IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(L) No. 5592 of 2015

Uranium Corporation of India Limited, Jadugoda Mines, East Singhbhum, at Jadugoda, P.O. Jadugoda, P.S. Jadugoda, District East Singhbhum, through Chairman cum Managing Director.

… … Petitioner

Versus

1. Union of India through the Ministry of Labour & Employment, New Delhi, P.O. & P.S. New Delhi, District New Delhi.
2. Smt. Thanushree Nayak, wife of Sri K.R. Nayak, resident of Qr. No. B/14/79, UCIL Colony, P.O. Nagwa Pahar, P.S. Nagwa Pahar, District East Singhbhum, Jharkhand.
3. General Secretary, Uranium Corporation Kamgar Union, At & P.O. Jadugoda, P.S. Jadugoda, District East Singhbhum.

… … Respondents

CORAM :HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Mr. Sudarshan Shrivastava, Advocate
For Private Respondent : Mr. M. K. Laik, Senior Advocate
: Mr. Pranaw Kant Tiwary, Advocate
: Ms. Manjushri Patra, Advocate

Reserved on 12.06.2026 **Pronounced on 26.10.2026**

This writ petition has been filed for quashing the award dated 21.01.2015 passed by the learned Presiding Officer, Central Government Industrial Tribunal No. II, at Dhanbad in Reference Case No. 18 of 2011.

Arguments of the petitioner

2. Learned counsel for the petitioner, at the outset, has submitted that the domestic enquiry was found to be fair and proper vide order dated 06.03.2014 passed by the learned tribunal and therefore, the scope of adjudication before the learned tribunal was confined to the provisions of section 11A of ***Industrial Disputes Act, 1947 (hereinafter referred to as the Act of 1947)***. The learned counsel has submitted that the law is well settled that the tribunals do not sit in appeal against the domestic enquiry and they have to confine themselves within the scope of section 11A of the Act of 1947. He has submitted that certainly, any finding arrived at during the enquiry, which is *ex*-facie perverse considering the materials

placed during the enquiry, can be considered and further, the tribunal can also consider the proportionality of the punishment imposed.

3. The learned counsel for the petitioner has further submitted that show-cause was issued to the respondent no. 2 who was on the post of Scientific Assistant Grade-I with effect from 08.06.2001. He submits that a charge memo was issued to her on 08.05.2008 (Annexure-3) and it was alleged that she was entrusted with the reporting of the Analysis Reports of Burnt Lime analyzed in the Laboratory to the Assistant Superintendent (CR&D), Jadugoda. It was further alleged that during the course of verification and checking of the analysis report by the Assistant Superintendent, manipulation of results of Burnt Lime for the period from 03.12.2007 to 18.04.2008 was detected by him. It was also alleged that it revealed from the Analysis Records pertaining to the said period, although the laboratory assistants had shown and entered the lower value available in CaO content for many Burnt Lime samples, that the concerned employee (respondent no. 2) had manipulated the reported results of the Burnt Lime to a higher value in place of actual results duly signed by her. It was also alleged that she had manipulated results of about 60 to 65% of the Burnt Lime samples and reported higher value than the actual results analyzed by the laboratory technicians. Through this manipulation, the respondent no. 2 extended financial benefits especially to the supplier namely, Shri Shyam Chemicals who had actually supplied poor quality of Burnt Lime to the petitioner and thereby causing substantial financial loss to the petitioner.

4. It was also stated in the memo of charge itself that owing to her alleged commission of manipulation of results of Burnt Lime, the respondent no.2 was asked to show-cause earlier, and vide her letter dated 28.04.2008, she had conceded to have manipulated the results. In the aforesaid background, it was alleged that it was prima-facie established that the aforesaid acts of omission and commission on the part of the respondent no. 2 herein constituted misconduct of fraud, dishonesty, disorderly behaviour, willful damage to or loss to any goods or property of the petitioner company under the Certified Standing Orders and considering the seriousness of allegation, she was put under suspension.

5. The learned counsel for the petitioner submits that the respondent no. 2 had responded to the charge memo and denied the allegation; She faced the domestic enquiry; evidences were produced and as many as six witnesses were examined from the side of the management and numerous documents were also exhibited. He has further submitted that the statement of the respondent no. 2 was also recorded and ultimately, as per the enquiry report, she was found guilty. The enquiry report was forwarded to her to which she responded and the then the order of dismissal was passed. The order of punishment was affirmed by the appellate authority.

6. The learned counsel submits that the learned Tribunal, while considering the proceedings in terms of section 11A of Industrial Disputes Act, has travelled beyond the scope and has set-aside the order of dismissal by observing that so far as acceptance/confession of the delinquent employee is concerned, none of her two separate letters (Exhibits M5 & 5/1) after show cause notice dated 28.05.2008 but prior to chargesheet, appeared to be free from coercion and undue influence of the Assistant Superintendent, as the expressions of the letters were palpably vague and unnatural.

