



2026:CHC-PB:45-DB

IN THE HIGH COURT AT CALCUTTA
CIVIL APPELLATE JURISDICTION
[CIRCUIT BENCH AT PORT BLAIR]

PRESENT: THE HON'BLE JUSTICE DEBANGSU BASAK
AND
THE HON'BLE JUSTICE AJAY KUMAR GUPTA

MAT/55/2025

SHRI C. CHITAMBARAM .. APPELLANT

VS.

THE DIRECTOR OF TRANSPORT .. RESPONDENT

For the Appellant : Mr. Gopala Binnu Kumar
Ms. Vinita Devi

For the Respondent : Mr. Rakesh Kumar
Ms. S. Naidu

With

MAT/49/2025

THE DIRECTOR OF TRANSPORT ... APPELLANT

Vs.

SHRI C. CHITAMBARAM ... RESPONDENT

For the Appellant : Mr. Rakesh Kumar
Ms. S. Naidu

For the Respondent : Mr. Gopala Binnu Kumar
Ms. Vinita Devi



Heard on : February 26, 2026

Delivered on : February 26, 2026

DEBANGSU BASAK, J.

1. Two appeals are taken up for analogous hearing as they emanate out of the same impugned judgment and order dated July 16, 2025 passed in WPA/862/2022 and WPA/938/2022.
2. By the impugned judgment and order, learned Single Judge disposed of two separate writ petitions. WPA/862/2022 was at the behest of the workman while, WPA 938/2022 was at the behest of the employer.
3. Before the learned Single Judge, the award dated October 14, 2022 passed in I.D. Case No. 02 of 2019 by the Labour Court, Andaman and Nicobar Islands at Port Blair was under challenge. Workman contended that, despite the Labour Court arriving at definite finding that the retrenchment/ termination of the workman was illegal and unjustified. The Labour Court erred in not directing reinstatement as a natural corollary . Employer however contended that, the finding rendered by the Labour Court with regard to retrenchment/ termination was beyond the scope of the reference and unsustainable in fact and in law.
4. Records demonstrate that, the workman was engaged on contractual basis after being selected in a selection process.



5. A criminal proceeding was initiated *inter alia*, under Section 379 of the Indian Penal Code against the workman. Such criminal proceeding resulted in a judgment of acquittal.
6. Parallel to the criminal case, a departmental proceeding was initiated. A show cause notice was issued. Criminal proceeding and the departmental proceeding are in respect of the same incident.
7. Records establish that, an inquiry was held prior to the issuance of the show cause notice in the departmental proceeding. Records also establish that, inquiry report was not made over to the workman.
8. Learned Advocate appearing for the workman relies upon **2025:INSC:555 (State of Uttar Pradesh – versus – Ram Prakash Singh)** and **2023 SCC Online 1618 (Ram Lal – versus State of Rajasthan and others)** for the proposition, that the departmental proceeding stand vitiated on the ground of breach of principles of natural justice, if, the inquiry report is not made over to the delinquent workman, as also on the ground, that, where the criminal case and the disciplinary proceedings are based on the same set of evidence and material, acquittal in the criminal case will adversely affect the departmental proceeding.
9. Learned advocate appearing for the workman submits that, the appeal of the workman is limited to the quantum of compensation



awarded as also, the fact that, learned Trial Judge directed reinstatement from the date of the impugned judgment and order. He submits that, the reinstatement should be from the date of the termination.

10. Learned advocate appearing for the employer submits that, question of breach of principles of natural justice does not arise as, a show cause notice was issued and, the workman responded thereto. It is on the basis of the materials placed in the departmental proceeding that the decision was taken.

