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सं. 46] नई दिल्ली, नवम्बर 10—नवम्बर 16, 2013, शनिवार/कार्तिक 19—कार्तिक 25, 1935
No. 46] NEW DELHI, NOVEMBER 10—NOVEMBER 16, 2013, SATURDAY/KARTIKA 19—KARTIKA 25, 1935

भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह पृथक संकलन के रूप में रखा जा सके
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड 3—उप-खण्ड (ii)
PART II—Section 3—Sub-section (ii)

भारत सरकार के मंत्रालयों (रक्षा मंत्रालय को छोड़कर) द्वारा जारी किए गए सांविधिक आदेश और अधिसूचनाएं
Statutory Orders and Notifications Issued by the Ministries of the Government of India
(Other than the Ministry of Defence)

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 12 नवम्बर, 2013

का.आ. 2363.—केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 2 के खण्ड (क) के अनुसरण में उक्त अधिनियम के अधीन गुजरात राज्य और दादर नगर हवेली संघ शासित क्षेत्र के भीतर गेल (इण्डिया) लिमिटेड की सभी पाइपलाइनों के लिये सक्षम अधिकारी के कार्यों का निर्वहन करने के लिये श्री गोर्धनभाई सोमाभाई वसावा, मामलातदार, गुजरात सरकार, को दिनांक 12-9-2013 से प्राधिकृत करती है। पहले प्राधिकृत सक्षम प्राधिकारी श्री आर. एम. चौधरी को निरस्त किया जाता है।

[फा. सं. एल-14014/30/'13-जी. पी.]
एस. पी. अग्रवाल, अवर सचिव

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 12th November, 2013

S.O. 2363.—In pursuance of clause (a) of Section 2 of the Petroleum and Mineral Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), Central Government hereby authorizes Shri Gordhanbhai Somabhai Vasava, Mamlatdar, Government of Gujarat to perform the functions of Competent Authority for all pipelines of GAIL (India) Limited, under the said Act, within the territory of Gujarat State & Dadra Nagar Haveli Union Territory w.e.f. 12-09-2013. Earlier notified Competent Authority Shri R. M. Chaudhari stands de-notified.

[F. No. L-14014/30/'13-G.P.]
S. P. AGARWAL, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 23 अक्टूबर, 2013

का.आ. 2364.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार टाटा स्टील लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ संख्या 83/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-2013 को प्राप्त हुआ था।

[सं. एल-20012/56/1998-आई आर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 23rd October, 2013

S.O. 2364.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 83/1999) of the Central Government Industrial Tribunal/Labour Court No. 2, Dhanbad, as shown in the Annexure in the Industrial Dispute between the management of M/s. Tata Steel Ltd. and their workmen, received by the Central Government on 23-10-2013.

[No. L-20012/56/1998-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No. 2 AT DHANBAD****Present :** SHRI KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 83 of 1999

Parties : Employer in relation to the management of Sijua Colliery of M/s. TISCO and their workmen.

APPEARANCES:

On behalf of the workman : Mr. D. Mukherjee,
Ld. Adv.

On behalf of the management : Mr. D. K. Verma,
Ld. Adv.

State : Jharkhand/Bihar

Industry : Coal

Dhanbad, Dated : the 24th April, 2013

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to the Tribunal for adjudication vide their order No. L-20012/56/98-IR (C-I), dt. 22/29-1-1999.

SCHEDULE

“Whether the action of the management of Sijua Colliery of M/s. TISCO in not providing employment to Smt. Sukumari Devi w/o Late Jagdish Nonia, Ex-Coal Dresser on compassionate ground, when her husband died while in service, merely on the technical ground taken by the management, as just to complete 15 years of service is justified? If not to what relief is she entitled?”

2. The case as sponsored by the Bihar Colliery Kamgar Union for petitioner Smt. Sukumari Devi is that her Late Jagdish Nonia had continuously been a permanent workman working as a Coal Dresser at Sijua Colliery of M/s. TISCO since 12-3-1976. Unfortunately, he died on 2-2-1990 during the tenure of his service. The petitioner represented before the management for providing her dependant employment as per the provision of the National Coal Wage Agreement (NCWA), the settlement implemented by the Opp./Management. But the Opp./Management at that time assured her of a favourable decision and advised her to wait patiently for it as her matter was referred to the Headquarter at Jamshedpur for decision. Having known of the falsehood of the assurance, She approached the Union for ventilating her grievance. Accordingly the Union raised the Industrial Dispute before the A.L.C.(C), Dhanbad for her employment as dependant wife of the workman. But at the various technical points of the Opp./Management in the conciliation proceeding about the Union as unrecognised and just completing of 15 years service of the workman, the Opp./Management refused to provide her employment as per provision of the NCWA and also on humanitarian ground. The failure of the conciliation proceeding resulted in the reference for an adjudication. The action of the Opp./Management was not only vindictive, anti-labour practice but illegal, arbitrary, unjustified and against the principle of natural justice.