7. The learned counsel for the petitioner has further submitted that on the merits of the case, the learned tribunal has only referred to the statement of the complainant - MW-1 namely, Dr. P.K. Tamrakar and selectively referred to his statement/evidence and has come to a conclusion that there seems no where any tangible proof of alleged damage/loss to the property of the company as a result of alleged manipulation and that the report itself was self-contradictory. Reliance has been placed to evidence of M.W-1 at page no 35 to 38 of his evidence.

8. The learned tribunal recorded that in such circumstances none of the six charges was proved against the delinquent employee and the order of dismissal was highly shocking to the conscience of the learned tribunal and was not germane to the alleged misconduct. Accordingly, the learned tribunal has set-aside the order of dismissal.

9. Learned counsel for the petitioner has further submitted that the manner in which the learned tribunal has dealt with the matter is perverse and contrary to the provisions of section 11A of the Act of 1947.

10. The learned counsel for the petitioner has relied upon the judgment passed by the Hon'ble Supreme Court reported in ***(2006) 1 SCC 430 (Hombe Gowda Education Trust and Another Vs. State of Karnataka and others)*** and has referred to paragraph 17 onwards of the said judgment to submit that the tribunal exercises limited jurisdiction and further the jurisdiction to interfere with the quantum of punishment can be exercised only if it is found to be grossly disproportionate.

Arguments of the Respondent no.2 (the concerned employee)

11. Learned counsel for the respondents has submitted that the award passed by the learned Tribunal is a well-reasoned award and the learned Tribunal has acted within the four corners of Section 11A of the aforesaid Act of 1947. He has also submitted that the scope of interference under writ jurisdiction is very limited and in absence of perversity, there is no scope for interference.

12. The learned counsel has also submitted that the so-called admission on the part of the respondent no. 2 was taken under coercion and was taken prior to issuance of charge-sheet and therefore, the admission has been rightly discarded by the learned Tribunal.

13. Learned counsel for the respondent No. 2 has relied upon the judgment passed by the Hon'ble Supreme Court reported in ***AIR 1964 SC 477 (Syed Yakub vs. K. S. Radhakrishnan & others)*** and has referred to paragraph 7 of the said judgment to submit that the Hon'ble Supreme Court has laid down the law in connection with the scope of interference by issuing a writ of certiorari under Article 226 of the Constitution of India. Paragraph 7 of the aforesaid judgment is quoted as under: -

> **"7.** *The question about the limits of the jurisdiction of High Courts in issuing a writ of certiorari under Article 226 has been frequently considered by this Court and the true legal position in that behalf is no longer in doubt. A writ of certiorari can be issued for correcting errors of jurisdiction committed by inferior courts or tribunals: these are cases where orders are passed by inferior courts or tribunals without jurisdiction, or is in excess of it, or as a result of*

failure to exercise jurisdiction. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or properly, as for instance, it decides a question without giving an opportunity, be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to principles of natural justice. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal, a writ of certiorari can be issued if it is shown that in recording the said finding, the Tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded as an error of law which can be corrected by a writ of certiorari. In dealing with this category of cases, however, we must always bear in mind that a finding of fact recorded by the Tribunal cannot be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before the Tribunal was insufficient or inadequate to sustain the impugned finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal, and the said points cannot be agitated before a writ Court. It is within these limits that the jurisdiction conferred on the High Courts under Article 226 to issue a writ of certiorari can be legitimately exercised (vide Hari Vishnu Kamath v. Syed Ahmad Ishaque Nagandra Nath Bora v. Commissioner of Hills Division and Appeals Assam and Kaushalya Devi v. Bachittar Singh."

Findings of this court.

14. It is not in dispute that after evidence on the point of preliminary issue, the domestic enquiry was held to be fair and proper and the matter

was required to be taken up in terms of Section 11A of the Industrial Disputes Act,1947.

15. In the judgment passed by the Hon'ble Supreme Court reported in ***(1973) 1 SCC 813 (Workmen of M/s Firestone Tyre and Rubber Co. of India (P.) Ltd. vs. Management & Others)*** paragraph 32, it has been held that when a proper enquiry is held by an employer and the finding of misconduct is a 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 victimization, unfair labour practice or mala fide. The Hon'ble supreme court further considered the impact of introduction of section 11A of the Industrial Disputes Act, 1947 and held in paragraph 36 that where the employer has held a proper domestic enquiry, the tribunal has the power to reappraise the evidences and be satisfied that the finding of misconduct was correct and could differ with the finding if a proper case is made out. Paragraph 36 of the aforesaid judgement is quoted as under: -

