

HIGH COURT OF CHHATTISGARH, BILASPUR**WP No. 1096 of 2002**

Iqbaluddin Khan S/o Mohd. Ashique Khan, aged about 40 years, R/o
Qr.3/A, Street No.4, Sector-8, Bhilai Nagar (CG)

---- Petitioner

Versus

Managing Director, Bhilai Steel Plant, Bhilai, District Durg (CG)

---- Respondent

For Petitioner	:	Mr.Malay Shrivastava, Advocate
For Respondent	:	Mr.Aditya Bhardwaj, Advocate

Hon'ble Shri Justice Sanjay K. Agrawal

Order on Board

12/7/2017

1. The petitioner was appointed as Vehicle Operator (S-3 Grade) on 31.1.1996. He was served a charge-sheet on 21.3.1996 that he has submitted false information regarding age at the time of employment. Full-fledged department inquiry was initiated against him and during the course of inquiry he admitted the charges levelled against him vide Exs.P/13 and P/14. Thereafter he was inflicted penalty of removal from service vide Ex.P/15 on 24.12.1996. He challenged his removal by way of the application under Section 31(3) of the Chhattisgarh Industrial Relations Act, 1960, in which the Labour Court by order dated 2.12.1998 held that domestic inquiry is legal and valid. Thereafter by order dated 5.12.2001 the Industrial Court held that punishment awarded to the petitioner is valid and proper. Against which, the petitioner preferred this writ petition.
2. Mr.Malay Shrivastava, learned counsel for the petitioner, would submit that the Labour Court and the Industrial Court did not keep in

mind that similarly situated employee was not inflicted with major penalty of dismissal for similar misconduct and only one increment was withheld by order dated 26.10.93. He would further submit that merely on the basis of admission of guilt, order of removal has been passed, which is unsustainable and bad in law.

3. Mr.Aditya Bhardwaj, learned counsel for the respondent would support the impugned order.
4. I have heard learned counsel for the parties, considered their rival submissions made hereinabove and also gone through the record with utmost circumspection.
5. It is not in dispute that the petitioner admitted the charges levelled against him before the inquiry officer, which was duly recorded vide Ex.P/13 and Ex.P/14 and also declined to take assistance of defence assistant.
6. A careful perusal of Ex.P/13 and Ex.P/14 would show that he has clearly and without any reservation admitted his guilt before the inquiry officer and also promised that he will not repeat the mistake in future, therefore, on the basis of proven misconduct he was inflicted with penalty of removal from service. The plea of the petitioner that similarly situated employee was not given penalty of dismissal is of no use to the petitioner relying upon Annexure P/6 filed with the writ petition. Annexure P/6 was neither placed before the inquiry officer nor it was proved, but first time this document dated 26.10.93 is placed before this Court, whereas the petitioner entered into service on 31.1.1996.
7. Since the document was not placed and proved during the course of trial before the Labour Court, document at this stage cannot be relied

upon by the petitioner. The Labour Court and the Industrial Court have found the penalty to be appropriate and not disproportionate to the misconduct of the petitioner.

8. I do not find any jurisdictional error in the impugned order. Accordingly, the writ petition is dismissed. No order as to cost(s).

Sd/-

(Sanjay K. Agrawal)
Judge

B/-