3. The sponsoring Union in its rejoinder by specifically denying the allegations of the Opp./Management has stated that majority of the workmen are members of the Union. The anti-labour management recognised only a puppet Union. Since the management is signatory to the settlement, it is legally bound to accept the terms of Settlement, and to provide employment to the petitioner dependent of deceased workman. The

management has no such scheme to overtake or supercede the terms of settlement of NCWA. Any Award passed by a Tribunal is not binding upon the Tribunal, because any error of judgement cannot act as an estoppel for the Tribunal to pass a legal order. The question of seniority in the matter of employment to the dependant under the settlement of NCWA does not arise. The petitioner is not claiming for employment on compassionate ground, but as per her right accrued from the terms of settlement of NCWA.

4. Whereas with a challenge to legally maintainability of the reference, the Opp./Management has categorically denied the allegation of the petitioner, and stated that the Union has no locus standi to raise any industrial dispute of a person who is not a workman of any establishment. The workman named Jagdish Nonia was appointed on 12-3-1976, but he died on 2-2-1990 after completing of his 13 years 10 months service. As per the procedure for employment of dependant of the employee, a workman becomes eligible to get one of his dependants enrolled in the Employees' Dependant Register after completion of minimum 15 years of his service. The employment is provided to such dependant at the initial stage as a temporary worker against temporary vacancy and subsequent, he is taken on the permanent roll against permanent vacancies. The dependants are selected in order of seniority of the respective employees and the case of each and every employee is considered within the frame work of such guideline, No female employee is considered as dependant for the purpose of employment as the Company is having only underground mines, and no opencast working. According to the Company's procedure for enrolment and appointment of the dependants, the petitioner lady is not eligible nor qualified to the enrolled as a dependant, as her Late husband workman had not completed his 15 years of his service to get and dependant enrolled for future employment. There is no provision for providing employment on compassionate ground at the discretion of the management which is bound by the employment procedure which exists on the basis of negotiation between the management and the recognised union.

5. Further pleaded case of the Opp./Management is that the management has given the recognised union to decide the issue of dependant employment as per provisions of NCWA or as per existing procedure of employment followed by the Company. The recognised union disagreed for adoption of NCWA and consented for following the Company's procedure which was found to be more favourable to the workman as a whole. The NCWS itself have endorsed the views that the provision of NCWS will have no application to the employees of TISCO so far

as employments of dependants are concerned. None can demand for the employment of his dependant, as no such right exists for any party. The compassionate employment on the choice of some officers has not been adopted in the Company. All the employments of dependants are considered strictly according to the procedure of seniority as per general decision of the management and the recognised union. The sponsoring Union appears to be unaware of the procedure of employment of dependants followed in the establishment of the Company, so it has made out a case for compassionate employment without any basis. Moreover, the demand for compassionate employment six years after the death of workman is belated, though in normal cases where there is provision for employment of dependant on compassionate ground, such employments are regretted. The management can not concede to the petitioner lady's employment when there is no vacancy in the Company and large number of dependants are in the waiting list demanding for their absorption as temporary or permanent workman of the Company. The concerned lady is not entitled to any relief.

6. The Opp./Management in its rejoinder has stated the management of M/s. TISCO follows its own employment procedure duly approved by the recognised union and the JBCCI which incorporated a special clause in the NCWA itself.

FINDING WITH REASONING

7. In the instant case, WW1 Sheo Kumari Devi the petitioner on behalf of the Union, and MW1 Dinesh Kr. Sharma, Head Clerk for the Opp./Management have been examined.

Claiming deceased Jagdish Nonia, the Stone cutter at Sijua Colliery as her husband who died in the year 1990 as per his Death Certificate (dt. 3-2-1990 issued by the Medical Officer, TATA SIZUA DISPENSARY, Bhelatand, Dhansar-Ext.W.1) which mentions his death on 2-2-1990, WW1 Sheo Kumari Devi, the petitioner herself has stated that her late husband had nominated her his nominee as per the Nomination Form (Ext.W.2) to draw gratuity in case of his death. Her further statement is that in case of death of any workmen, the management provides employment to his legal heir on compassionate ground, even in cases where the workman died before completion of his 15 years of service, but the management refused her representation for her compassionate employment on the plea about non-completion of her husband's service for 15 years, though her claim for it is justified.

Whereas MW1 Dinesh Kr. Sharma, the Head Clerk, H.R. Deptt. Central Office, Jamadoba for the O.P./

Management has affirmed the status of workman Late Jagdish Nonia, initially appointed as Ex.M./Loader on 12-03-1976 and Ex-Coal Dresser as the employee of Sijua Colliery of M/s TISCO as per the copy of his service record (Ext.M.1) on formal proof waived), but he died in the year 1990 without completing 15 years of his service, and the petitioner was female. According to the MW1, as per the letter of the R.C.M.S. dt. 7-2-1981 (Ext.M.2) the implementation of NCWA II was to be kept intact their employment policy; and accordingly as per the photocopy of the Minutes dt. 16-3-1994 of the meeting held between both the parties (the Unions RCMSs and the Management) (Ext.M.3), the claim of the petitioners for employment is not justified, as the NCWA IV was enforced, to which the management was one of the signatories, and accordingly as per the agreement, only on completion of 15 years of service of the workmen, the workman of the management becomes eligible for their enrollment of his dependants; even on completion of 15 years of service of the deceased workman, his dependant was not given employment unless his/her name is enrolled in the Dependence Register of the Company; moreover the NCWA related to employment provision particularly was not applicable to the Company.

