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इस 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)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2327.—केन्द्र सरकार एतद्द्वारा दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री रतनलाल छनालाल कोडेकर, अधिवक्ता को अहमदाबाद (गुजरात) स्थित सत्र सं. 1 एवं 2 न्यायालय में दिल्ली विशेष पुलिस स्थापना द्वारा संस्थापित आरसी. 3(एस)/2011/एससी.III/नई दिल्ली (सादिक जमाल मुठभेड़ मामला) एवं आरसी. 5(एस)/2011/एससीबी/मुम्बई (इशरत जहां मुठभेड़ मामला) मामलों का अभियोजन संचालन करने तथा विधि द्वारा संस्थापित अपील या पुनरीक्षण न्यायालयों में उन मामलों से उत्पन्न प्रासंगिक अन्य मामलों में अपील, पुनरीक्षण हेतु विशेष लोक अभियोजक के रूप में उनके द्वारा कार्यभार संभालने की तारीख से तीन वर्षों की अवधि तक अथवा काउंसेल को सौंपे गए मामलों के निपटान तक, जो भी पहले हो, नियुक्त करती है।

[फा. सं. 225/25/2015-एवीडी-II]

मो. नदीम, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS**(Department of Personnel and Training)**

New Delhi, the 17th December, 2015

S.O. 2327.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Ratanlal Chhanalal Kodekar, Advocate as Special Public Prosecutor for conducting prosecution of cases in RC. 3(S)/2011/SC.III/New Delhi (Sadiq Jamal Encounter Case) and RC. 5(S)/2011/SCB/Mumbai (Ishrat Jahan Encounter Case) instituted by the Delhi Special Police Establishment in the Court of Sessions No. 1 and 2 at Ahmedabad (Gujarat), appeals, revisions or other matters arising out of these cases in appellate or revisional courts establishment by law, for a period of three years from the date of engagement of disposal of the cases entrusted to the said Counsel, whichever is earlier.

[F. No. 225/25/2015-AVD-II]

Md. NADEEM, Under Secy.

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2328.—केन्द्र सरकार एतद्द्वारा दंड प्रक्रिया संहिता, 1973 (1974 का 2) की धारा 24 की उप-धारा (8) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, श्री रतनलाल छनालाल कोडेकर, अधिवक्ता को अहमदाबाद (गुजरात) स्थित सत्र सं. 1 एवं 2 न्यायालय में दिल्ली विशेष पुलिस स्थापना द्वारा संस्थापित आरसी. 3(एस)/2011/एससी.III/नई दिल्ली (सादिक जमाल मुठभेड़ मामला) एवं आरसी. 5(एस)/2011/एससीबी/मुम्बई (इशरात जहां मुठभेड़ मामला) मामलों का अभियोजन संचालन करने तथा विधि द्वारा संस्थापित अपील या पुनरीक्षण न्यायालयों में उन मामलों से उत्पन्न प्रासंगिक अन्य मामलों में अपील, पुनरीक्षण हेतु विशेष लोक अभियोजक के रूप में उनके द्वारा कार्यभार संभालने की तारीख से तीन वर्षों की अवधि तक अथवा काउंसेल को सौंपे गए मामलों के निपटान तक, जो भी पहले हो, नियुक्त करती है।

[फा. सं. 225/25/2015-एवीडी-II]

मो. नदीम, अवर सचिव

New Delhi, the 17th December, 2015

S.O. 2328.—In exercise of the powers conferred by sub-section (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri Ratanlal Chhanalal Kodekar, Advocate as Special Public Prosecutor for conducting prosecution of cases in RC. 3(S)/2011/SC.III/New Delhi (Sadiq Jamal Encounter Case) and RC. 5(S)/2011/SCB/Mumbai (Ishrat Jahan Encounter Case) instituted by the Delhi Special Police Establishment in the Court of Sessions No. 1 and 2 at Ahmedabad (Gujarat), appeals, revisions or other matters arising out of these cases in appellate or revisional courts establishment by law, for a period of three years from the date of engagement of disposal of the cases entrusted to the said Counsel, whichever is earlier.

[F. No. 225/25/2015-AVD-II]

Md. NADEEM, Under Secy.

मानव संसाधन विकास मंत्रालय**(उच्चतर शिक्षा विभाग)****(राजभाषा यूनिट)**

नई दिल्ली, 14 दिसम्बर, 2015

का.आ. 2329.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम 4 के अनुसरण में, मानव संसाधन विकास मंत्रालय (उच्चतर शिक्षा विभाग और स्कूल शिक्षा एवं साक्षरता विभाग) के अंतर्गत निम्नलिखित कार्यालयों को, ऐसे कार्यालयों के रूप में, जिनके 80 प्रतिशत से अधिक कर्मचारी-वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:-

1. भारतीय उच्च अध्ययन संस्थान,
राष्ट्रपति निवास,
शिमला-171005
2. नवोदय विद्यालय समिति के अंतर्गत आने वाले निम्नलिखित 78 विद्यालय

1.	जवाहर नवोदय विद्यालय औरैया, उत्तर प्रदेश-206244
2.	जवाहर नवोदय विद्यालय बाराबंकी, उत्तर प्रदेश-225126
3.	जवाहर नवोदय विद्यालय बस्ती, उत्तर प्रदेश-272151
4.	जवाहर नवोदय विद्यालय चंदौली, उत्तर प्रदेश-232107
5.	जवाहर नवोदय विद्यालय फतेहपुर, उत्तर प्रदेश-212635
6.	जवाहर नवोदय विद्यालय हमीरपुर, उत्तर प्रदेश-210431
7.	जवाहर नवोदय विद्यालय कन्नौज, उत्तर प्रदेश-209733
8.	जवाहर नवोदय विद्यालय कौशाम्बी, उत्तर प्रदेश-212207
9.	जवाहर नवोदय विद्यालय मुरादाबाद, उत्तर प्रदेश-244601
10.	जवाहर नवोदय विद्यालय रायबरेली, उत्तर प्रदेश-229306
11.	जवाहर नवोदय विद्यालय शाहजहापुर, उत्तर प्रदेश-242306
12.	जवाहर नवोदय विद्यालय श्रावस्ती, उत्तर प्रदेश-271831
13.	जवाहर नवोदय विद्यालय सोनभद्र, उत्तर प्रदेश-231216
14.	जवाहर नवोदय विद्यालय देहरादून, उत्तराखंड-248197
15.	जवाहर नवोदय विद्यालय नैनीताल, उत्तराखंड-263135
16.	जवाहर नवोदय विद्यालय पौड़ी, उत्तराखंड-246193
17.	जवाहर नवोदय विद्यालय पिथौरागढ़, उत्तराखंड-262530
18.	जवाहर नवोदय विद्यालय रुद्रप्रयाग, उत्तराखंड-246439
19.	जवाहर नवोदय विद्यालय अरवाल, बिहार-804401
20.	जवाहर नवोदय विद्यालय बक्सर, बिहार-802129
21.	जवाहर नवोदय विद्यालय पूर्वी चंपारण, बिहार-845429
22.	जवाहर नवोदय विद्यालय गया, बिहार-805236
23.	जवाहर नवोदय विद्यालय खगरिया, बिहार-851201
24.	जवाहर नवोदय विद्यालय लखीसराय, बिहार-811202
25.	जवाहर नवोदय विद्यालय मधेपुरा, बिहार-852126
26.	जवाहर नवोदय विद्यालय नवादा, बिहार-805124
27.	जवाहर नवोदय विद्यालय रोहतास, बिहार-821305
28.	जवाहर नवोदय विद्यालय सिवान, बिहार-841226
29.	जवाहर नवोदय विद्यालय शिवहर, बिहार-843329

30.	जवाहर नवोदय विद्यालय वैशाली, बिहार-844126
31.	जवाहर नवोदय विद्यालय देवघर, झारखंड-814142
32.	जवाहर नवोदय विद्यालय धनबाद, झारखंड-828207
33.	जवाहर नवोदय विद्यालय दुमका, झारखंड-814145
34.	जवाहर नवोदय विद्यालय गोड्डा, झारखंड-814165
35.	जवाहर नवोदय विद्यालय कोडरमा, झारखंड-825410
36.	जवाहर नवोदय विद्यालय पाकुर- I, झारखंड-816107
37.	जवाहर नवोदय विद्यालय पूर्व सिंहभूम, झारखंड-832101
38.	जवाहर नवोदय विद्यालय हजारीबाग, झारखंड-825402
39.	जवाहर नवोदय विद्यालय जामताड़ा, झारखंड-815351
40.	जवाहर नवोदय विद्यालय पाकुर – II, झारखंड- 816107
41.	जवाहर नवोदय विद्यालय पलामू- II, झारखंड-822101
42.	जवाहर नवोदय विद्यालय पलामू- II, झारखंड-822101
43.	जवाहर नवोदय विद्यालय सरायकेला, झारखंड-831002
44.	जवाहर नवोदय विद्यालय सिमडेगा, झारखंड-835235
45.	जवाहर नवोदय विद्यालय पश्चिम सिंहभूम, झारखंड-833201
46.	जवाहर नवोदय विद्यालय बांकुड़ा, पश्चिम बंगाल-722,146
47.	जवाहर नवोदय विद्यालय मुर्शिदाबाद, पश्चिम बंगाल-742101
48.	जवाहर नवोदय विद्यालय दार्जिलिंग, पश्चिम बंगाल-734214
49.	जवाहर नवोदय विद्यालय पुरुलिया, पश्चिम बंगाल-723147
50.	जवाहर नवोदय विद्यालय अमरेली, गुजरात-365610
51.	जवाहर नवोदय विद्यालय भरूच, गुजरात-393110
52.	जवाहर नवोदय विद्यालय आनंद, गुजरात-338530
53.	जवाहर नवोदय विद्यालय नर्मदा, गुजरात-393151
54.	जवाहर नवोदय विद्यालय डांग, गुजरात-394720
55.	जवाहर नवोदय विद्यालय गांधीनगर, गुजरात-382315
56.	जवाहर नवोदय विद्यालय नवसारी, गुजरात-396580
57.	जवाहर नवोदय विद्यालय अकोला, महाराष्ट्र-444104
58.	जवाहर नवोदय विद्यालय औरंगाबाद, महाराष्ट्र-431103
59.	जवाहर नवोदय विद्यालय धुले, महाराष्ट्र-424002
60.	जवाहर नवोदय विद्यालय गोंदिया, महाराष्ट्र-441702
61.	जवाहर नवोदय विद्यालय नंदुरबार - 2, महाराष्ट्र-425415

62.	जवाहर नवोदय विद्यालय रायगढ़, महाराष्ट्र-402120
63.	जवाहर नवोदय विद्यालय मेवात, हरियाणा-122107
64.	जवाहर नवोदय विद्यालय श्रीगंगानगर- II, राजस्थान- 335804
65.	जवाहर नवोदय विद्यालय पूर्वी सियांग, अरुणाचल प्रदेश-791102
66.	जवाहर नवोदय विद्यालय पापुमपारे, अरुणाचल प्रदेश-791112
67.	जवाहर नवोदय विद्यालय तवांग, अरुणाचल प्रदेश-790104
68.	जवाहर नवोदय विद्यालय लोअर सुबानसिरी, अरुणाचल प्रदेश-791120
69.	जवाहर नवोदय विद्यालय पश्चिम कामेंग, अरुणाचल प्रदेश-790001
70.	जवाहर नवोदय विद्यालय बक्स, असम-781372
71.	जवाहर नवोदय विद्यालय बोंगईगांव, असम-783380
72.	जवाहर नवोदय विद्यालय री भोई, मेघालय-793102
73.	जवाहर नवोदय विद्यालय गोमती, त्रिपुरा-799013
74.	जवाहर नवोदय विद्यालय अतूपपुर, मध्य प्रदेश-484886
75.	जवाहर नवोदय विद्यालय हूरदा, मध्य प्रदेश-461444
76.	जवाहर नवोदय विद्यालय रायसेन, मध्य प्रदेश-464665
77.	जवाहर नवोदय विद्यालय सिवनी, मध्य प्रदेश-480990
78.	जवाहर नवोदय विद्यालय लक्षद्वीप, लक्षद्वीप-682559

[सं. 11011-2/2015-रा.भा.ए.]

सुखबीर सिंह संधु, संयुक्त सचिव

MINISTRY OF HUMAN RESOURCE DEVELOPMENT**(Department of Higher Education)**

(O. L. UNIT)

New Delhi, the 14th December, 2015

S.O. 2329.—In pursuance of sub. rule (4) of rule 10 of the Official Languages (Use for Official Purposes of the Union) Rules, 1976, the Central Government hereby notifies **the following offices** under the Ministry of Human Resource Development, (Department of Higher Education & Department of School Education & Literacy) as office, whose more than 80% members of the staff have acquired working knowledge of Hindi.

