour Courts with dismissal orders passed for acts involving violence and assault was not permissible under section 11-A of the ID Act, as the punishment was not disproportionate.

Thus, in view of the principles laid down by the Honorable Apex Court as discussed above, there is ample oral and documentary evidence on record to substantiate the charges against the petitioner workman, and it cannot be said that the order of dismissal of Petitioner is perverse or shockingly disproportionate.

14. As regard the plea of the petitioner workman that Respondent Management has victimize him due to the being member of the union and also for raising the demand related to welfare of the workman.

In this context, Respondent has relied upon the decision of the Supreme Court in the case of **Bharat Iron Works versus Bhagobhai Balubhai Patel, 1976 SCC page 518**. Therein Hon'ble Supreme Court has laid down the legal test for establishing the plea of victimization as discussed here under: -

"11. The onus of establishing plea of victimisation will be upon the person pleading

it. Since a charge of victimisation is a serious matter reflecting, to a degree, subjective upon the attitude of the employer evidenced by acts and conduct, it has to be established by safe and sure evidence. Mere allegations, vague suggestions and insinuations are not enough. All particulars of the charge brought out, if believed, must be weighed by the Tribunal and a conclusion should be reached on a totality of the evidence produced."

The Apex Court further held:

"12. Once, in the opinion of the Tribunal a gross misconduct is established, as required, on legal evidence either in a fairly conducted domestic enquiry or before the Tribunal on merits, the plea of victimisation will not carry the case of the employee any further. A proved misconduct is antithesis of victimisation as understood in industrial relations."

15. Thus, in view of the principle laid down by Hon'ble Apex Court, as discussed above the petitioner workman has failed to produce any evidence in support of the plea that the action of Respondent management in dismissing him from service is victimization of the petitioner workman. The petitioner workman has failed to discharge his burden of proof regarding plea of victimization or unfair labor practices hence same is untenable.

16. As regard the plea of the petitioner that they he has been acquitted from the criminal trial by court in respect of the alleged acts of misconduct. In this context, the decision of Honorable Supreme Court in the case of Deputy Inspector General of Police versus Sethu . Thiruvan, 2013 SCC page 598 is relevant, wherein Honorable Apex Court have held that mere acquittal in a criminal trial does not nullify or override the finding of a valid domestic inquiry. Further, Honorable Apex Court held that the standard of proof in a criminal trial is proof beyond reasonable doubt, whereas in a domestic inquiry it is only preponderance of the probability.

In the case of Commissioner of Police vs Narendra Singh, 2006 SCC page 265, Honorable Apex Court held that the disciplinary proceeding can proceed independently and that an employee can be dismissed from service based on finding of a department inquiry even if no conviction is recorded in the criminal trial. The finding in the inquiry against the workman is based on credible evidence, including eyewitness testimonies and documentary records and same does not warrant any interference.

17. Hon'ble Supreme Court in the case of Employers Management **West Bokaro Gallery Colly of TISCO Limited vs Concern Workman Ram Prakash Singh, 2008 LLR, page 432,**

“16. In U.P State Road Transport Corporation Vinod Kumar, 2007 (13) SCALE 690 this Court again observed that in the absence of a challenge to the legality or fairness of the domestic enquiry the Court should be reluctant to either interfere with the finding recorded by the Enquiry officer or the punishment awarded by the Punishing Authority.

17. After going through the order of the industrial Tribunal, were are of the opinion that the Tribunal has interfered with the findings recorded by the domestic. Tribunal as if it was the appellate Tribunal. There was evidence present on record regarding indecent riotous and disorderly behavior of the Respondent towards his superiors. The management witness who were present at the scene of occurrence have unequivocally deposed about the misbehavior of the Respondent towards his superiors. Their evidence has been discarded by the Tribunals by observing that in the absence of independent evidence, the statements of the workmen who were present at the scene of occurrence could not be believed. Industrial Tribunal tell in error in discarding the evidence produce by the management only because the independent witnesses were not produce them. It is possible that at the time of occurrence, only the workers of the Management and the persons who were truing to put up the constructions dependent evidence was available. Statements of the fellow workmen had established the misconduct of the Respondent. Enquiry officer accepted the testimony of the witness produced by the management who had clearly implicated the Respondent. It was a legitimate conclusion which could be arrived at and it would not be open to the industrial Tribunal to substitute the said opinion by its own opinion.

