

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P. (L) No. 1544 of 2018

Employer in relation to the Management of the Central Bank of India, body Corporate constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 represented through its Chief Manager, Regional office, Motihari, namely, Mr. Sujit Kumar, S/o. Sri Raghubir Prasad, aged about 45 years, resident of: Shivpur Visa, Dumra, P.O., P.S. & District-Sitamarhi, State- Bihar; presently residing at: Central Bank of India, Regional Office, Baluatal, P.O., P.S. & District- Motihari, State-Bihar.

... .. **Petitioner**

Versus

Their workman, namely, Sri Kanhaiya yadav, son of Late Ram Balak Yadav, resident of: Village: Navada, P.O. & P.S: Siswan (Chainpur), Dist: Siwan, State: Bihar represented through General Secretary, Bihar State Central Bank Employees' Association, having its office at: Shail Maheshwari Apartment, Flat No.102, 1st Floor, 11-Kidwaipuri, P.O. S. K. Puri, P.S. Shastrinagar, Town & District Patna, Near Thakur Prasad Community Hall, Patna-800001

... .. **Respondent**

With

Cont. Case (Civil) No. 870 of 2025

Kanhaiya Yadav, aged about 64 years, Son of Late Ram Balak Yadav Resident of Village- Nawada, PO + PS- Siswan, District- Siwan (Bihar) now retired

... .. **Petitioner**

Versus

1. The State of Jharkhand
2. Sujit Kumar, Employer in relation to the Management of the Central Bank of India, body Corporate constituted under the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970 represented through its Chief Manager, Regional Office, Motihari, namely Mr. Sujit Kumar, S/o Sri Raghubir Prasad, resident of Shivpur Visa, Dumra, PO, PS & District- Sitamarhi, State -Bihar presently residing at Central Bank of India, Regional Office, Baluatal, PO & PS & District- Motihari, State of Bihar

... .. **Opp. Parties**

CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY

For the Petitioner : Ms. Amrita Sinha, Advocate
Ms. Shweta Suman, Advocate
Ms. Pragunee Kashyap, Advocate

For the Resp. No. 2	[W.P. (L) No. 1544 of 2018] : Ms. Amrita Sinha, Advocate Ms. Shweta Suman, Advocate Ms. Pragunee Kashyap, Advocate
For the Resp.-Workman	[Cont. (Civil) No. 870/2025] : Mr. Ajit Kumar, Sr. Advocate Ms. Khushboo Kumari, Advocate Mr. Shailesh Kumar, Advocate

25/28th July 2026

W.P. (L) No. 1544 of 2018

1. This writ petition has been filed challenging the award dated 22.06.2017 passed by the learned Presiding Officer, Central Government Industrial Tribunal No. 1, Dhanbad in Reference Case No. 77/2014, whereby the learned Tribunal has directed for reinstatement of the workman in his post immediately within one month from the date of publication of the award in the official gazette, failing which the Management was directed to pay back wages to the workman from 31st day of the publication of the award in the gazette.
2. Learned counsel for the petitioner representing the employer has submitted that the domestic enquiry was held to be fair and proper vide order dated 22.09.2015 and that order has attained finality. Once the domestic enquiry is held to be fair and proper, the learned Tribunal was under legal obligation to examine the case in the light of the provision of Section 11-A of the Industrial Disputes Act, 1947 (*hereinafter referred to as the Act*).
3. The learned counsel for the petitioner has referred to the findings of the learned Tribunal and submitted that the learned Tribunal has referred to the order with respect to the enquiry proceedings of another person and the said person had challenged the enquiry proceedings and certain order was passed by the Hon'ble High Court. The learned counsel submits that the learned Tribunal has not done the needful in terms of Section 11-A of the aforesaid Act, so far as the concerned workman involved in this case is

concerned. The learned counsel submits that in that view of the matter, the impugned award is perverse and cannot be sustained in the eyes of law.

4. Learned senior counsel for the respondent, though has opposed the prayer, but does not dispute the fact that the learned Tribunal has not considered the case of the concerned workman in the light of the provision of Section 11-A of the aforesaid Act.

