

20.12.2023.
Court No.13
Item No. 7
ap

W.P.A. No. 22472 of 2023

**Eastern Coalfields Limited
Versus
Union of India & Ors.**

Mr. Biswaroop Bhattacharya,
Mrs. Priti Banerjee.

...For the petitioner.

Ms. Susmita Saha Dutta,
Mr. Niladri Saha.

...For the UOI.

1. Despite service of notice, the private respondent is not represented. Union of India is present. Affidavit-of-service filed in Court today be taken on record.
2. The subject matter of challenge by Eastern Coalfields Limited (in short 'ECL') is an Order No.110 dated 6th June, 2023 passed by the Central Government Industrial Tribunal-cum-Labour Court, Asansol, West Bengal in Reference No.111 of 1999. The reference was with regard to the propriety of the dismissal of an employee one Kedar Bind.
3. During the pendency of the proceedings, the employee died and his wife has been substituted. The workmen and the legal heirs are being represented through the Labour Union.
4. By the impugned order, the Court found that the ECL was unable to produce a copy of the original charge-sheet for unauthorized absence issued to the late employee.

5. Admittedly, the entire records of the enquiry, namely, the reply of the workmen, the evidence adduced by the management and the witnesses, enquiry report and other materials are available before the Tribunal. The original charge-sheet for some reason is missing with the employer and hence the employer could not produce the same.

6. This Court notes that since the other documents being available on record and the charge is of unauthorized absence, the essence of the charge can be ascertained from the parties and the evidence on record.

7. In addition thereto, the parties may make efforts to trace out at least a copy of the charge-sheet from the authorities prior to the reference, under the Industrial Disputes Act, 1947, particularly the Central Government which may be referred to in the first place.

8. In those circumstances, this Court is of the view that the parties may make attempts to produce atleast copies of the charge-sheet through the means, inter alia, indicated above.

9. The Tribunal shall proceed to hear the matter and pass Award as per law on the basis of the existing materials and any materials that may be produced by the parties.

10. Let an Award be passed within a period of three months from date mandatorily and positively.

11. The impugned order of imposition of costs of Rs.25,000/- and production of the original charge-sheet is set aside.

12. With the aforesaid directions, the instant writ petition shall stand disposed of.

13. There will be no order as to costs.

14. All parties are directed to act on a server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)