> ***"36.*** *We will first consider cases where an employer has held a proper and valid domestic enquiry before passing the order of punishment. Previously the Tribunal had no power to interfere with its finding of misconduct recorded in the domestic enquiry unless one or other infirmities pointed out by this Court in Indian Iron & Steel Co. Ltd. case existed. The conduct of disciplinary proceedings and the punishment to be imposed were all considered to be a managerial function with which the Tribunal had no power to interfere unless the finding was perverse or the punishment was so harsh as to lead to an inference of victimisation of unfair labour practice. This position, in our view, has now been changed by Section 11-A. The words "in the course of the adjudication proceeding, the Tribunal is satisfied that the order of discharge or dismissal was not justified" clearly indicate that the Tribunal is now clothed with the power to reappraise the evidence in the domestic enquiry and satisfy itself whether the said evidence relied on by an employer establishes the misconduct alleged against a workman. What was originally a plausible conclusion that could be drawn by an employer from the evidence, has now given place to a satisfaction being arrived at by the Tribunal that the finding of misconduct is correct. The limitations imposed on the powers of the Tribunal by the*

decision in Indian Iron & Steel Co. Ltd. case, can no longer be invoked by an employer. The Tribunal is now at liberty to consider not only whether the finding of misconduct recorded by an employer is correct; but also to differ from the said finding if a proper case is made out. What was once largely in the realm of the satisfaction of the employer, has ceased to be so; and now it is the satisfaction of the Tribunal that finally decides the matter."

16. In the judgment reported in ***(2021) 19 SCC 281 (supra),*** the Hon'ble Supreme Court in paragraph 18 has, interalia, held that the Industrial Tribunal, after reappraisal of the record of domestic enquiry having held it to be fair and proper, has a very limited scope to interfere in the domestic enquiry to the extent as to whether there is any apparent perversity in the finding of fact which has been recorded by the enquiry officer in his report of enquiry obviously, based on the evidence recorded during the course of enquiry. Paragraph 18 to 20 of the aforesaid judgement is quoted as under: -

*"**18.** The Tribunal after reappraisal of the record of domestic enquiry held it to be fair and proper, has a very limited scope to interfere in the domestic enquiry to the extent as to whether there is any apparent perversity in the finding of fact which has been recorded by the enquiry officer in his report of enquiry obviously, based on the evidence recorded during the course of enquiry and as to whether the compliance of the Bipartite Settlement which provides the procedure of holding enquiry is violated or the punishment levelled against the workman commensurate with the nature of allegation proved against him and if it is grossly disproportionate, the Tribunal will always be justified to interfere by invoking its statutory power under Section 11-A of the 1947 Act.*

***19.** In the instant case, after we have gone through the record, we find that the Tribunal has converted itself into a court of appeal as an appellate authority and has exceeded its jurisdiction while appreciating the finding recorded in the course of domestic enquiry and tested on the broad principles of charge to be proved beyond reasonable doubt which is a test in the criminal justice system and has completely forgotten the fact that the domestic enquiry is to be tested on the principles of preponderance of probabilities and if a piece of evidence is on record which could support the charge which has been levelled against the delinquent unless it is per se unsustainable or perverse, ordinarily is not to be interfered by the Tribunal, more so when the domestic enquiry has been held to be fair and proper and, in our view, the Tribunal has*

completely overlooked and exceeded its jurisdiction while interfering with the finding recorded during the course of enquiry in furtherance of which, the respondent was dismissed from service and the High Court has also committed a manifest error while passing the judgment impugned.

20. *The decision of the Labour Court should not be based on mere hypothesis. It cannot overturn the decision of the management on ipse dixit. Its jurisdiction under Section 11-A of the 1947 Act although is a wide one but it must be judiciously exercised. Judicial discretion, it is trite, cannot be exercised either whimsically or capriciously. It may scrutinise or analyse the evidence but what is important is how it does so."*

17. Thus, while considering the present case, the aforesaid law laid down by the Hon'ble Supreme Court with respect to the scope of interference under section 11A of the aforesaid Act of 1947 with respect to the findings of the domestic enquiry and the punishment imposed has to be kept in mind as admittedly, the domestic enquiry has been held to be fair and proper.

18. The sequence of events relevant for the present case are as under: -

A. The records reveal that the concerned employee was issued a ***show cause dated 28.04.2008*** issued by the Assistant Superintendent alleging manipulation of results of Burnt Lime as under: -

> *"It has been found that you have done manipulation of results of Burnt Lime and reported artificial results in place of actual results to the undersigned for forwarding it to concern department. Considering this matter very seriously why not severe action should be taken against you.*
>
> *You are hereby directed to submit your explanation to the undersigned by 29th April 2008."*

B. ***The reply dated 28.04.2008*** of the concerned employee to the aforesaid show cause notice dated 28.04.2008 is quoted as under: -

> *"I accept the fact that I have manipulated the results of Burnt Lime and nobody except me should be blamed for this.*
>
> *I know that this mistake is not pardonable. But I plea to you for mercy considering my previous record."*

C. 02.05.2008 In response to the aforesaid show-cause dated 28.04.2008, the concerned employee vide letter dated 02.05.2008 accepted that the supplier had requested her to alter the results. The contents of the letter dated 02.05.2008 is quoted as under: -

"With reference to your letter dated 28.04.2008 of ref No. UCIL/CRD/1/SCN/08, I would like to mention that Shri Prakash Kumar Supplier of Burnt lime contacted me in person and requested me to alter the results and report higher values in favour of the party. I am writing this without any fear or undue pressure."