5. The learned counsels for the parties have jointly referred to the judgment passed in the case of ***Workmen of M/s Firestone Tyre & Rubber Co. of India (P) Ltd. vs. Management and others reported in (1973) 1 SCC 813*** and submitted that even if the domestic enquiry is held to be fair and proper, the needful is required to be done by the learned Tribunal in terms of Section 11-A of the aforesaid Act. Paragraph 39 to 41 and 41A of the aforesaid judgment are quoted as under: -

“40. Therefore, it will be seen that both in respect of cases where a domestic enquiry has been held as also in cases where the Tribunal considers the matter on the evidence adduced before it for the first time, the satisfaction under Section 11-A, about the guilt or otherwise of the workman concerned, is that of the Tribunal. It has to consider the evidence and come to a conclusion one way or other. Even in cases where an enquiry has been held by an employer and a finding of misconduct arrived at, the Tribunal can now differ from that finding in a proper case and hold that no misconduct is proved.

41. We are not inclined to accept the contentions advanced on behalf of the employers that the stage for interference under Section 11-A by the Tribunal is reached only when it has to consider the punishment after having accepted the finding of guilt recorded by an employer. It has to be remembered that a Tribunal may hold that the punishment is not justified because the misconduct alleged and found proved is such that it does not warrant dismissal or discharge. The Tribunal may also hold that the order of discharge or dismissal is not justified because the alleged misconduct itself is not established by the evidence. To come to a conclusion either way, the Tribunal will have to re-appraise the evidence for itself. Ultimately it may hold that the misconduct itself is not proved or that the misconduct proved does not warrant the punishment of dismissal or discharge. That is

why, according to us, Section 11-A now gives full power to the Tribunal to go into the evidence and satisfy itself on both these points. Now the jurisdiction of the Tribunal to reappraise the evidence and come to its conclusion enures to it when it has to adjudicate upon the dispute referred to it in which an employer relies on the findings recorded by him in a domestic enquiry. Such a power to appreciate the evidence and come to its own conclusion about the guilt or otherwise was always recognised in a Tribunal when it was deciding a dispute on the basis of evidence adduced before it for the first time. Both categories are now put on a par by Section 11-A.

41-A. Another change that has been effected by Section 11-A is the power conferred on a Tribunal to alter the punishment imposed by an employer. If the Tribunal comes to the conclusion that the misconduct is established, either by the domestic enquiry accepted by it or by the evidence adduced before it for the first time, the Tribunal originally had no power to interfere with the punishment imposed by the management. Once the misconduct is proved, the Tribunal had to sustain the order of punishment unless it was harsh indicating victimisation. Under Section 11-A, though the Tribunal may hold that the misconduct is proved, nevertheless it may be of the opinion that the order of discharge or dismissal for the said misconduct is not justified. In other words, the Tribunal may hold that the proved misconduct does not merit punishment by way of discharge or dismissal. It can, under such circumstances, award to the workman only lesser punishment instead. The power to interfere with the punishment and alter the same has been now conferred on the Tribunal by Section 11-A.”

6. After hearing the learned counsel for the parties and considering the undisputed fact that the domestic enquiry was held to be fair and proper, which finding remained unchallenged, this Court finds that the impugned award does not reflect any consideration of the materials on record in the light of Section 11-A of the Industrial Disputes Act, 1947. What has been taken into consideration is the case of another employee who was also subjected to departmental proceedings.

7. This Court is of the considered view that the learned Tribunal has failed to exercise its power in terms of Section 11-A of the aforesaid Act

and therefore the impugned award cannot be sustained in the eyes of law, which is hereby set-aside.

8. Consequently, the matter is remanded to the learned Tribunal for fresh consideration in terms of Section 11-A of the aforesaid Act.

9. The parties shall appear before the learned Tribunal on 19th of August, 2026 at 11.00 am and cooperate with the proceedings.

10. Since the reference itself is of the year 2014, the learned Tribunal is directed to decide the matter within a period of three months from the date of appearance.

11. This writ petition is hereby ***disposed of***.

12. Pending interlocutory application, if any, is dismissed as not pressed.

Cont. Case (Civil) No. 870 of 2025

13. This contempt petition has been filed for non-compliance of the order dated 09.07.2024 passed in W.P. (L) No. 1544 of 2018.

14. Learned senior counsel for the petitioner submits that the concerned workman has no surviving grievance in view of the order of remand passed in the writ petition.

15. Considering the submission, the contempt proceedings are hereby ***dropped***.

(Anubha Rawat Choudhary, J.)

Dated: 28.07.2026

Uploaded On: 29.07.2026

Mukul/-