



CGHC010001562025

2026:CGHC:34697

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPL No. 4 of 2025

1 - Preetak Kumar Bajpayee S/o Late Dwarikanath Bajpayee Aged About 58 Years C/o Shri Ajay Biswas Trimurty Colony Mahasamund District - Mahasamund (C.G.) ... **Petitioner**

versus

1 - Indian Farmers Fertilizer Cooperative Ltd. (Iffco), C- 1 District - Centre Saket Palace New Delhi - 110017
 2 - Inquiry Officer Indian Farmer Fertilizer Co- Operative Ltd. Through The Managing Director 34, Nehru Palce New Delhi ---- **Respondents**

For petitioner	: Mr. Sudeep Johri, Advocate along with Mr. Syed Ishabel Ali, Advocate
For respondents	: Mr. Shakti Raj Sinha, Advocate

Hon'ble Shri Justice Rakesh Mohan Pandey

Order on Board

07.08.2026

1. The petitioner has filed this petition seeking following relief (s) :

- "1. That the Hon'ble court may kind enough to call the record of the petitioner.
2. That the Hon'ble court may be kind enough to issue a appropriate writ/writs, order/orders, direction/directions in the factual matrix of the case and to quash the impugned Order passed on 16/12/2024 and 17/12/2024 order sheet Annexure P-1.
3. That the Hon'ble court may be kind enough to pass any other writ, order or direction in the circumstances of the case."

2. Learned counsel appearing for the petitioner would contend that the petitioner, who was engaged by the respondents to the post of Deputy Field Manager, was subjected to a departmental enquiry and, subsequently, his services were terminated vide order dated

01.08.2014. The petitioner raised an industrial dispute and filed a statement of claim raising various grounds; the respondents appeared before the learned Labour Court and filed their response.

3. The learned Labour Court framed issues and the matter was set for cross-examination of respondent No. 2 on 16.12.2024, and prior to the said date, many opportunities were afforded to the petitioner to cross-examine the said witness. On the said date, an application under Order 17 Rule 1 of the CPC was moved on the ground that the petitioner was not keeping well. The learned Labour Court rejected said application and fixed the case for final arguments.
4. Learned counsel appearing for the petitioner, while assailing the said order, would submit that the learned Labour Court should have recorded a finding with regard to adequacy of the departmental enquiry and procedure followed by the disciplinary authority. He would further submit that the learned Labour Court failed to record any such finding and directly fixed the case for final arguments, which is in contravention of the judgment passed by the Hon'ble Supreme Court in the matter of the **Workmen of M/s. Firestone Tyre and Rubber Co. of India (Pvt.) Ltd. v. The Management and others and other connected matters**, reported in **1973 (1) SCC 813**. He would contend that the matter may be remitted back to the concerned Court to record a finding on the adequacy of the departmental enquiry before touching the proportionality of the penalty inflicted by the disciplinary authority.

He would further contend that the petitioner may be granted one opportunity to cross-examine respondent No. 2.

5. On the other hand, learned counsel appearing for the respondents would oppose. Mr. Sinha would submit that the petitioner was afforded sufficient opportunity to cross-examine respondent No.2 and, when he failed on 12 occasions, the learned Labour Court set the case for final arguments. He would further submit that the learned Labour Court will examine the validity of the departmental proceedings, including the order inflicting punishment, at the time of final hearing of the matter. He would contend that no case is made out for interference and this petition deserves to be dismissed.
6. I have heard the learned counsel appearing for the parties and perused the documents placed on record.
7. Admittedly, the petitioner, who was working under the respondents, was inflicted with the penalty of termination of services vide order dated 01.08.2014. He approached the concerned Labour Court and challenged the said order on various grounds.
8. It is a well-settled principle of law that the Labour Court has to record a finding with regard to the adequacy of the disciplinary proceedings while examining the proportionality of the penalty inflicted by the disciplinary authority.
9. In the present case, though the learned Labour Court examined the witnesses and provided sufficient opportunity to the petitioner to cross-examine those witnesses, it failed to record findings with regard to the validity and propriety of the disciplinary proceedings.

