

(2003) 10 JH CK 0013
In the Jharkhand High Court
Case No : C.W.J.C. No. 3336 of 1996 (R)

Employers in relation to the Management of Bihar State Mineral Development Corporation Ltd. APPELLANT

Vs

Presiding Officer, Central Govt. Industrial Tribunal and Another RESPONDENT

Date of Decision : 13-10-2003

Acts Referred:

Constitution of India, 1950 — Article 226

Citation : (2004) 1 JCR 109

Hon'ble Judges : M.Y. Eqbal, J

Bench : Single Bench

Advocate : A.K. Mehta, for the Appellant; T.K. Das, for the Respondent

Final Decision : Dismissed

Judgement

M.Y. Eqbal, J.—Heard Mr. A.K. Mehta, learned counsel appearing for the petitioner and Mr. T.K. Das, learned counsel appearing for the respondents.

2. The petitioner, the Management of Bihar State Mineral Development Corporation Limited, has challenged the award dated 15.5.1996 passed by Presiding Officer, Central Government Industrial Tribunal (No. 2), Dhanbad, whereby the order of dismissal of the concerned workman has been set aside.

3. It appears that in pursuant to order dated 17th March, 1989 for the following dispute was referred to the tribunal for adjudication :

"Whether the action of the Management of Bihar State Mineral Development Corporation Ltd., P.O. Koderma, Dist. Hajaribagh In dismissing Shri Munshi Mahto, Dhari of Voloria U.C. Mica Mine from service w.e.f. 23.2.1988 is justified. If not, to what relief the concerned workman is entitled ?"

4. The concerned workman was working since 1977 in the establishment i.e. Voloria U.C. Mica Mines under Bihar Mineral Development Corporation. In 1988

he was charge sheeted and domestic enquiry was conducted. On the basis of finding of the Enquiry Officer the order of dismissal was passed by the Management.

5. The tribunal held that the enquiry conducted against the concerned workman was not fair and proper and therefore both the parties were directed to adduce evidence in support of their respective contentions. In support of the case the Management examined, in all, three witnesses. On the other hand, the concerned workman had examined himself only.

6. The sole basis of issuance of charge-sheet was that on 5.1.1988 there was a trouble between the concerned workman and one R.L. Yadav over the supply of wood and it was told by R.L. Yadav to the concerned workman to perform duties as per the rules. The concerned workman abused R.L. Yadav. However, there was no marpit. The tribunal came to the conclusion that having regard to the charges levelled against the concerned workman the punishment of dismissal from service was highly disproportionate and accordingly the order of dismissal was set aside and the punishment was modified. Para 26 of the award is reproduced hereiribelow :

"26. It is held that the action of the Management of Bihar State Mineral Development Corporation Ltd. P.O. Koderma, Dist. Hazaribagh in dismissing Shri Munshi Mahato Dhari of Veloria U.C. Mica Mines from service with effect from 23.2.1988 is not justified. So the Management is directed to reinstate him mainseruing the seniority in his service to which he is entitled as if he was not dismissed on the said date but the period for which he did not get his wages, as back wages he would get 50% of the wages to which he was entitle to on the relevant date without giving any increment thereto till date subject to further condition that he will get his usual increment and other benefits after reinstatement from the date of reinstatement to which he is entitled to. The Management is directed to reinstate him and to pay him wages as ordered within one month from the date of publication of the Award failing which law will take its own course.

This is my Award and thus the reference is disposed off."

7. In my considered opinion, the award of the Tribunal needs no interference at all, inasmuch as there is neither any illegality nor any perversity in the award.

This writ application is dismissed.