8. It has been submitted as per the written argument by Mr. D. Mukherjee, the Learned Advocate-cum-Union Representative for the female petitioner that in the face of admission of the Management witness (MW1 Dinesh Kr. Sharma) that the management was one of the signatories to NCWA, but the management has failed to prove the alleged settlement about the eligibility of workman to enroll the name of his dependant in the Dependant Register only on completion of his 15 years' of service. By underlining the decision of the Hon'ble Supreme Court in the case of Mohan Mahato Vs. M/s. Central Coal Fields Ltd. & Ors. reported in 2007 (115) FLR 427 (SC) (DB), Mr. Mukherjee has to submit that the N.C.W.A. (Here V) is a settlement within the meaning of Sec. 18 (3) of the I.D. Act, 1947 which provides for appointment of dependants of deceased employee working in Coal Mines. In that settlement applied for appointment on compassionate ground on the death of his father a Coal Mine Worker, who died in harness. Appellant's application in the first instance was turned down on the ground of his minority. It was held therein that turning down again of the appellant's application after his majority on the ground of same being beyond six months' period of limitation was not legally justified, said period of limitation mentioned in circular dt. 12-12-1995 was not statutory and same was not part of the original settlement, hence impugned judgement and order of the High Court was held unsustainable, and was set aside, directing to offer appointment to the appellant on a

suitable post within 8 months; and the appeal was allowed (Paras 2 to 6, 10, 11, 15, 16, 17 and 20); as such the petitioner is alleged to be entitled to employment in place of her deceased husband worker under the Opp./Management.

9. In quick response to it, Mr. D. K. Verma, the Learned Counsel for the Opp./Management has to contend that the present employment on compassionate ground under NCWA is not applicable to Tata Company which has its own employment procedure approved by the recognised union and the JBCCI, and that the Union has not dealt with the case in terms of the reference, so the female petitioner is not entitled to any relief.

10. On perusal and consideration of the materials as adduced by both the parties, I find the facts as under :

(i) The Union for the petitioner has utterly failed to bring relevant materials about the time of her representation for employment as well as her due identity for employment in place of her deceased husband who expired in harness as alleged under vague NCWA. Nothing brought as the records to show when the application for compassionate appointment was made expeditiously as the circumstances warranted to tide over immediate difficulties.

(ii) The Opp./Management of Tisco has its own provision/procedure quite independent of the NCWA, but subservient to the J.B.C.C.I.'s instructions about the employment for dependant of the deceased employee.

(iii) The petitioner could not get qualified for her employment on the ground that her deceased husband had completed only 13 years service less than 15 years, the minimum requisite to her enrolment for it, so her husband was quite ineligible for endorsement of his dependant wife in the Dependant Register of the Company, and the petitioner being female also stood not qualified for her employment as per the provision of the TISCO Management as per letter dt. 7-2-1981 of the Joint General secretary, the R.C.M.S. related to continue the existing employment Rule being more favourable, so to oversee the Implementation of NCWA II (Ext.M.2) as well as per the minutes (item 6) of the meeting held between the Unions of RCMS and the management on 10-02-94 at Jamadoba as per JMB/303/002331 dt. March 16, 1994 (Ext.M.3).

11. In view of the present scanty facts of the reference, the ratio decidendi of the aforesaid ruling being quick different appear to be inapplicable to the reference

case, so the argument of Mr. D. Mukherjee seems not plausible. Under this circumstances, it is hereby

ORDERED

Let the Award be and the same is passed that the action of the management of Sijua Colliery of M/s. TISCO in not providing employment to Smt. Sukumari Devi W/o Late Jagdish Nonia, Ex-Coal Dresser on compassionate ground, when her husband died while in service, merely on the technical ground taken by the management as just to complete 15 years of service is quite justified and legal as well. Hence she is not entitled to this employment, as employment on compassionate ground is merely a concession or exception to the general appointment in public, and it is not a vested right for it.

Let the copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and needful publication in the Gazette of India.

KISHORI RAM, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2013

का.आ. 2365.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 1, धनबाद के पंचाट (संदर्भ संख्या 71/1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-10-2013 को प्राप्त हुआ था।

[सं. एल-20012/98/1994-आई आर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 23rd October, 2013

S.O. 2365.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 71/1995) of the Central Government Industrial Tribunal/Labour Court No. 1, Dhanbad, as shown in the Annexure in the Industrial Dispute between the management of M/s. BCCL and their workman, received by the Central Government on 15-10-2013.

[No. L-20012/98/1994-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL No.1, DHANBAD

In the matter of reference U/S 10 (1) (d) (2A) of I. D. Act

Reference No. 71 of 1995

Employer in relation to the management of Barora Area
No.1 of M/s. BCCL.
and
their workman.

Present : Shri Ranjan Kumar Saran, Presiding Officer

APPEARANCES :

For the employers : None.

For the Workman : None.