19. Tribunal has set aside the report of the enquiry Officer and the order of dismissal passed by the punishing Authority by observing that the charges against the Respondent were not proved beyond reasonable doubt. It has repeatedly had been held by the court that the acquittal in a criminal case could not operate as a bar for drawing up of a disciplinary proceeding against a delinquent. It is well settled principle of law that yardstick and standard proof in a criminal case is different from the one disciplinary proceeding. While the standard of proof in a criminal case is proof beyond all reasonable doubt, the standard of proof in a departmental proceeding is preponderance of probabilities.”

Further, the Honorable Supreme Court has observed that in a case where two views are possible on the evidence on record, then the Industrial Tribunal should be very slow in coming to a conclusion other than the one arrived at by the domestic Tribunal, by substituting its opinion in place of the opinion of the domestic tribunal.

Thus, in view of the law laid down by the apex court, as discussed above, the plea of the petitioner that there is no legal evidence on record is untenable, as there is sufficient evidence on record of the domestic inquiry to prove the guilt of the workman in the alleged misconduct.

18. Further, as regard the appreciation and evaluation of the evidence in matter of domestic inquiry, Hon'ble Supreme Court, in the case of **State of Rajasthan and others Vs Him Singh, Civil Appeal Number 3340 of 2020,** date of decision: 29th October 2021, has laid down the principles extracted as here under: -

“Disciplinary enquiries have to abide by the rules of natural justice. But they are not governed by strict rules of evidence which apply to judicial proceedings. The standard of proof is hence not the strict standard which governs a criminal trial, of proof beyond reasonable doubt, but a civil standard governed by a preponderance of probabilities. Within the rule of preponderance, there are varying approaches based on context and subject. The first end of the spectrum is founded on deference and autonomy -deference to the position of the disciplinary authority as a fact-finding authority and autonomy of the employer in maintaining discipline and efficiency of the service. At the other end of the spectrum is the principle that the court has the jurisdiction to interfere when the findings in the enquiry are based on no evidence or when they suffer from perversity.

To determine whether the finding in a disciplinary inquiry is based on some evidence an initial or threshold level of scrutiny is undertaken. That is to satisfy the conscience of the courts that there is some evidence to support the charge of misconduct and to guard against perversity, but this does not allow the court to re- appreciate evidentiary findings in a disciplinary enquiry or to substitute a view which appears to the judge to be more appropriate. To do so would offend the first principle which has been outlined above. The ultimate guide is the exercise of robust common sense without which the judges' craft is in vain.”

19. In the case of **Hombe Gouda Education Trust Vs State of Karnataka, 2006 SCC, page 430:** Hon'ble Supreme Court have held that assaulting a superior at a workplace amount to an act of gross indiscipline. The respondent is a teacher. Even under grave provocation, a teacher is not expected to abuse the head of the institution in a filthy

language and assault him with a chappal. punishment of dismissal from service, therefore, cannot be said to be wholly disproportionate so as to shock one's conscience. Further, Hon'ble Supreme Court held that a person, when dismissed from service, is put to great hardship, but that would not mean that a grave misconduct (assault on superior at workplace) should go unpunished. Maintenance of discipline of an institution is equally important.

20. Further, In the case of MP Electricity Board Vs Jagdish Sharma, 2005 SCC, page 401, Hon'ble Supreme Court have held:

"9. In the case on hand, the employee has been found guilty of hitting and injuring his superior officer at the workplace obviously in the breach of Presence of other employees This clearly amounted in an discipline in the organisation Discipline at the workplace organisation like the employer herein, is the sine qua non for the efficient working of the organisation, when an employee breaches such discipline and the employer terminates his services it is not open to a Labour Court of an Industrial Tribunal to take view that the punishment awarded is shockingly disproportionate to the charge proved. We have already

referred to the views of this Court. To quote Jack Chan,

'Discipline is a form of civilly responsible behaviour which helps maintain social order and contributes to the preservation, if not advancement, of collective interests of society at large.'