The Hon'ble Supreme Court while dealing with similar issue in the matter of **Workmen of M/s. Firestone Tyre and Rubber (supra)** held as under :

"32.From those decisions, the following principles broadly emerge (1) The right to take disciplinary action and to decide upon the quantum of punishment are mainly managerial functions, but if a dispute is referred to a Tribunal., the latter has power to see if action of the employer is justified.

(2) Before imposing the punishment, an employer is expected to conduct a proper enquiry in accordance with the provisions of the Standing Orders, if applicable, and principles of natural justice. The enquiry should not be an empty formality.

(3) When a proper enquiry has been held by an employer, and the finding of misconduct is plausible conclusion flowing from the evidence, adduced at the said enquiry, the Tribunal has no jurisdiction to sit in judgment over the decision of the employer as an appellate body. The interference with the decision of the employer will be justified only when the, findings arrived at in the enquiry are perverse or the management is guilty of victimisation, unfair labour practice or mala fide.

(4) Even if no enquiry has been held by an employer or if the enquiry held by him is found to be defective, the Tribunal in order to satisfy itself about the legality and validity of the order, has to give an opportunity to the employer and employee to, adduce evidence before it. It is open to the employer to adduce evidence for the first time justifying his action; and it is open to the employee to adduce evidence contra.

(5) The effect of an employer not holding an enquiry is that the Tribunal would not have to consider only whether there was a prima facie case. On the other hand, the issue about the, merits of the impugned order of dismissal or discharge is at large before the Tribunal and the latter, on the evidence adduced before it, has to decide for itself whether the misconduct alleged is proved. In such cases, the point about the exercise of managerial functions does not arise at all. A case of defective enquiry stands on the same footing as no enquiry.

(6) The Tribunal gets jurisdiction. to consider the evidence placed before-it for the first time in justifications of the action taken only, if no enquiry has been held or after the enquiry conducted by an employer is found to be defective.

(7) It has never been recognised that the Tribunal should straightaway, without anything more, direct reinstatement of a dismissed or discharged employee, once it is found that no domestic enquiry has been held or the said enquiry is found to be defective.

(8) An employer, who wants to avail himself of the opportunity of adducing evidence for the first time before the Tribunal to justify his, action, should ask for it at the appropriate stage. If such an opportunity is asked for, the Tribunal has no power to refuse. The giving of an opportunity to an employer to adduce evidence for the first time before the Tribunal is in the interest of both the management and the employee, and to enable the Tribunal itself to be satisfied about the alleged misconduct, (9) Once the misconduct is proved either in the

enquiry conducted by an employer or by the evidence placed before a Tribunal for the first time, punishment imposed cannot be interfered with by the Tribunal except in cases where the punishment is so harsh as to, suggest victimisation.

(10) In a particular case, after setting aside the order of dismissal, whether a workman should be reinstated or paid compensation is, as held by this Court in *The Management of Panitole Tea Estate v. The Workmen*(1), within' the judicial decision of a Labour Court or Tribunal."

10. Having considered the facts of the present case and the law laid down by the Hon'ble Supreme Court, the order passed by the learned Labour Court dated 16.12.2024 and 17.12.2024, whereby the case has been set for final hearing, is hereby set aside. The matter is remitted back to the concerned Labour Court, which shall record findings on the disciplinary proceedings in accordance with the law laid down by the Hon'ble Supreme Court in the matter of **Workmen of M/s. Firestone Tyre and Rubber (supra)**.

11. The learned Labour Court shall provide only one opportunity to the petitioner to cross-examine respondent No. 2. The concerned Court shall fix the case for a particular date providing an opportunity to the petitioner to cross-examine the said witness; if the petitioner fails to cross-examine the said witness on the said date, his right shall stand closed. The concerned Labour Court shall pass a final order after complying with the guidelines summarized by the Hon'ble Supreme Court in the matter of **Workmen of M/s. Firestone Tyre and Rubber (supra)** and the procedure contemplated in the Industrial Disputes Act, 1947.

12. Accordingly, the present petition is **disposed of**.

13. The interim order granted earlier is hereby vacated.

Sd/-

(Rakesh Mohan Pandey)
Judge