D. On ***08th May, 2008***, the employee was served with a charge sheet wherein it was inter alia stated that Burnt lime is used in the process plant and is being purchased from vendors and payment to vendors is calculated on the basis of CaO content in Burnt lime as per analysis reports.

It was alleged that the concerned employee working as Scientific Assistant-A was entrusted with reporting the analysis report of Burnt lime to the Assistant Superintendent. ***In course of verification and checking of analysis report manipulation of results of Burnt lime for the period from 03.12.2007 to 18.04.2008 was detected by the Assistant Superintendent. It revealed from the analysis records pertaining to the said period that although the laboratory assistance had shown and entered lower value available in CaO content for many Burnt lime samples, but the concerned employee had manipulated the reported results of Burnt lime to higher value in place of actual results duly signed by her. It was further alleged that the concerned employee had manipulated results of about 60 to 65% of Burnt lime samples and reported higher value than the actual analysis by Laboratory Technicians. This was done with ulterior intention to extend financial benefit especially to the supplier/vendor of burnt lime Shri M/s Shyam Chemicals against sample of poor quality of Burnt lime and thereby causing substantial financial loss to the petitioner.***

It was also stated in the charge sheet itself that owing to alleged commission of manipulation of results of burnt lime, the concerned employee was also asked to show cause by the Assistant Superintendent by vide letter dated 28.04.2008 to which she replied vide letter dated 28.04.2008 and had conceded to have manipulated the results. With the aforesaid background, it was mentioned in the charge sheet that it was prima facie established that the aforesaid acts of omission and commission on the part of the concerned employee constituted misconduct of fraud, dishonesty, disorderly behavior, and willful damage to or loss to any goods or property of the company, act subversive to discipline or good behavior on the premises of the company etc. on the Certified Standing Order and concerned employee was put under suspension.

E. The concerned employee vide ***letter dated 10.05.2008***, in response to the aforesaid charge-sheet dated 08.05.2008, requested for supply of

documents including her two replies dated 28.04.2008 and 02.05.2008 and prayed for time to respond to the charge-sheet.

F. The concerned employee vide ***reply dated 19.05.2008*** furnished her explanation to charge sheet dated 08.05.2008 denying the charges levelled against her. She also stated that the Assistant Superintendent forced and pressurized her to write so called two letters dated 28.04.2008 and 02.05.2008 and duress coercion and undue influence taking advantage of her innocence being lady employee working under him and out of fear and mental tension, she became nervous and was compelled to write the aforesaid two letters under his dictation for the reasons best known to him. It was also stated that this was possibly because the Assistant Superintendent had some connivance with the suppliers and the concerned employee was made a scapegoat. It was also asserted that so far as verification and checking of report is concerned, the Assistant Superintendent was equally responsible and liable and this was assuming, but not admitting, the alleged manipulation.

Paragraph 3, 4 and 5 of the aforesaid reply dated 19.05.2008 (Ext M-7) is quoted as under: -

"3. That I also emphatically deny that I have accepted and admitted the allegations of manipulation to the Assistant Superintendent (C.R. & D), who issued me show-cause notice dated 28.04.2008. As a matter of fact, the Assistant Superintendent (CR & D) forced and pressurized me to write so-called two letters dated 28.04.2008 and 02.05.2008 under duress coercion and undue influence taking the advantage of my innocence being a lady employee working under him and out of fair and mental tension, I became very nervous and compelled to write those above two letters under his dictation for the reasons best known to him possibly he had some connivance with the Suppliers and he made me scapegoat and contemplating to victimize me and the contents of the above two letters are written in the manner and way as stated above which are not in my free will and wish and contents of these two letters should not be treated to be my acceptance and admission of any misconduct as alleged against me.

4. That while denying the entire allegations of misconducts leveled against me, I beg to state that there was no manipulation of the analysis report in course of verification and checking of the analysis report of result of burnt lime for the period from 03.12.2007 to 18.04.2008 and I emphatically deny that I had manipulated the reported results of the burnt lime to higher value in place of actual result. As a matter of fact I have not manipulated the result of about 60 to 65% of

burnt lime sample and reported higher value than the actual result analyzed by the Laboratory Technicians and thereby I had resorted to the said manipulation to extend the financial benefits especially to the Supplier / Vendor viz. M/s. Shyam Chemicals against supply of their poor quality of burnt lime to the company and thereby causing substantial loss to the UCIL and no specific loss sustained by UCIL has also been mentioned in the charge sheet.

