



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR

WRIT PETITION NO. 374 OF 2019

(Madhukar s/o Vithobjai Motghare vs. The Chairman-cum-Managing Director, Western Coal Fields Ltd. Nagpur and others)

WITH

WRIT PETITION NO. 6856 OF 2019

(The Chairman-cum-Managing Director, Western Coal Fields Ltd. Nagpur and others vs. Madhukar s/o Vithobjai Motghare)

*Office Notes, Office Memorandum of Coram,
appearances, Court's orders or the directions,
and Registrar's orders.*

Court's or Judge's order

Mr. Sunil Shukla Advocate for petitioner in WP No.374/2019 and for respondent in WP No.6856/2019.

Ms. Ujjwala Patil, Advocate for respondent in WP No.374/2019 and for petitioner in WP No.6856/2019.

CORAM : SIDDHESHWAR S. THOMBRE, J.
NOVEMBER 07, 2025

- 1) Heard learned counsel for the respective parties.
- 2) In both these petitions the order dated 19/03/2018 passed by the learned Presiding Officer, Central Government Industrial Cum Labour Tribunal, Nagpur (C.G.I.T.) is assailed. Without going into the detailed facts of the matter, it was pointed that learned C.G.I.T. has observed that the principles of natural justice were not followed while conducting the departmental enquiry. In fact, in the operative part of the order itself, it was observed that due to lack of procedure in departmental enquiry, the workman is entitled for lumpsum compensation of Rs.70,000/-.
- 3) I have gone through the order passed by the learned C.G.I.T. Once the learned C.G.I.T. has recorded findings that the Enquiry Officer has not conducted the enquiry by following due

procedure of law, the proper recourse would be to direct the de-novo enquiry. Therefore, I am inclined to allow the writ petitions partly by setting aside the order passed by the learned C.G.I.T., Nagpur.

- 4) It is made clear that I have not gone through any of the submissions of the either parties and all the issues are kept open. The impugned orders in both these petitions are being set aside only on the ground of lack of procedure while conducting the enquiry.
- 5) Let the de-novo enquiry be conducted and it be concluded within a period of six months from today. As the petitioner in Writ Petition No.374/2019 was already dismissed from services in the year 2007, only because a de-novo enquiry is ordered by this Court, he is not entitled to get any relief at this stage and the status-quo as on today will be maintained till the conclusion of de-novo enquiry.
- 6) In view thereof, both these petitions are disposed of in the above terms.

(SIDDHESHWAR S. THOMBRE, J.)