State : Jharkhand Industry : Coal

Dated, 3-9-2013

AWARD

By order No. L-20012/98/94-IR (C-I), dt. 21-6-1995, the Central Government in the, Ministry of Labour has, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“Whether the union is justified in demanding revocation of penalty order dt. 20-4-92 Issued by the management against Shri Murli Beldar, Electrical Helper and also the payment of wages with other benefits for the period from 4-7-89 to 28-8-90 ? If so, to What relief the workman is entitled ?”

2. After receipt of the reference, both parties are noticed. The management counsel, and workman's representative appear. But subsequently, none appears on behalf of the parties. Therefore, it is felt that there is No Dispute between the parties. Hence a No Dispute Award is passed. Communicate to the Ministry.

R. K. SARAN, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2013

का.आ. 2366.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ

संख्या 4/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 21-10-2013 को प्राप्त हुआ था।

[सं. एल-20012/29/2010-आई आर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 23rd October, 2013

S.O. 2366.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 04/2011) of the Central Government Industrial Tribunal/Labour Court No. 2, Dhanbad, as shown in the Annexure in the Industrial Dispute between the management of Govindpur Area of M/s. BCCL and their workman, received by the Central Government on 23-10-2013.

[No. L-20012/29/2010-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No.2), AT DHANBAD

Present : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 04 of 2011

Parties : Employer in relation to the management of Jogidih Colliery of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the management : None

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 25th April, 2013

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/29/2010-IR (CM-I), dt. 24-1-2011.

SCHEDULE

“Whether the action of the management of Jogidih Colliery of M/s. BCCL in dismissing Sri Bhuneshwar

Mahato, M/Loader from the services of Company from 23-5-06 is fair and justified ? if not, to what relief the concerned workman is entitled ?”

2. Neither any Representative for Bihar Colliery Kamgar Union, Hirapur, Dhanbad, nor workman Bhuneshwar Mahato appeared nor any written statement filed on his behalf despite four Regd. notices which were issued to the Secretary of the said Union on its address noted in the Reference itself. Likewise none appeared for the Management of Govindpur Area of M/s. BCCL.

On perusal of the case record, it stands clear that the case has been all long pending since 25-4-2011 for filing written statement of the workman in the present case related to an issue about the dismissal of the workman from the service of the Company w.e.f. 23-5-2006. The Union Representative as well as the workman by his conduct appears to be uninterested in pursuing the case, as neither the Union nor the workman responded to the any of the four Regd. notices. Under these circumstances, proceeding with the case for uncertainty is unwarranted. Hence the case is closed as non-existent of the Industrial Dispute and accordingly an order is passed as such.

KISHORI RAM, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2013

का.आ. 2367.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 1, धनबाद के पंचाट (संदर्भ संख्या 49/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15-10-2013 को प्राप्त हुआ था।

[सं. एल-20012/72/2008-आई आर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 23rd October, 2013

S.O. 2367.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 49/2008) of the Central Government Industrial Tribunal/Labour Court No. 1, Dhanbad, as shown in the Annexure in the Industrial Dispute between the management of M/s. BCCL and their workman, received by the Central Government on 15-10-2013.

[No. L-20012/72/2008-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL No. 1, DHANBAD**

In the matter of reference U/S 10 (1) (d) (2A) of I. D. Act 1947

Reference No. 49 of 2008

Employer in relation to the management of E. J. Area
Bhowra of M/s. BCCL.
AND
their workman.

Present : Sri Ranjan Kumar Saran, Presiding Officer**APPEARANCES:**

For the employers : Sri U. N. Lal, Advocate

For the Workman : Sri U.P. Sinha, Advocate

State : Jharkhand Industry : Coal

Dated, 4-9-2013

AWARD

By order No. L-20012/72/2008-IR (C-I), dt. 14-10-2008, the Central Government in the Ministry of Labour has, in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal :

SCHEDULE

“(i) Whether the action of the management of E.J. Area Bhowra of M/s. BCCL in denying payment of Coalfield Allowance to the non-executives as paid to the executives is justified and legal ?” (ii) if not, to what reliefs are the concerned workmen of BCCL entitled?”

2. After receipt of the reference, both parties are noticed. The management counsel, and workman's union appeared for some years. Finally the union secretary files an application that there is no dispute between the parties. Hence a no dispute Award is passed. Communicate to the Ministry.

R. K. SARAN, Presiding Officer

नई दिल्ली, 23 अक्टूबर, 2013

का.आ. 2368.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ संख्या

13/2008) को प्रकाशित करती है, जो केन्द्रीय सरकार को 23-10-2013 को प्राप्त हुआ था।

[सं. एल-20012/17/2008-आई आर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 23rd October, 2013

S.O. 2368.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 13/2008) of the Central Government Industrial Tribunal/Labour Court No. 2, Dhanbad, as shown in the Annexure in the Industrial Dispute between the management of M/s. BCCL and their workman, received by the Central Government on 23-10-2013.

[No. L-20012/17/2008-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD****Present :** Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 13 of 2008

Parties : Employer in relation to the management of
Lodna Area of M/s. BCCL and their
workman.

APPEARANCES:

On behalf of the workman : Mr. S. C. Gaur, Ld. Adv.