Obviously, this idea is more relevant in considering the working of an organisation like the employer herein or an industrial undertaking. Obedience to authority in a workplace is not slavery. It is not violative of one's natural rights. It is essential for the prosperity of the organisation as well as that of its employee's. When in such a situation, a punishment of termination is awarded for hitting and injuring a superior officer supervising the work of the employee, with no extenuating circumstance established, it cannot be said to be not justified. It cannot certainly be termed unduly harsh or disproportionate. The Labour Court and the High Court in this case totally misdirected themselves while exercising their jurisdiction. The Industrial Court made the correct approach and came to the right conclusion."

21. Further, in the case of **Ajit Kumar Nag Vs Indian Oil Corporation Limited, 2005 SCC page 764, the Honorable Supreme Court has held, in a three-judge bench, in paragraph 56,** "It is well settled that the burden of proving malafide is on the person making the allegation, and the burden is very heavy. There is every presumption in favor of the administration that the power has been exercised bona fide and in good faith. It is to be remembered that the allegations of malafide are often more easily made than made out, and the very seriousness of such allegations demands proof of a high degree of credibility."

Further, Hon'ble Supreme Court held that assault, intimidation are penal offences. A workman indulging in commission of criminal offenses should not be spared only because he happens to be a union leader. The act does not encourage indiscipline. It will be a matter of some concern if the opinion of the inquiry officer can be totally ignored, despite the fact that the management is precluded from adducing any fresh evidence before the labor court. A union leader does not enjoy immunity from being proceeded with in a case of misconduct.

22. In the case of D. Mulchandani Electric and Radio Industries Limited Vs Workman, 1975 Supreme Court Cases page 731, Hon'ble Supreme Court have held:

establishment

"It was not disputed before us that the allegation of assault, if proved, would be an act subversive of discipline: what was contended on behalf of the respondent was between Thana and the premises was that the alleged assault having taken place in the train Mulund which was obviously outside the or precincts of the establishment, was not covered by Standing Order.

24(1). The Labour Court also found that the alleged assault did not In our amount to misconduct under Standing Order 24(1) which, it was held was restricted to acts and omissions inside the premises of the establish opinion, Lon a plain reading of the clause, the words "within the premises or precincts of the establishment" refer not to the place where the act which is subversive of discipline or good behaviour is committed but where the consequence of such an act manifests itself. In other words, an act, wherever committed, if it has the effect of sub-verting discipline or good behaviour within the premises or precincts of the establishment, will amount to misconduct under Standing Order 24(1) We are unable to agree that Standing Order 24(1) leaves out of its scone an act committed outside though it may result in subversion of discipline or good behaviour within the premises or precincts of the establishment in question. Such a construction in our view would be quite unreasonable."

23. In the case of **State bank of Bikaner and Jaipur vs Nemi Channel via 2011 Supreme Court cases page 580** Hon'ble Supreme Court have held that subsequent acquittal by criminal court will not in any way render completed discipline proceeding invalid, nor affect the validity of finding of the guilt and consequential punishment.

24. Thus, in view of the foregone discussion and law laid down by the apex court as discussed above, in the instant matter all the charges framed and proved in domestic inquiry against the workman being serious and grave in nature

and stands proved by oral and documentary evidence recorded and produced in the inquiry. Further, the evidence produced by the management before inquiry is legal and admissible as per principle of preponderance of probability laid down by Hon'ble Supreme Court in its various decisions as discussed in preceding paragraph of this Award. Therefore, order of dismissal of Petitioner workman cannot be faulted with, nor it can be said to be in any way disproportionate to the gravity of the charges. Thus, the punishment of dismissal of the workman is proportionate to the gravity of the charges, and hence deserve to be upheld. Thus, the action of the respondent management in dismissing the services of the workman is held legal and justified.

This issue is decided against the workman and in favor of the respondent management.

Issue No: IV

In view of foregone discussion and finding given at issue No. I, II and III, I am of the considered opinion that the action of Respondent management in dismissing the Petitioner from service vide order dated 27-05-2016 is legal and justified. Therefore, no interference warrants in the punishment of dismissal order dated 27-05-2016 of the Petitioner and the action of Respondent Management is held legal and justified and liable to be confirmed.

