

IN THE HIGH COURT OF JHARKHAND AT RANCHI

W.P.(L) No. 7246 of 2005

Ranglal son of Late Khublal, resident of Angad Rai Bari,
Near Vishwakarma Mandir, D.B. Road, P.O. Jugsalai, P.S.
Baghbara, Jamshedpur, District East Singhbhum

....**Petitioner**

Versus

Tata Iron & Steel Company Limited at Bistupur,
Jamshedpur, District East Singhbhum

....**Respondent**

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CORAM: HON'BLE MR. JUSTICE DEEPAK ROSHAN

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For the Petitioner : Mr. Shubham Mishra, Amicus Curiae

For the Respondents : Mr. G.M.Mishra, Advocate (Through V.C)

Mr. J.N. Upadhyay, Advocate

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10/16.09.2025

Heard learned counsel for the parties.

2. The instant writ application has been preferred by the Petitioner against the Award dated 5th March, 2005, whereby learned Presiding Officer, Labour Court, Jamshedpur has held that the findings in the domestic enquiry is correct and there is no discrimination and victimization by the Management.

3. Ld. Counsel for the Respondent relying upon the counter affidavit submits that the Petitioner was charge-sheeted for gross dereliction of duty and of committing theft of Company's valuable properties and causing loss to the Company which are misconducts under Order 23(iii) and XXVII of the Works Standing Orders of the Company.

The explanation of the Petitioner being unsatisfactory; the departmental enquiry was conducted against the petitioner and others involved.

4. Learned counsel further submits that in course of enquiry, it has been substantiated by the evidence adduced by the Management that stolen materials of the Company were recovered by Police from the house where Shri Bimal kumar, Khalasi and one of the charge-sheeted employees in this case were found along with women and the search of the house led to recovery of Platinum. Crucibles and other items made of Platinum stolen from the Iron safe of the Chemical Lab Store. On the same day, on the clues given by Shri Bimal Kumar the

house of Shri Jogeshwar Lohar was also raided by the Police party from where Shri Bimal Kumar voluntarily produced the small tin box containing 45 pieces of silver electrodes stolen from the Chemistry Lab.

After the recovery of the platinum material and some quantity of silver electrodes, Shri Bimal Kumar informed the raiding party on 5.12.86 that silver was given to the petitioner by him to be disposed off in Jugsalai. On this clue the petitioner was interrogated by Police who gave the name of one Shri Devi Prasad Soni and when he was contacted, he took the raiding party to the shop of M/s. Dinesh Jewellers from where about 2.409 kg of silver was recovered which was sold to M/s. Dinesh Jewellery by the Petitioner. The Money receipt produced by Shri Devi Prasad Soni to the Goldsmith from Jugsarai was corroborated by statement of several witnesses who also identified Shri Bimal Kumar and the petitioner.

The enquiry committee also examined the Money receipt (described as M.R.) and a photo copy of the search seizer list of silver materials from the shop of M/s. Dinesh, Jewellers, Bistupur and having the details of 2.400 kgs of silver materials recovered from the shop and finally the enquiry committee came to the following conclusion:

“.....It becomes clear by the exhibited documents and oral evidence adduced in the enquiry that part of the stolen materials were recovered from the premises of the workman friend of Sri Bimal Kumar and based on the clues given by Shri Bimal Kumar some of the materials were received from the shop of M/s. Dinesh Jewellers which was sold to them by Sri Ranglal. The fact that Shri Bimal Kumar, Khalasi, and Shri Ranglal, Khalasi were definitely involved in this theft is not repudiated by any evidence on record in the enquiry. The circumstances of the case as brought out by the evidence in course of enquiry, indicate that Shri Ranglal and Bimal Kumar were only insiders who had the opportunity to commit the theft. In view of the above, it is apparent that Shri Bimal Kumar T.No.210219, P.No.63615, Khalasi in connivance with Shri Ranglal T.No.210183, P.No.101573, Khalasi, Chemical Lab Store, Store Deptt, committed theft which resulted in loss of Company's property". The Committee thus found Shri Ranglal guilty of the charge levelled against him vide chargesheet no:SD/CS/31/86 dated 10/10/86 issued to him which was Annexed-IV to the enquiry report.....”

5. Learned counsel finally submits that the learned Tribunal in Para-13 of the Award has categorically held that no evidence has been adduced on behalf of the workman on the point of victimization and no document has been filed on behalf of the workman.

6. Ld. Amicus, during the course of argument, has stressed that the Petitioner has been victimized; however, it has been categorically held by learned Presiding officer that from perusal of enquiry proceeding (Ext.-M/5), it appears that the workman Rang Lal along with one Bimal Kumar was guilty of theft and Shri Tudu and another workman Sri Mishra were guilty for dereliction in duty.

During domestic enquiry the workman has produced one documentary evidence, which was filed before the enquiry officer. The case of the Management was that during investigation the co-accused Bimal Kumar confessed his guilt and recovery was also made of the stolen property.

7. As a matter of fact, the learned Tribunal has gone through each every aspect of the matter and admittedly when the domestic enquiry has been held to be valid. Learned Amicus could not point out any infirmity in the order, whereby domestic enquiry has been held to be correct.

8. Accordingly, this court is not inclined to give any relief to the petitioner. The writ petition stands dismissed. Pending I.A(s) if any stands closed.

9. The Secretary, Jharkhand High Court Legal Services Committee shall reimburse the learned Amicus on submission of bills. Fee for learned Amicus shall be subject to the maximum ceiling as per the existing guidelines.

(Deepak Roshan, J.)

16th September, 2025
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