On behalf of the management : Mr. S.N. Ghosh, Ld. Adv.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 4th April, 2013

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/17/2008-IR (CM-I), dt. 28-1-2008.

SCHEDULE

“Whether the action of the management of
Jayrampur Colliery of M/s. BCCL in superannuating

Smt. Sobu Bourin, General Mazdoor w.e.f. 30-6-2006 is justified and legal ? if not, to what relief is the concerned workman entitled ?”

2. Mr. S. C. Gaur, the Ld. Advocate for the Rastriya Colliery Mazdoor Congress, Dhanbad/Petitioner Smt. Sobu Bourin is not present nor any witness for the evidence of the petitioner produced despite three Regd. notices issued to the Union on its address as noted in the Reference itself. Mr. S. N. Ghosh, the Ld. Advocate for the management is present.

From the perusal of the case record, it stands clear that the case has been pending for the evidence of the petitioner since 25-7-2012, for which three Regd. notices were duly issued to the Union Representative for the petitioner, even then neither the Union Representative nor the petitioner responded to any of the Regd. notices of the Tribunal. Thus it shows the conducts of the Representative/Union and the petitioner, as it appears, that they are not interested in contesting the case which is related to an issue of superannuation of the petitioner as General Mazdoor w.e.f. 30-6-2006.

In view of the aforesaid non-response of the Union representative nor production of witness for the petitioner, the case is closed and accordingly it is held that the industrial dispute no longer exists; hence and award is passed no dispute.

KISHORI RAM, Presiding Officer

नई दिल्ली, 24 अक्टूबर, 2013

का.आ. 2369.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ संख्या 21/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-10-2013 को प्राप्त हुआ था।

[सं. एल-20012/101/2011-आई आर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 24th October, 2013

S.O. 2369.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2012) of the Central Government Industrial Tribunal/Labour Court No. 2, Dhanbad, as shown in the Annexure in the Industrial Dispute between the management of Govindpur Area of M/s. BCCL, PO : Sonardih and their

workman, received by the Central Government on 24-10-2013.

[No.L-20012/101/2011-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

Present : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 21 of 2012

Parties : Employer in relation to the management of Katras Area of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workman : None

On behalf of the management : None

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 11th April, 2013

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to the Tribunal for adjudication vide their order No.L-20012/101/2011-IR (CM-I), dt. 14-3-2012.

SCHEDULE

“Whether the action of the management of Ena Fire Project under Kustore Area of M/s. BCCL in not regularizing/promoting Sh. Prakash Sengupta, Foreman in Gr. B, w.e.f. 2000 and in Gr. A w.e.f. 2008 is fair and justified ? To what relief the workman concerned is entitled to?”

2. Neither any Representative for Bihar Colliery Kamgar Union, Dhanbad, nor workman Prakash Sengupta appeared nor written statement on their behalf filed. Likewise none appeared for the G. M., Kustore Area of M/s. BCCL.

Perused the case record, it is clear from it that the case has been pending from the very beginning since 31-5-2012, for filing written statement on behalf of the Union/workman in the present Reference relating to an

issue of non-regularisation promotion of the said workman, Foreman in Gr. B, w.e.f. 2000 and in Gr. A. w.e.f., 2008. Despite four Regd. notices upto 1st Jan., 2013 to both the parties on their addresses noted in the Reference itself, neither the Union Representative nor the workman, in particular, took care of it for their appearance and their liability of filing the written statement of the workman in this case. The Union Representative and workman Parkash Sengupta by their conduct appeared to be not willing to proceed with the case. Hence, the case is closed, as no Industrial Dispute exists. Accordingly an Order is passed for non existence of the Industrial Dispute as referred.

KISHORI RAM, Presiding Officer

नई दिल्ली, 24 अक्टूबर, 2013

का.आ. 2370.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सी. एम. पी. डी. आई., रांची के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ संख्या 103/93) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-10-2013 को प्राप्त हुआ था।

[सं. एल-20012/22/93-आई आर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 24th October, 2013

S.O. 2370.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 103/93) of the Central Government Industrial Tribunal/Labour Court No. 2, Dhanbad, as shown in the Annexure in the Industrial Dispute between the management of C M P D I, Ranchi and their workman, received by the Central Government on 24-10-2013.

[No.L-20012/22/93-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No.2), AT DHANBAD

Present : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 103 of 1993

Parties : Employer in relation to the management of CMPDI, Ranchi and their workmen.

APPEARANCES :

On behalf of the workman : None

On behalf of the management : Mr. T. N. Choubey, Ld. Adv.

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 8th March, 2013

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/22/93-IR (Coal-I), dt. 5/16-7-1993.

SCHEDULE

“Whether the action of the management of M/s Central Mine Planning and Design Institute Ltd., Ranchi in terminating the services of S/Shri Dilip Kumar Singh, Raj Kumar Ram, Bijay Shankar Ojha, Ramdeo Mahato, Suresh Mahato, Paras Nath Mahato, Shiveshwar Mahato, Sukhdeo Mahato and Khutuk Lehar, w.e.f. 1-7-1992 without paying them notice pay in lieu of notice of one month and retrenchment compensation after employing them for more than one year continuously in violation of Sec. 25-F of I. D. Act, 1947 is justified ? If not, to what relief the workmen are entitled ?”