AWARD

In view of the foregone discussion and finding given at issue No. I, II, III, and IV, the action of Respondent Management in dismissing the service of the Petitioner workman vide order dated 27-05-2016 is held legal and justified. Petition filed by the Petitioner sans merit hence dismissed.

Transmit.

Dictated to Smt. P. Phani Gowri, Personal Assistant, transcribed by her, corrected, and signed by me on this the 4th day of November, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 24 नवम्बर, 2025

का.आ. 2073.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधक, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चंडीगढ़- II के पंचाट (41/2024) प्रकाशित करती है।

[सं. एल -39025/01/2025-आईआर-(बी-II)-36]

सलोनी, उप निदेशक

New Delhi, the 24th November, 2025

S.O. 2073.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.41/2024) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Chandigarh-II as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen.

[No. L-39025/01/2025- IR (B-II)-36]

SALONI, Dy. Director

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH

(Presided over by Mr. Kamal Kant).

ID No.41/2024

Registered on:-22.11.2024

Punjab national Bank Employees Association, H. No.47/9 Bagla Mohalla Mandi, Himachal Pradesh-175001.

----- Worker Union

Versus

The General Manager, Punjab National Bank, Circle Office Regent House, Himachal Pradesh-175001.

----Management

Present:- None for Worker Union.

None for management.

Award : 22.09.2025

Central Government vide Notification No.7(10)/2023/RCH/C.II Dated 15.10.2024, under sub-section (5) of Section 12 read with sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the transfer of Shri Chaman Lal, General Secretary, Punjab National Bank Employees Association H.P from Mandi Circle to Bank's another Branch at Chirgaon in Shimla Circle vide order dated 17.07.2023 is in violation of para 535 of Shastri Award is legal and justified? If not, to what relief the concerned workman is entitled to?”

1. After receipt of reference, notice was issued to the parties for 07.02.2025. Management made appearance through its AR on 07.02.2025, however, no one turned up on behalf of worker union and fresh notice was issued on 07.02.2025 for appearance on 29.04.2025, which was duly served on the address on 17.02.2025. Fresh notice was again issued on 29.04.2025 for 22.09.2025 for appearance as well as for filing claim statement on behalf of worker union. Today also, no one turned up on behalf of the worker union. In view of the above, it is presumed that the worker union is not interested in filing any claim statement.

2. In such circumstances, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.

3. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 24 नवम्बर, 2025

का.आ. 2074.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय **चंडीगढ़- II** के पंचाट (328/2013) प्रकाशित करती है।

[सं. एल -12012/101/2013-आईआर-(बी-1)]

सलोनी, उप निदेशक

New Delhi, the 24th November, 2025

S.O. 2074.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 328/2013) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chandigarh-II* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen.

[No. L-12012/101/2013- IR (B-I)]

SALONI, Dy. Director

ANNEXURE
IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH

(Presided over by Mr. Kamal Kant).

ID No.328/2013

Registered on:-18.02.2014

Rakesh Kumar S/o Late Sh. Om Parkash, R/o Near Kali Mata Mandir, Ward No.3, Makhu, Tehsil Zira, Distt. Ferozepur.

----- Workman

Versus

1. State Bank of India, Railway Road, Makhu, Tehsil Zira, District Ferozepur, through its Branch Manager.
2. The Regional Manager-cum-Assistant General Manager, State Bank of India, Church Road, Ferozepur Cantt.

----Respondents

Present:- Sh. Arun Batra, AR for workman.

None for respondent no.1 & 2.

Award : 22.09.2025

Central Government vide Notification No.L-12012/101/2013-IR(B-I) dated 22.01.2014, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the action of service of Sh. Rakesh Kumar w.e.f. 15.11.2012 by the management of State Bank of India is legal, just and valid? To what relief the workman is entitled and from which date?”

4. In this case, affidavit of workman was filed on 26.02.2020 and the case was fixed for cross examination of the workman. However, the workman has not turned up since 26.02.2020 for his cross examination. The workman has been given sufficient opportunities to get his cross examination, but he did not turned up in spite of the opportunities afforded to him for his cross examination, which shows that he is not interested in adjudication of the matter on merit.
5. In such circumstances, this Tribunal is left with no choice, except to pass a 'No Claim Award'. Accordingly, 'No Claim Award' is passed in the present reference.
6. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer