

IN THE SUPREME COURT OF INDIA
CIVIL APPELLATE JURISDICTION

Civil Appeal No(s).12893/2026
@ SLP (C) No. 17918/2026

PUNJAB NATIONAL BANK

Appellant(s)

VERSUS

NIPUL CHANDRA DAS & ANR.

Respondent(s)

O R D E R

1. Leave granted.
2. Heard learned counsel for the parties.
3. This appeal impugns the judgment and order of the Gauhati High Court dated 13.02.2026 by which the Division Bench of the High Court set aside the order dated 16.10.2025 passed by the learned Single Judge in W.P. (C) No. 2291/2020 and restored the award dated 20.11.2019 passed by Central Government Industrial Tribunal-cum-Labour Court, Guwahati (for short, the Tribunal) in Reference Case No. 03/2019.
4. The first respondent, a class-IV employee in the appellant-bank, was proceeded for misconduct. In the domestic inquiry he was found guilty of the charges and was awarded the punishment of dismissal from service *vide* order dated

19.06.2017. Consequently, the respondent raised an industrial dispute which was referred for adjudication to the Tribunal, and was registered as Reference Case No. 03/2019.

5. The Tribunal framed multiple issues including the one as to whether the domestic inquiry against the workman was fair and proper.
6. The management filed its written statement claiming that domestic inquiry was initiated and conducted as per laid down procedure but failed to produce the relevant records of disciplinary proceedings and even failed to cross-examine the workman witness. In consequence, the Tribunal passed an award declaring the dismissal from service bad in law and the respondent-workman entitled to reinstatement with full back-wages.
7. Aggrieved by the award of the Tribunal, the appellant preferred a writ petition before the learned Single Judge of the High Court. The learned Single Judge *vide* order dated 16.10.2025 set aside the award passed by the Tribunal and remanded the matter to the Tribunal. The operative portion of the order passed by the learned Single Judge is found in paragraph 13 of its judgment, which is reproduced herein below:

"13. Accordingly, the instant writ petition stands disposed of with the following observations and directions

(i) The award dated 20.11.2019 passed in Reference Case No.3/2019 stands set aside and quashed.

(ii) The learned Central Government Industrial Tribunal-cum-Labour Court, Guwahati, Assam is directed to decide afresh the Reference Case No.3/2019 from the stage of providing opportunity to both the parties to adduce evidence.

(iii) Taking into account that both the parties are duly represented, they are directed to appear before the learned Central Government Industrial Tribunal-cum-Labour Court, Guwahati, on 01.12.2025.

(iv) The Registry of this Court is directed forthwith to remit the records to the learned Central Government Industrial Tribunal-cum-Labour Court, Guwahati, Assam so that the records are available on the next date.

(v) The observations and findings made in the present order shall not affect either of the parties in the proceedings before the learned Central Government Industrial Tribunal-cum-Labour Court, Guwahati, Assam."

8. The learned Single Judge set aside the order on the ground that the Tribunal though framed multiple issues did not deal properly with any of them. Besides having held the domestic inquiry to be vitiated for want of production of records relating thereto, the Tribunal ought to have given opportunity to the employer to prove the charges by leading evidence.
9. Aggrieved by the order of the learned Single Judge, the respondent-workman preferred an intra-court appeal before the Division Bench which came to be allowed by the impugned order. The Division Bench proceeded to allow the appeal

primarily on the ground that if the management had failed to even cross-examine the workman witness and produce records to substantiate its case, no further opportunity need be given to them. Accordingly, the order of the learned Single Judge was set aside, and the award was restored.

10. Assailing the order passed by the Division Bench, the learned counsel for the appellant submitted that once the Tribunal had framed the issue as to whether domestic inquiry against the workman was fair and proper, the same out to have been decided as a preliminary issue and if it was found that domestic inquiry was not proper, an opportunity to prove the charges ought to have been given to the management. In absence of such opportunity, the learned Single Judge was justified in setting aside the award and remanding the matter back to the Tribunal for a fresh consideration from the stage of allowing the parties to lead evidence.

11. *Per contra*, learned counsel for the respondent submitted that there was sufficient material produced from the side of the workman to indicate that the charges were *mala fide* and that there was no evidence to substantiate those charges. Besides, when after filing the written statement, the management had not participated in the proceedings, the

Tribunal had no option but to pass an award of reinstatement based on uncontroverted testimony of the workman.

12. We have accorded due consideration to the rival contentions and have perused the record.
13. The statement of claim preferred by the workman before the Tribunal reveals that the workman was served with a charge sheet and a domestic inquiry was held. Paragraphs 10 to 16 of the statement of claim are reproduced below:

"10. That the Workman had replied to the issued Charge Sheet dated 05.01.2017 denying the charges that the charges are totally fabricated, exaggerated, distorted and concocted. The argument with the Manager over running of Generator whole night has exaggerated unnecessarily to take revenge of some hidden activities of the Branch.... at 9.30 AM, no one was present in the Branch premises and the written statement given are under coercion, duress and Intimidation... an unblemished service record except this one...Considering the above arguments and his past unblemished record, he may kindly be exonerated from the alleged charges.