5. That I may also submit that so far as the verification and checking of the report, the Assistant Superintendent (CR & D) also equally responsible and liable for assuming but no admitting the alleged manipulation at all but he was not issued any show-cause / charge sheet and thereby there was a discrimination on the part of the Management and implicated me with some ulterior motive at the instance of the Assistant Superintendent (CR & D) who made me scapegoat and victim to save himself."

G. The domestic enquiry was conducted in which the concerned employee duly participated and the enquiry officer recorded facts and findings. The portion of the findings relevant for the present case is quoted as under: -

"As discussed, and analysed above, it is proved beyond reasonable doubt that Smt. Thanushree Nayak had manipulated the reported results of burnt lime to higher value in place of actual results duly singed by her. She had manipulated the results of about 60 to 65% burnt lime samples and reported higher value than the actual results analysed by the Laboratory Assistants during the period 03.12.2007 to 18.04.2008. She had knowingly done this with ulterior intention to extend financial benefit specially to the supplier/vendor of burnt lime, M/s Shree Shyam Chemicals against supply of their poor quality of burnt lime to the company and thereby causing substantial loss to UCIL. Even she had voluntarily accepted her misdemeanour over manipulation vide letter dated 28.04.2008(ME-07) and 02.05.2008(ME-08) which cannot be denied and she also failed to establish that such letters were written by her under duress, coercion and pressure from Asstt.Supdt. (CR&D). Based on materials on records, documents exhibited, evidence adduced by the witnesses from management side and considering the evidence adduced by defence, charges levelled against her vide chargesheet dated 08.05.2008 is sufficiently proved against her. Hence charges of fraud/dishonesty [CSO-42(d)],

disorderly or indecent behaviour within the premises of the company or establishment [CSO-42(i)), willful damage to or loss of working progress or any goods or property of the company or the establishment [CSO-42(y)), commission of any act subversive of discipline or good behaviour on the premises of company or the establishment [CSO-42(bb)], acts or omission which lower the quality of goods manufactured and reduce the production [CSO-42(gg)] and giving false information which tends to bring into disrepute to the company(CSO-42(mm)) are proved beyond reasonable doubt. Thus, I hold Smt. Thanushree Nayak, Scientific Assistant-A, Emp. No.7387 guilty of misconduct under CSO-42(d), 42(i), 42(y), 42(bb), 42(gg) and 42(mm).”

H. In response to the enquiry report, the concerned employee filed her objection and thereafter the disciplinary authority accepted the enquiry report and dismissed the concerned employee on the ground that the charges were proved against the concerned employee.

I. The learned tribunal by a separate order recorded that the domestic enquiry was fair and proper. The learned tribunal considered the materials placed during domestic enquiry and recorded findings in paragraph 7 to 9 of the impugned award which has been quoted and discussed in the latter part of this judgement.

19. ***This court finds*** that in response to the initial show cause dated 28.04.2008 alleging manipulation of results of burnt lime and reporting artificial results, the concerned employee in her response on 28.04.2008 itself accepted the allegation and requested for consideration of her previous record; further the employee also issued a letter dated 02.05.2008 giving the name of supplier, who contacted her in person and requested her to alter the result and report higher value in favour of the party. Ultimately on 08.05.2008 she was issued the charge sheet alleging that she had manipulated result of burnt lime for the period from 03.12.2007 to 18.04.2008 and reported higher values in place of actual results duly singed by her and such manipulated results constituted 60 to 65% of burnt lime samples which showed higher value than the actual analysis by Laboratory Technician.

20. In the charge sheet itself, a reference of acceptance of guilt was made with respect to the letter dated 28.04.2008 issued by the concerned employee accepting her guilt. The concerned employee in response to

chargesheet requested for supply of documents including her replies dated 28.04.2008 and 02.05.2008 and prayed for sometime to file her explanation. However, even by this time no objection was raised alleging any duress or force while issuing her letter dated 28.04.2008 and 02.05.2008. Subsequently, the employee filed reply dated 19.05.2008 to the chargesheet alleging that the Assistant Superintendent forced and pressurized her to write the so-called two letter dated 28.04.2008 and 02.05.2008. It was also asserted that the Assistant Superintendent was equally responsible and liable for the verification and checking of report, but the allegation against the Assistant Superintendent was without admitting the alleged manipulation.

21. The concerned employee duly participated in the domestic enquiry, and the enquiry officer considered the materials placed on record and held-

(a) that it was proved beyond reasonable doubt that the employee had manipulated and reported results of burnt lime to higher value in place of actual results duly signed by her and such manipulation of results was to the extent to 60 to 65% burnt lime samples, during the period from 03.12.2007 to 18.04.2008 and she did it with ulterior intention of extending financial benefits to the supplier of the burnt lime against supply of poor quality to the company.

(b) In addition to the aforesaid findings on the merits of the allegation , the enquiry officer further recorded a clear finding that the concerned employee had voluntarily accepted her misdemeanour over manipulation vide letter dated 28.04.2008 (ME-07) and 02.05.2008 (ME-08) which could not be denied as the employee had also failed to establish that such letters were written by her under duress, coercion and pressure from the Assistant Superintendent.

