

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(S) No. 323 of 2003

1(a) Satya Bhama Jha, W/o Late Ram Bahadur Jha

1(b) Pramila Jha, W/o late Ram Bahadur Jha

1(c) Ajay Shankar, S/o Late Ram Bahadur Jha

1(d) Vijay Shankar S/o Late Ram Bahadur Jha

1(e) Uday Shankar, S/o Late Ram Bahadur Jha

1(f) Sanjay Shankar Jha, S/o Late Ram Bahadur Jha;

All residents of Jha Jee Bari, Jojobera, Camp; R. S Govindpur, PO-
Rahargora, Jamshedpur, Dist-Singhbhum (East)

... ... **Petitioner(s)**

Versus

1. The State of Jharkhand

2. The Presiding Officer, Labour Court, Jamshedpur

3. The Tata Engineering & Locomotive Company Ltd.

A company registered under Indian Company's Act, having its registered office at 24, Homi Modi Street, Mumbai, and its one of the units at Telco Town, Jamshedpur, P.S.Telco, Singhbhum East.

... ... **Respondent(s)**

CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

For the Petitioner(s) : Mr. Shubham Mishra, Amicus Curiae

For the Respondent(s) : Mrs. Rashmi Kumar, Advocate

JUDGMENT

CAV on 15/09/2025

Pronounced on 24 /11 /2025

The instant writ application has been preferred by the petitioner-workman assailing the Award dated 21.06.2002 passed by the learned Presiding Officer, Jamshedpur.

2. An industrial dispute was raised between the respondent-company and the petitioner and the dispute was referred to the learned Labour Court for adjudication. For brevity the terms of reference are as under:

“Whether the dismissal of Shri R.B Jha- Ex-ticket no. 9940/04795/1-workman of M/S. Tata Engineering and Locomotive Company Ltd., Jamshedpur is justified ?. If not, whether he is entitled to reinstatement or/and any other relief?.”

3. The brief facts of the case are that the petitioner joined the service of the company in the month of August 1964 as Security Guard

and he was confirmed as a Watchman on 18.09.1965. The further case of the petitioner-workman was that due to his merit, honesty and sincerity, he rose to the post of Inspector in the Anti-Encroachment Section of the Town Security in the company. A charge-sheet dated 12.10.1985 was issued to the petitioner for certain acts of misconduct calling upon him to submit his explanation. The petitioner-workman submitted his explanation; however, the same was not satisfactory as per the management and thereafter an enquiry was conducted against him and the management without considering his past unblemished record of service dismissed him from service.

4. Learned *Amicus* submits that the enquiry was not fair and in the first round of litigation the enquiry was held to be unfair. He further draws attention of this Court towards paragraph no. 5 of the Award and submits that the prayer of management with regard to fairness and validity of the domestic enquiry was decided as a preliminary issue and the learned Presiding Officer vide its order dated 02.01.1999 held that the management did not hold a fair and proper enquiry against the workman and opportunities were given to the management to justify its action taken with regard to the dismissal of the workman.

Learned *Amicus* further submits that the management challenged the aforesaid order before this Court in *CWJC No. 664 of 1999 (R)* and the same was disposed of with an observation that the management may raise all the questions raised in the writ petition before the Labour Court. Thereafter, the matter again came before the learned Presiding Officer who ultimately held that the management held a fair and proper domestic enquiry against the workman before discharging him from service and decided the case in favour of the management.

Learned *Amicus* lastly submits that the order passed by the learned Presiding Officer is bad in law which is apparent from the written statement and evidence available on record. As such, the Award may be set-aside and consequential benefits may be extended to the legal heirs of

the workman who has been substituted in place of original petitioner who died during pendency of this case.

5. Learned counsel for the respondent-management submits that the petitioner being In-charge of Town Security in Anti-Encroachment Section, six bicycles of different makes were entrusted to him. On 27.07.1985, one K. K. Sharma asked him to return one bicycle but he avoided the same on some pretext or the other. Learned counsel for the respondent-Management apart from reiterating its case on merits by showing several documents available in the trial Court records and its stand in the written statement has contended that the learned Presiding Officer has rightly held that the enquiry was fair and proper and decided the case against the workman.

6. From record, it appears that the following issues were considered by the learned Presiding Officer:

*“(a) whether the management conducted a fair and proper enquiry against the workman before dismissing him from service?
(b) whether the present reference is maintainable?
(c) whether on the basis of the materials on record the charges of misconduct levelled against the workman have been proved and whether the same justify dismissal? If not what kind of relief he is entitled to ?.”*

7. Thus, the main thrust was as to whether the management conducted a fair and proper enquiry against the workman before dismissing him from service. Relevant portion of Paragraph No.7, 8 & 9 are extracted hereinbelow :

“7. From the perusal of the order dated 2.1.1999 passed by my predecessor in office by which it was held that the management did not hold a fair and proper enquiry against the workman before doing away with his services, it appears that the reasons for arising at such a finding was that despite specific order of the enquiry officer the management did not produce the three documents listed at serial nos. 5, 7 and 8 of the application dt.13.11.86 filed by the workman calling for certain documents and that it was not possible for the Workman to prepare himself for defending himself at the enquiry after going through the voluminous documents produced by the management running into 94 pages and the failure of the enquiry officer to supply copies of these documents to the workman caused serious prejudice to him, several notices of enquiry lying on the proceeding of enquiry show that the first sitting of enquiry was fixed on 24.10.85, but on account of the absence of workmen the enquiry officer was forced to adjourn the same on a number of occasions. After entering appearance he started filing petitions after petitions for supplying copies of large number of documents for enabling him to give his statements before the enquiry officer. The copies of some of the documents were supplied to him but the copies of voluminous documents were not supplied. He never filed any petition before the enquiry officer requesting him to allow him to inspect those voluminous documents and take note from them for

preparing his defence, Rules regulate and men apply them. Both are important. Had petition for inspecting the voluminous documents been filed before the enquiry and had the enquiry officer disallowed request the matter would have been otherwise. It has been held in a number of decision and the law is well settled now that merely not providing a copy of documents and enquiry report to a workman would not through the enquiry lock, stock and barrel unless it is specifically shown as to what prejudice has been caused to the workman. No particular prejudice caused to the workman has been pointed out. It appears that the extreme anxiety of workman was to prolong the domestic enquiry and expose the management to the risk of protracted and vexations enquiry, supported by his own perception and thinking that its sore spots could become more and more visible in the long run.....

8. The proceeding of inquiry further shows that the workman after going through the documents filed by the management's representative signed the proceeding of that day and consented the enquiry to proceed. Now he cannot be allowed to turn around and say that the copies of the documents have not been supplied to him when the enquiry report went unfavourable to his interest. I still have not fathomed as to how my predecessor-in-office went hammer against the management and held that the domestic enquiry conducted by the management against the workman was unfair, improper and invalid. I find it difficult to concur in the view taken by the learned counsel for the workman that the law does not permit the labour court to reappraise its earlier order which in effect would amount to sitting in appeal over its own order. An order holding the domestic enquiry conducted by the management against the workman to be unfair and improper, does not necessarily debar the labour court from second consideration at a latter stage in the light of the direction made by the Hon'ble court in the writ petition filed by the management challenging the said order. An interim order is not conclusive adjudication and updated consideration is not overturning on earlier negation.....

9. Thus, on reappraisal of the materials on record. I am of the view that despite minor shortfalls the management held a fair and proper domestic enquiry against the workman before doing away with his services and the workman has signally failed to indicate the prejudices allegedly caused to him for the minor lapses on the part of management. The findings of the two enquiry officers are based on the materials on record. The inescapable conclusion is that the order passed by my predecessor-in-office dated 2.1.1999 holding the two enquiries held by the management against the workman to be unfair and improper stands recalled.”

Emphasis Supplied

8. It appears that the learned Presiding Officer of Labour Court has considered each and every aspect of the matter and specifically held in paragraph no.7 of its order that “merely not providing a copy of document and enquiry report to a workman would not through the enquiry lock, stock and barrels unless it is specifically shown as to what prejudice has been caused to the workman. No particular prejudice caused to the workman has been pointed out”.

9. He further opined in paragraph no. 8 as “the proceeding of enquiry further shows that the workman after going through the documents filed by the Management's representative signed the proceeding of that day and consented the enquiry to proceed. Now he cannot be allowed to turn around and say that the copies of the documents have not been supplied to him when the enquiry report went unfavourable to his interest”.

10. Thus, the learned Presiding Officer has rightly held that on

reappraisal of material on record barring few minor shortfalls the management conducted a fair and proper domestic enquiry.

11. Accordingly, once the management held a fair and proper domestic enquiry against the workman before doing away with his service and the workman being employed in supervisory capacity at the relevant period of time, the learned Presiding Officer has rightly not decided the case on merit. As a matter of fact, the law is well settled that once a domestic enquiry is held to be fair and proper a very limited scope is left with the Labour Court. In ***“Standard Chartered Bank v. R.C. Srivastava”***¹, the Hon’ble Apex Court has held 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.”

12. Having regard to the aforesaid discussion, no infirmity is found in the Award and accordingly, the instant writ application stands dismissed. Pending I.A., if any, is also disposed of.

13. Let a copy of this order be sent to the concerned Court.

14. Let a copy of this Judgment be given to the Secretary, Jharkhand High Court Legal Services Committee and also to the Ld. Amicus. The Secretary, Jharkhand High Court Legal Services Committee shall reimburse the learned Amicus on submission of bills. Fee for the learned Amicus shall be as per the existing guidelines.

(Deepak Roshan, J.)

Jharkhand High Court, Ranchi
Dated: 24/11/2025
Amit
N.A.F.R

Uploaded on 25/11/2025

¹ (2021) 19 SCC 281