2. Shown of unnecessary details in the larger written statement with a lot of rulings referred beyond the ambit of the pleading Rules, the case of the sponsoring union Jharkhand Colliery Mazdoor Union for workmen S/Shri Dilip Kumar Singh & eight others is that the Central Mine Planning and Design Institute Ltd., (to be referred as CMPDI) having its Head Quarter at Ranchi is the employer with its various subsidiary Units throughout India. It is Industrial Establishment u/s 2(e) of the Industrial Establishment (Standing Order) Act, 1946, and Sec. 2 (Ka) of the Industrial Dispute Act, 1947. It is a body constituent to and controlled by the Coal India Ltd. which has its second subsidiaries including CMPDI under the Government of India as its sole agency for management of entire Coal Mining Industry and Coal Mines owned by the Central Government after the Coal Mines (Nationalisation) Act 1973. The workmen related to Coal India Ltd. and its subsidiaries including CMPDI are governed under the same wage structure and service conditions determined by the J.B.C.C.I strictly as per guide-lines issued by the Government of India from time to time.

All the nine workers were initially posted in the CMPDI, Hydrogeological Camp, Rajmahal Area at Lalmatia,

P.O. same district Godda after their respective direct employment by the CMPDI for the jobs of perennial nature incidental to the main activity of the industry as mentioned in the Annexure to their Written Statement (para 7 as well). All the nine workmen were employed on Muster Roll, and paid daily wages at the Company's rate until their illegal retrenchment on 1-7-1992, though they all along remained in their respective continuous and regular services for more than five years since their employment (in the years 1986-1989). They got their wages as per National Coal wage Agreement III, though depriving of their wage revision and its benefits as per NCWA IV. Each of the workmen had actually worked not less than 240 days in a year.

3. Further case of the Union concerned is that not any breach of discipline or misconduct was ever on their part, even then the workmen were abruptly but orally terminated by the management of CMPDI w.e.f. 1-7-1992 without any reason still unknown to them. Their termination of services in lack of its written or oral communication amounts retrenchment to u/s 2(oo) of the I. D Act . The employees being directly employed by their employer CMPDI were workmen as defined u/s 2(5) of the act as also under clause 2.10 of its Certified standing Order to which they can not be classified as Apprentice, Badli or even Casual. The undisclosed of their status by the management is its unfair labour practice of their exploitation Besides that their was no surplus age in the Department of the CMPDI on 1-3-1993 for its Budget Estimate for 1993-94 detailed in para 76 of the written statement, and so the termination of the workmen also stands beyond the point of surplus age. Their retrenchment is illegal u/s 25 H of the Act. Thus the action of the management of CMPDI, Ranchi, in terminating them without a notice or payment of their wages and retrenchment compensation after employing them for more than one year continuously in violation of Sec. 25 F and B of the Act was unconstitutional, unjustified and grossly unfair, so is liable to set aside, and they should be reinstated with full backwages.

No rejoinder filed by the Union to the Written statement-rejoinder of the management in the case.

4. Whereas in challenge to it, the case of the CMPDI Management with categorical denials is that the management is a registered Company under the Bihar Shops and Establishment Act 1953 with its Registration No. 13798/Ranchi, and it has already applied for renewal of the Certificate of Registration for the year 1993. The persons in question, were never employed in any capacity rather they were engaged on contractual basis. Hence they can not assume the capacity of workmen of the Company. On being engaged on contractual basis, they were paid for their pro rata and quantum performed work, but not on the

basis of their attendances. so there was no question of either any supervision or any relationship of employer-employee or master-servant.

The establishment of the management is neither the owner of any mine nor runs any coal mine nor produces coal, coke or other derivatives as done in an 'controlled Industry' notified by the Labour Ministry, Government of India. Thus it does not come under the purview of the Central Government as under the Industrial Dispute Act. When the persons under the reference have been engaged on contractual basis, their claim to be workmen of the Company in lack of any thing on the record about their employment can neither exist nor be acceptable. The Certified Standing Order prior to or on and its existence w.e.f. 7-8-91 containing the classification of workmen as (a) Apprentice (b) Badli or substitute (c) casual (d) Permanent (e) Probation and (f) Temporary does not provide any scope for engagement of the persons on contractual basis to assume the status of workmen the persons in issue are not the workmen of the Company in any circumstances, rather they are seeking employment with the CMPDIL.

5. Further case of the OP/Management is that the CMPDIL being a Government Company under Sec. 617 of the Companies act, has to abide by the provision of Employment Exchange (Compulsory Notification of Vacancies) Act for selection from amongst the candidates sponsored by the Employment Exchange in case of any permanent vacancy. An absorption of any such employment seekers in the Company who were exclusively engaged on contractual basis, would be infringement of the Fundamental Rights under Article 14 and 16 of the Indian Constitution in matter of Equality before law and Equality of Opportunity in Public employment. It is settled law for regularisation merely on completion of 240 days of service against the public interest, so it was directed for employment based on registration with Employment Exchange, and if qualified. As such the contractual persons as contrasted with the regular and legally employed employees of the Company can not claim for their regularisation, as the latter work under the supervision and control of the Company as per disciplinary rules of their performance, but the former are beyond of it.

6. The OP/Management in its rejoinder has pleaded that the JBCCI applies to the workmen employed in the Coal India Ltd., its subsidiaries their wage structure and service conditions. The persons in issue were not offered any employment as alleged. Since they were not the workmen of the Company, no question of any retrenchment or of their continuous service arises even in view of their contractual engagement. The persons were engaged on contractual basis, and were paid their contractual payment

based on quantum of job, but, they, were never offered any status of workmen as classified under the Certified standing Order. Similarly, in view of their contractual workers, who were off loaded with some miscellaneous work, no question of the nature of their aforesaid contractual job as perennial, regular incidental to or connected with the main activity of the establishment of the Company arises, nor in respect of any alleged unfair labour practice. The Rules 76, 77, 78 and 78B of the Contract Labour (R&A) Central Rules stipulate the issuance of employment card, of service certificate obtaining signature/thumb impression and issuance of wage slip all by the contractor. In this case, every person in issue, had virtually worked as an individual contractor. The management nowhere worked as a contractor for these individual contract labourers so no licensing arises. The Contract Labour (R & A) Act is applicable to the establishment where 20 or more workmen are employed. There was neither any 'Lay Off' in lack of employment nor any closure/lockout. There was termination of contractual engagement on completion of their respective work. The Company maintains the seniority of its workmen existing on its regular roll.

FINDING WITH REASONING

7. In this instant oldest case, I find that despite more than reasonable and sufficient time, the sponsoring union namely Jharkhand Colliery Mazdoor Union failed to produce, or to examine any witness for any of the workmen Dilip Kumar Singh and eight others as noted in the Schedule to the Reference in support of their case even upto 13.2. 2002. But MWI A. K. Jain, the Sr. Hydrogeologist-cum- Officer-incharge of the Management C. M. P. D. I. L. Lalmatia Hydrogeological Camp, has been examined on behalf of the management. The sponsoring union even after giving ample opportunities did not appear for cross examination for a long time, and at last the case came up for the stage of hearing argument.

According to the statement of MWI A. K. Jain, the concerned workmen were not the employees of the management, rather they were deployed by the management to work on contractual basis on need based as the management used to engage for some allied works related to drilling project and they were paid their wages on vouchers based on their job performance and on contractual rate. The management witness has clearly established the project, which was a time bound one, lasted from 1984 to 1989, after which was permanently closed; as such the demand of the workman was not justified. Under these circumstances, it stands clear that the sponsoring union could not make out the case of the workmen. whereas the management has proved that the workmen Dilip Kumar Singh and eight others were temporarily contractual labour of the management for the drilling project which was permanently closed after the completion of the work in the

1989, and they were not the employees of the management, so their demand was not justified. Hence it is held that the question :

"Whether the action of management of M/s. Central Mine Planning and Design Institute Ltd Ranchi in terminating the services of S/Shri Dilip Kumar Singh, Raj Kumar Ram, Vijay Shankar Ojha, Ramdeo Mahato, Suresh Mahato, Paras Nath Mahato, Shiveshwar Mahato, Sukhdeo Mahato and Khutuk Lehar w.e.f. 1-7-92 without paying them notice pay in lieu of notice of one month and retrenchment compensation after employing them for more than one year continuously in violation of Sec. 25-F of I.D. Act, 1947 as justified or unjustified does not arise, because there were only contractual labourers intermittently for temporary period. Therefore any of the workmen is not entitled to any relief. And accordingly it is awarded.

KISHORI RAM, Presiding Officer

नई दिल्ली, 24 अक्टूबर, 2013

का.आ. 2371.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ संख्या 24/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-10-2013 को प्राप्त हुआ था।

[सं. एल-20012/106/2011-आई आर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 24th October, 2013

S.O. 2371.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 24/2012) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad, as shown in the Annexure in the Industrial Dispute between the management of Govindpur Area of M/s. BCCL and their workman, received by the Central Government on 23-10-2013.

[No. L-20012/106/2011-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD

Present : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section
10(1)(d) of the I.D. Act, 1947

Reference No. 24 of 2011

नई दिल्ली, 24 अक्टूबर, 2013

Parties : Employer in relation to the management of Kustore Area of M/s. BCCL and their workman.

APPEARANCES:

On behalf of the workman : None

On behalf of the management : None

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 13th March, 2013

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their order No. L-20012/106/2011-IR (CM-I), dt. 17-2-2012.

SCHEDULE

“Whether the action of the management of ROCP under Kustore Area of M/s. BCCL in not paying Rs. 60,000 towards Life Cover Scheme amount as per NCWA-VIII to Sri Kartik Bhuia, dependant son of Late Kunti Bhuini is fair and justified ? To what relief Sri Kartik Bhuia, dependant son of Late Kunti Bhuini is entitled ?”

2. Neither any Representative for the National Coal Workers' Congress, Hirapur, Dhanbad, nor petitioner Kartik Bhuia, dependant son of Late Kunti Bhuini appeared nor any written statement filed on his behalf. Likewise none appeared for the management of Kustore Area of M/s. BCCL.