In the light of the materials placed and upon discussion of further materials on record, the employee was held to be guilty of the alleged misconduct.

22. The employee was issued show cause notice along with the enquiry report to which she responded by referring to the various materials placed on record and also stated that she had reported the result after prior discussion with her in-charge/Departmental Head Dr. P.K. Tamrakar who deposed as MW-1 in the enquiry proceedings and that signature were put during absence of Departmental Head namely Dr. P.K. Tamrakar and not as regular practice and she had put her signature on the daily report on account of none availability of the concerned person and put her signature by putting "for" as per his verbal instructions when Departmental Head Dr. P.K. Tamrakar was absent and also when Dr. A. K. Singh, Assistant Superintendent was not available.

23. Ultimately, the concerned employee was dismissed and her appeal was also dismissed and then the industrial dispute was raised.

24. The learned Industrial tribunal has drawn a specific order on 06.03.2014 that the union representative accepted the fairness of domestic enquiry and there was no scope to hold that the domestic enquiry was unfair rather it was upheld as fair, proper according to the principles of natural justice and thereafter the matter was directed to be posted for hearing for final argument on merits.

25. In view of the fact that the domestic enquiry was fair and proper as observed in the order dated 06.03.2014 passed by the learned tribunal the scope of enquiry before the industrial tribunal was within four corners of provisions Section 11 A of the aforesaid Act of 1947.

26. The paragraph 5 of the impugned award discusses the contention of the management and paragraph 6 discussed the contention of the concerned employee and the findings have been recorded from paragraph 7 onwards as follows: -

*"**7.** On the perusal and consideration of the materials available on the case records, after hearing the detailed argument of both the Learned Counsels for the respective parties, the indisputable facts visible to the serve eyes appears to be as such:*

(i) Smt. Tanushree Nayak the delinquent employee a Graduate was initially appointed as G.O.T. on 08.12.1997 in the CRD of the UCIL, had been working as the Scientific Assistant A since 08.06.2001 after her absorbation. Though She was not designated as the Supervisor, the Scientific Asst., Grade C, she as the Senior

Scientific Asstt, was assigned to the job of the Supervisor in place of the Shunbhakar Sahu since transferred, for working as the Analyst and Supervisor for the last one years (from 20.08.2007 to 14.07.2008) as per the oral instruction of Dr.P.K.Tamrakar, the Asstt. Supdt., (CR& D). She was accordingly to perform the job of checking calculation of samples of burnt Lime done by the Lab Assistants, preparing reports of the actual findings under her certificate and signature, and to submit the same to the Department Head. In both the conditions of analysis and reporting work, the delinquent employee used to produce the result of Analysis before the Asstt. Supdt. (C.R.D.), the Section Divisional Head, before whom the Registers of calculation were produced to check the calculation of the Actual Result so as to check, i.e., analyze the samples for accurate correct finding of Actual Analysis Result. There was as usual a possibility for the Senior Assistant Supdt. as the Final Authority to check its accuracy in the Analysis Report of the delinquent employee in case of any wrong.

(ii) Acid leaching method is applied to processing of the Uranium Ore in the Company. It daily results in generation of acidic slurry (tailing) in lager quantity. The tailings before their disposal to the Tailings Ponds are neutralized by maintaining the pH through the use of the burnt lime (containing the desired level of Cao) supplied by the Supplier concerned to the Company as per the purchase order based on its terms and conditions, and the payment by the Company to its Supplier is based only on the desired level of Cao existent in his supplied Burnt Lime

8. *In addition to it, from the perusal of the materials in the case record, it prima face, manifests that so far as the acceptance/confession of the delinquent employee is concerned, none of her two separate letters (Extt. M.5 & 5/1 = ME-8 and 9 respectively) after Show Cause Notice dt. 28.05.2008 but prior to the chrgeesheet appears to be free from coercion and undue influence of the Asstt. Superintendent, as the expressions of the letters are palpably vague and unnatural.*

The description of charges Annexure to the chargesheet dt May,08,2008 (Ext M.2) alleges against the delinquent employee to have manipulated results of about 60 to 65% of Burnt Lime Samples higher Value than the actual results analyzed by the Laboratory Technicians/Assistants. Whereas the statement of the main complaint MWI Dr. P.K. Tamrakar, the Sr Asstt. Supdt., as the controller, Investigator in the Development Department of the Company in para 2 at the page 36 in the enquiry- 'from having a look at both the reports, it turns out that 70 and 71 samples altered as 76 and 77 (in percentage) respectively after signature' appears to highly contradictory to the aforesaid alleged manipulated results of about 60 to 65%. There seems nowhere any tangible proof of alleged

damage/loss to the property of the Company as result of aforesaid alleged manipulation.