11. One of the issues which, **Ram Prakash Singh (Supra)** considered is whether failure or omission or neglect of the disciplinary authority to furnish the inquiry report vitiated the proceeding. Such issue was answered as follows :

“38. Thus, the right to receive the enquiry report as a fundamental safeguard in disciplinary proceedings, where such report holds the charges against the delinquent employee to be established, was firmly entrenched by the Constitution Bench in the jurisprudence relating to proceedings initiated for disciplinary action for misconduct. This valuable right applies uniformly, regardless of who the employer is (Government, public or private) and regardless of what the rules governing the service ordain. Even if the rules are silent or do not require furnishing of the enquiry report, the same has to be furnished, Additionally, the report must be furnished to the employee even without a request, as it forms an integral part of ensuring a fair and reasonable opportunity to defend against the charges. By not furnishing the report, an employer cannot scuttle the rights of the delinquent employee.”



12. Ram Prakash Singh (Supra) also considered not only the law applicable on the subject but also, the statutory rules governing the disciplinary proceedings of the delinquent concerned. In answering such issue as noted in the previous two paragraphs, **Ram Prakash Singh (Supra)** is of the following view :

“60. We, thus, hold while answering the third issue that there has been blatant disregard by the appellant of not only principles of natural justice and the judicial command in B. Karunakar (supra) by not furnishing the enquiry report but also by not following the applicable statutory rule. The enquiry, therefore, stands wholly vitiated.”

13. Ram Lal (Supra) also considered the factum of acquittal in criminal proceedings. It is of the view that, a writ Court's power to review the order of disciplinary authority is very limited. It is also of the view that, mere acquittal by a criminal Court will not confer on the employee a right to claim any benefit including reinstatement. However, where charges in the departmental inquiry and criminal Court are identical and similar and if the evidence, witnesses and circumstances are one and the same, then, the matter acquires a different dimension. A Court will be entitled to exercise its discretion and grant relief, if it concludes, allowing the findings and the disciplinary proceeding to stand will be unfair, unjust and oppressive. However, each case will turn on its own facts.



14. In the facts and circumstances of the present case, admittedly, inquiry report was not furnished to the workman concerned. Labour Court found in favour of the workman on such issue. Writ Court, concurred with the finding of the Labour Court. No material is placed before us to take a divergent view than the concurring view of the learned Single Judge on this aspect.

15. Criminal case as against the delinquent resulted in an acquittal. Since the entire departmental proceeding is vitiated otherwise, the question of entering into such arena in the facts and circumstances of the present case is not required.

16. We are now left the issue of quantum of compensation as the learned Single Judge awarded as also the date of reinstatement.

17. Learned advocate appearing for the workman relies upon **1980 Volume 4 Supreme Court Cases 443 (Surender Kumar Verma – vs. – The Central Government Industrial Tribunal-cum-Labour Court, New Delhi and another)** and a judgment and order dated June 14, 2024 passed in **WPA/241/2019 (The Executive Engineer, North Andaman Construction Division vs. Smti. Rekha Nair and Others)** on the issue of reinstatement and compensation.

18. **Surendra Kumar Verma (Supra)** held that there is a discretion to grant relief other than reinstatement in appropriate cases. In **Smti Rekha Nair and Others (supra)**, a discretionary relief



of Rs. 3 Lakh as compensation was granted to the employee after finding the termination to be wrongful.

19. In the facts and circumstances of the present case, learned Single Judge directed reinstatement from the date of the impugned judgment and order. In our view, reinstatement must be from the date of dismissal.

20. Therefore, we modify such direction of the learned Single Judge and direct reinstatement to be given effect to from the date of dismissal of the concerned workman.

21. So far as the quantum of compensation is concerned, we find that the learned Single Judge exercised discretion in awarding Rs. 50,000/- as compensation. There is no material before us to suggest that, the discretion so exercised is perverse. Workman also, did not place any materials before us to establish that he was not working between the date of his termination and the date of the award.

22. **MAT/55/2025** along with **MAT/49/2025** are disposed of without any order as to costs.

(DEBANGSU BASAK, J.)

23. I Agree.

(AJAY KUMAR GUPTA, J.)