From the perusal of the case record, it is clear that the case has been pending from beginning for filing a written statement on behalf of the petitioner, for which three Regd. notices were issued to the General Secretary of the aforesaid Union on his address noted in the Reference, yet no response whatsoever from any of them. The Union Representative and the petitioner Kartik Bhuia by their conduct appeared to be unwilling to contest the case related to the claim for the payment of certain amount of money towards the Life Cover Scheme as per the NCWA-VIII.

In view of the aforesaid situation, the case is closed : accordingly an order of no industrial dispute existent is passed.

KISHORI RAM, Presiding Officer

का.आ. 2372.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ संख्या 254/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-10-2013 को प्राप्त हुआ था।

[सं. एल-20012/286/2001-आई आर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 24th October, 2013

S.O. 2372.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 254/2001) of the Central Government Industrial Tribunal/Labour Court No. 2, Dhanbad, as shown in the Annexure in the Industrial Dispute between the management of M/s. BCCL and their workman, received by the Central Government on 24-10-2013.

[No. L-20012/286/2001-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD**

Present : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 254 of 2001

Parties : Employer in relation to the management of East Katras Colliery of M/s. BCCL and their workmen.

APPEARANCES:

On behalf of the workman : None

On behalf of the management : Mr. D. K. Verma, Ld. Adv.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 19th March, 2013

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to the Tribunal for adjudication vide their order No. L-20012/286/2001-IR (C-I), dt. 18-9-2001.

SCHEDULE

“Whether the action of the management of East Katras Colliery of M/s. BCCL in dismissing Sri Raghu Das from the services of the company w.e.f. 11-4-88 is justified ? If not, to what relief is the workman entitled ?”

2. No Union Representative nor workman Raghu Das appeared, but Mr. D. K. Verma, the Learned Advocate for the management is present yet no witness on behalf of the management for evidence at the preliminary point has been produced.

Perused the case record. It stands clear that the Union Representative or the workman concerned appeared to have already left to represent in this case since 27-4-2011, meanwhile it has been running for the evidence of the management on preliminary point.

Under these circumstances of none representation from the side of the Union Representative as well as the workman, proceeding with the case for uncertainty is unwarranted. The Union Representative and the workman appeared to be not interested in contesting the case. Hence, the case is closed : accordingly an order of no industrial dispute existent is passed.

KISHORI RAM, Presiding Officer

नई दिल्ली, 24 अक्टूबर, 2013

का.आ. 2373.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बी सी सी एल के प्रबंधन के संबंध में निर्योक्त औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, नं. 2, धनबाद के पंचाट (संदर्भ संख्या 296/2001) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24-10-2013 को प्राप्त हुआ था।

[सं. एल-20012/340/2000-आई आर (सी-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 24th October, 2013

S.O. 2373.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 296/

2001) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad, as shown in the Annexure in the Industrial Dispute between the management of M/s. BCCL and their workmen, received by the Central Government on 24-10-2013.

[No. L-20012/340/2000-IR (C-I)]

M. K. SINGH, Section Officer

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT
INDUSTRIAL TRIBUNAL (No. 2), AT DHANBAD**

Present : Shri KISHORI RAM, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 296 of 2001

Parties : Employer in relation to the management of Sudamdih Coal Washery of M/s. BCCL and their workmen.

APPEARANCES :

On behalf of the workman : None

On behalf of the management : Mr. U. N. Lal, Ld.
Adv.

State : Jharkhand Industry : Coal

Dated, Dhanbad, the 19th March, 2013

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to the Tribunal for adjudication vide their order No. L-20012/340/2000-IR (C-I), dt. 7-11-2001.

SCHEDULE

“1. Whether the demand of Bihar Colliery Kamgar Union for payment of LTC/ LLTC is proper and justified? If not, to what relief the workmen entitled ?”

2. Whether the action of Sudamdih Coal Washery of deducting wages from the salary of the concerned workmen for the period January, 1991 to Sept., 1991 and not depositing the same in the account and not depositing the same in Provident Fund Office and paying the concerned workmen the wages is justified ? If not, what relief the concerned workman entitled and what amount.

3. Whether the action of the management of Sudamdih Coal Washery of M/s BCCL of not regularising Rameshwar Dusad in pay Loader Category 'C' is legal and justified? If not, to what relief the concerned workman entitled ?”

2. No Union Representative nor any workman Rameshwar Dusadh appeared nor any witness for the evidence of the workman produced despite ample opportunities for it and three Regd. notices having been issued to the Regional Secretary, Bihar Colliery Kamgar Union, Sudamdih Area, Dhanbad on his address noted in

the Reference. But Mr. U. N. Lal, the Ld. Advocate for the management is present.

Perused the case record. It transpires that the case has been pending for the evidence of the workman since 31-1-2006. The Union Representative and the workman concerned by their own conduct appear to be uninterested or unwilling to contest the case. Proceeding with the present Reference for uncertainty is unwarranted.

Under these circumstances, the case is closed as non existent of the Industrial Dispute ; accordingly an Award of No Dispute is passed.

KISHORI RAM, Presiding Officer