In such circumstances, where none of the six charges is proved against the lady delinquent employee, yet the dismissal penalty to her for it is high shocking to the conscience of the Labour Court and not germane to alleged misconduct. Hence, it is liable to be set aside under Sec.11 A of the Industrial Dispute Act, 1947. The workwoman accordingly deserves proper relief under the said provision of the Law.

***9.** In the result, it is hereby, in the terms of the reference, responded and accordingly awarded that the action of the Management of Uranium Corporation of India Ltd., in dismissing Smt. Thanushree Nayak from the service of the Company w.e.f. 10.11.2009 is not only quite unjust and unfair but also quite illegal. Hence the concerned applicant/workwoman is entitled to her reinstatement in the service of the Company with full back wages and all financial concomitant benefits.*

The OP/Management is directed to implement the Award within one month from the receipt of its following its publication in the Gazette of India."

27. The perusal of the findings recorded by the learned tribunal reveal that the tribunal recorded that Exhibit M-5 and M-5/1 i.e. ME-08 and ME-09 respectively, were issued after show cause notice dated 28.04.2008, but prior to the charge sheet. However, Exhibit M-5 and M-5/1 i.e. ME-08 and ME-09 respectively which is apparent from the enquiry report and these letters were dated 28.04.2008 and 02.05.2008 respectively. The learned tribunal recorded that these letters were issued prior to the issuance of charge sheet and has observed that the expression of the letters were palpably vague and unnatural and also recorded that so far as the acceptance/confession of the delinquent employee is concerned, none of her two separate letters (Ext. M.5 & 5/1 = ME-8 and 9 respectively) after Show Cause Notice dt. 28.05.2008 but prior to the charge sheet appears to be free from coercion and undue influence of the Asstt. Superintendent, as the expressions of the letters are palpably vague and unnatural.

28. The learned tribunal has recorded that since the two letters were issued prior to issuance of chargesheet they were of no consequence and also recorded that the two letters do not appear to be free from coercion and undue influence of the Assistant Superintendent, as the expressions of the two letters are palpably vague and unnatural.

29. There is no discussion in the impugned award as to how the learned tribunal has come to a conclusion that these two letters did not appear to be free from coercion and undue influence of Assistant Superintendent and that the expression of the letters are palpably vague and unnatural although it was never the case of the employee that the expression of the letters were vague/unnatural in any manner. The learned tribunal has not recorded any finding with respect to the findings recorded by the enquiry officer in the domestic enquiry based on materials on record, who held that the aforesaid two letters dated 28.04.2008 and 02.05.2008 (ME-07 and ME-08 respectively) amounted to the voluntary acceptance of the guilt by the employee and that she failed to establish that the said letters were written by her under duress coercion and pressure from Assistant Superintendent.

30. This court is of the considered view that the enquiry officer in the domestic enquiry has taken a view based on materials on record that the aforesaid two letters dated 28.04.2008 and 02.05.2008 amounted to the voluntary acceptance of the guilt by the employee and that she failed to establish that the said letters were written by her under duress coercion and pressure from Assistant Superintendent. There was no scope to come to a different finding by the learned tribunal in the absence of any perversity committed by the enquiry officer in coming to the aforesaid findings. The learned tribunal has not even discussed as to how the findings of the learned tribunal was perverse. It is important to note that even in the chargesheet the admission of guilt by the concerned employee through the aforesaid letter was mentioned to which the concerned employee responded by stating that the same were obtained under duress, coercion and pressure from Assistant Superintendent but the said contention was rejected by the enquiry officer who arrived at a finding based on materials on record that the concerned employee failed to prove that the said letters were written by her under duress, coercion and pressure from Assistant Superintendent.

31. The law is well settled that when a proper enquiry is held by an employer and the finding of misconduct is a 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 victimization, unfair labour practice or mala fide. Where the employer has held a proper domestic enquiry, the tribunal has the power to reappraise the evidences and be satisfied that the finding of misconduct was correct and could differ with the finding if a proper case is made out. Further, it is also permissible to interfere with the quantum of punishment when the punishment imposed in domestic enquiry is shockingly disproportionate to the proved charges.

32. Further so far as merits of the allegations is concerned, the learned tribunal recorded as follows:

> *"The description of charges Annexure to the chargesheet dt May,08,2008 (Ext M.2) alleges against the delinquent employee to have manipulated results of about 60 to 65% of Burnt Lime Samples higher Value than the actual results analyzed by the Laboratory Technicians/Assistants. Whereas the statement of the main complaint MWI Dr. P.K. Tamrakar, the Sr Asstt. Supdt., as the controller, Investigator in the Development Department of the Company in para 2 at the page 36 in the enquiry- 'from having a look at both the reports, it turns out that 70 and 71 samples altered as 76 and 77 (in percentage) respectively after signature' appears to highly contradictory to the aforesaid alleged manipulated results of about 60 to 65%. There seems nowhere any tangible proof of alleged damage/loss to the property of the Company as result of aforesaid alleged manipulation."*

33. The aforesaid findings on merit reveals that the learned tribunal was of the view that the No. 70 and 71 were changed to 60 to 65% after signature appeared to be highly contradictory to the alleged manipulated result of about 60 to 65% and for this a reference has been made to paragraph 2 at page No. 36 of the evidence of M.W-1.