11. That the Opposite Party/Management, having not satisfied with the reply to the charge Sheet of the Applicant/Workman, appointed Enquiry Officer and Presenting Officer at their own choice without issuing prior notice to the Workman to collect a favourable Enquiry Report.

12. The Enquiry Officer conducted his enquiry with a preconceived attitude which is reflected in his Report. The Enquiry Officer did not analyze the document ME6 in his report. The ME 6 was documented by the Presenting Officer as a reply of ME5 which was not addressed to the Officer who issued order for explanation to the Workman. The Enquiry Officer failed to note it in his Report. Further, the Enquiry Officer did not enter into the cross

analysis of the filed documents between ME-5 and ME 4, ME 7, ME 8, ME 9, ME 10 and ME-11. The Enquiry Officer failed to notice/ record that placement of the documents before the Applicant/Workman is far from the date of forceful ouster and suspension from service. Even ignored the composition of ingredients of the Order for explanation (ME-5) and the Charge Sheet(Ex-1) findings/conclusion of the Enquiry Officer in regard to ME 4 is injudicious in absence of admission of the signatories in the proceeding.

13. That the Applicant/Workman had filed his objection against the Report of the Enquiry Officer as asked for by the Opposite Party/Management claiming that the EO has taken a biased and unjustifiable stand to prove the charges against the Applicant/Workman.

14. That the Opposite Party/Management had issued letter dated 31.05.2017 calling for a personal hearing of the Applicant/Workman on the matter of proposed punishment. In the said letter, the Opposite Party, while referred detail contents of all documents recorded in Enquiry proceeding, carefully avoided the detail narration of the documents marked as ME-5 and ME-6.

Further, the Opposite Party/Management had arrived at opinion without any conclusive findings of the Enquiry Officer that the Applicant/Workman is a habitual offender.

15. That in the personal hearing on 16.06.2017 at Bank's Head Office, Kolkata, the Applicant/Workman stated that the incident (occurred on 26.10.2016) was a spur of the moment reaction (resulted into argument)

16. That the submission of the Applicant/Workman made in personal hearing did not consider by the Opposite Party/Management and passed a final Order of Dismissal from service vide letter dated 19.06.2017 with retrospective effect of suspension dated 31.10.2016."

14. From a perusal of the statement of claim it appears an inquiry into the charges was held and documents were produced. Even personal hearing was afforded to the workman. In such a scenario, even if we assume that for some reason the inquiry was vitiated, the Tribunal ought to

have given opportunity to the employer to lead evidence to prove the charges.

15. It is settled that where inquiry is found vitiated for violation of principles of natural justice or for any other reason, the employer must get opportunity to justify the action before the Tribunal by leading evidence.¹ Admittedly, this procedure was not adopted. Therefore, the learned Single Judge was justified in setting aside the award and remanding the matter back to the Tribunal to carry out the proceedings from the stage where the fault had occurred.
16. In such circumstances, we are of the view that the Division Bench erred in law by setting aside the order passed by the learned Single Judge and restoring the award of the Tribunal.
17. Consequently, the appeal is allowed. The judgment and order of the Division Bench of the High Court is set aside. The order passed by the learned Single Judge is hereby restored.
18. It is made clear that we have not expressed any opinion on

1 1 Workmen v. Motipur Sugar Factory (P) Ltd., AIR 1965 SC 1803, paragraph 11; Workmen v. Firestone Tyre & Rubber Co. of India (P) Ltd. (1973) 1 SCC 813, paragraph 32 (4); State of Uttarakhand & Others v. Sureshwati, (2021) 3 SCC 108, paragraph 18.

the merits of the charges levelled against the respondent.

19. Pending application(s), if any, shall stand disposed of.

..... J
[MANOJ MISRA]

..... J
[VIJAY BISHNOI]

New Delhi;
September 16, 2026

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

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Respondent(s)

FOR ADMISSION

Date : 16-09-2026 This appeal was called on for hearing today.

CORAM HON'BLE MR. JUSTICE MANOJ MISRA
 HON'BLE MR. JUSTICE VIJAY BISHNOI

For Appellant(s) Mr. Rajesh Kumar Gautam, AOR
 Mr. Anant Gautam, Adv.
 Mr. Vibhu Sharma, Adv.
 Ms. Likivi K Jakhalu, Adv.
 Mr. Aman Gahlot, Adv.
 Mr. Isha Gaur, Adv.
 Mr. Rishi Chauhan, Adv.
 Ms. Azal Aekram, Adv.

For Respondent(s) Mr. Adarsh Kumar Tiwari, AOR
 Ms. Vartika Maurya,, Adv.
 Ms. Akanksha Raj Mishra,, Adv.
 Mr. Amritesh Anand,, Adv.
 Mr. Satyendra Kumar Chauhan,, Adv.
 Mr. Suresh Pandey,, Adv.

UPON hearing the counsel the Court made the following
O R D E R

1. Leave granted.
2. The appeal is allowed in terms of the signed order placed on the file.
3. Pending application(s), if any, shall stand disposed of.

(CHETAN ARORA)
ASTT. REGISTRAR-cum-PS

(SAPNA BANSAL)
COURT MASTER (NSH)