34. This court finds that in page no. 35 to 38, MW-1, in response to the question no. 8, whereby he was asked to submit documents to prove that the concerned employee had altered the results of the lab report, has produced report regarding challan nos. 0108, 0109, 0110 and 0111. The report is dated 24.12.2007 in which he had put his signature on

25.12.2007, but this report was not sent to the concerned department. In its place, for the same challans, the concerned employee altered the percentage mentioned in the report to a higher level and herself signed the report and sent the altered report to the concerned department. He further deposed that upon comparison of both the reports it was apparent that the concerned employee in subsequent report had not mentioned about the actual result of the lab report. In this connection, he gave further example with respect to report relating to challan nos. 0112, 0113, 0114, 0116 and 0117 wherein, as per the lab report, the percentage of CaO was 70.61, 70.46, 71.24, 70.33 and 70.29 respectively and three copies of the same was prepared and two copies were to be sent to the concerned department. He deposed that in the report which was sent to the department, the percentage was changed with respect to challan nos. 112, 113, 114, 116 and 117 to 76.61, 76.46, 77.24, 76.33 and 76.29 respectively and he further deposed that on comparison of the reports, it is apparent how 70 was made 76 and 71 was made 77 and this was done after he had signed the report.

The aforesaid evidence can be projected in form of a chart as follows: -

Challan Nos.	CaO percentage as per the original report	CaO percentage as per the report sent by the concerned employee
112	70.61	76.61
113	70.46	76.46
114	71.24	77.24
116	70.33	76.33
117	70.29	76.29

M.W-1 thereafter referred to further materials regarding change of other lab reports by the concerned employee.

The question no. 8 and its reply have been mentioned in page nos. 35 to 38 of the records.

35. The learned tribunal has referred to the evidence at page no. 36, that too selectively, and has completely misread and misapplied the evidence

of M.W-1 with respect to the allegation against the concerned employee making the impugned award perverse. Having committed such perversity, the learned tribunal has come to a conclusion that the charge was not proved against the concerned employee.

36. Paragraph 2 of the evidence of M.W-1 at page 36 of the records *[as referred to in the impugned award]* reveals that by way of sample it was demonstrated before the enquiry officer that the lab test results of burnt lime, which were to the extent of 70% to 71% were manipulated to 76% to 77% respectively and the allegation was that 60 to 65% of the total samples were found to be altered. Percentage of number of samples has nothing to do with the percentage of CaO present in each sample upon different lab tests with respect to different samples and the allegation was that the test reports of 60 to 65% of the total samples were found to be manipulated/altered at the instance of the concerned employee who was found guilty during domestic enquiry based on materials on record.

37. The learned tribunal has completely misdirected itself by co-relating the manipulation of 70 and 71 to 76 and 77 respectively with 60 to 65%. The learned tribunal while passing the impugned award setting aside the punishment of dismissal has not discussed the findings of the enquiry report either with respect of the letters dated 28.04.2008 and 02.05.2008 filed by the concerned employee nor considered the discussion of the enquiry officer on the merits of the matter with respect to the manipulation done by the concerned employee in forwarding the final results of the lab-tests. The learned tribunal has certainly travelled beyond Section 11 A of the Act of 1947 while holding that none of the 6 charges were proved against the concerned employee.

38. This Court finds that the learned tribunal has not exercised its jurisdiction within the four corners of Section 11 A of the Act of 1947 and has exceeded its jurisdiction while holding that the charges were not proved and setting aside side the order of punishment of dismissal. So far as proportionality of punishment is concerned, this court is of the considered view that the charges framed and proved against the concerned employee are quite serious and the punishment of dismissal cannot be said to be disproportionate.

39. This Court also finds that the domestic enquiry having been held to be fair and proper and domestic enquiry report having been based on materials placed on record, there has neither been any violation of principles of natural justice nor there was any perversity in the matter of the findings arrived by the enquiry officer. There was no scope for the learned tribunal to interfere with the findings of the domestic enquiry and also the order of dismissal which was on account of proved allegation of manipulation of test results of chemical analysis of the materials supplied in Uranium Industry.

40. Accordingly, the impugned award is set-aside and the order of punishment of dismissal imposed by the petitioner management is restored. This writ petition is allowed.

41. Pending I.A, if any, is closed.

42. Let the records received from the learned Tribunal be sent back to the tribunal.

43. Let this judgement be forwarded to the learned tribunal through FAX/e-mail.

(Anubha Rawat Choudhary, J.)

Dated: 26.10.2026
Uploaded on 27.10.2026
Rakesh/Binit