1. Indian Institute of Advanced Study,
Rashtrapati Nivas,
Shimla- 171005
2. The following 78 Schools under Navodaya Vidyalaya Samiti

1.	Jawahar Navodaya Vidyalaya Auriya, Uttar Pradesh-206244
2.	Jawahar Navodaya Vidyalaya Barabanki, Uttar Pradesh-225126
3.	Jawahar Navodaya Vidyalaya Basti, Uttar Pradesh-272151
4.	Jawahar Navodaya Vidyalaya Chandauli, Uttar Pradesh-232107
5.	Jawahar Navodaya Vidyalaya Fatehpur, Uttar Pradesh-212635
6.	Jawahar Navodaya Vidyalaya Hamirpur, Uttar Pradesh-210431

7.	Jawahar Navodaya Vidyalaya Kannauj, Uttar Pradesh-209733
8.	Jawahar Navodaya Vidyalaya Kaushambi, Uttar Pradesh-212207
9.	Jawahar Navodaya Vidyalaya Moradabad, Uttar Pradesh-244601
10.	Jawahar Navodaya Vidyalaya Raebareli, Uttar Pradesh-229306
11.	Jawahar Navodaya Vidyalaya Shahjahanpur, Uttar Pradesh-242306
12.	Jawahar Navodaya Vidyalaya Shrawasti, Uttar Pradesh-271831
13.	Jawahar Navodaya Vidyalaya Sonebhadra, Uttar Pradesh-231216
14.	Jawahar Navodaya Vidyalaya Dehradun, Uttarakhand-248197
15.	Jawahar Navodaya Vidyalaya Nainital, Uttarakhand-263135
16.	Jawahar Navodaya Vidyalaya Pauri, Uttarakhand-246193
17.	Jawahar Navodaya Vidyalaya Pithoragarh, Uttarakhand-262530
18.	Jawahar Navodaya Vidyalaya Rudrapur, Uttarakhand-246439
19.	Jawahar Navodaya Vidyalaya Arwal, Bihar-804401
20.	Jawahar Navodaya Vidyalaya Buxar, Bihar--802129
21.	Jawahar Navodaya Vidyalaya East Champaran, Bihar-845429
22.	Jawahar Navodaya Vidyalaya Gaya, Bihar-805236
23.	Jawahar Navodaya Vidyalaya Khagaria, Bihar-851201
24.	Jawahar Navodaya Vidyalaya Lakhisarai, Bihar-811202
25.	Jawahar Navodaya Vidyalaya Madhepura, Bihar-852126
26.	Jawahar Navodaya Vidyalaya Nawada, Bihar-805124
27.	Jawahar Navodaya Vidyalaya Rohtas, Bihar-821305
28.	Jawahar Navodaya Vidyalaya Siwan, Bihar-841226
29.	Jawahar Navodaya Vidyalaya Sheohar, Bihar-843329
30.	Jawahar Navodaya Vidyalaya Vaishali, Bihar-844126
31.	Jawahar Navodaya Vidyalaya Deoghar, Jharkhand-814142
32.	Jawahar Navodaya Vidyalaya Dhanbad, Jharkhand-828207
33.	Jawahar Navodaya Vidyalaya Dumka, Jharkhand-814145
34.	Jawahar Navodaya Vidyalaya Godda, Jharkhand-814165
35.	Jawahar Navodaya Vidyalaya Kodarma, Jharkhand-825410
36.	Jawahar Navodaya Vidyalaya Pakur-I, Jharkhand-816107
37.	Jawahar Navodaya Vidyalaya E. Singhbhum, Jharkhand-832101
38.	Jawahar Navodaya Vidyalaya Hazaribagh, Jharkhand-825402
39.	Jawahar Navodaya Vidyalaya Jamtara, Jharkhand-815351
40.	Jawahar Navodaya Vidyalaya Pakur-II, Jharkhand-816107
41.	Jawahar Navodaya Vidyalaya Palamu-I, Jharkhand-822101
42.	Jawahar Navodaya Vidyalaya Palamu-II, Jharkhand-822101
43.	Jawahar Navodaya Vidyalaya Saraikela, Jharkhand-831002
44.	Jawahar Navodaya Vidyalaya Simdega, Jharkhand-835235
45.	Jawahar Navodaya Vidyalaya W. Singhbhum, Jharkhand-833201
46.	Jawahar Navodaya Vidyalaya Bankura, West Bengal-722146
47.	Jawahar Navodaya Vidyalaya D. Dinajpur, West Bengal-733103
48.	Jawahar Navodaya Vidyalaya Darjeeling, West Bengal-734214
49.	Jawahar Navodaya Vidyalaya Purulia, West Bengal-723147
50.	Jawahar Navodaya Vidyalaya Amreli, Gujarat-365610
51.	Jawahar Navodaya Vidyalaya Bharuch, Gujarat-393110

52.	Jawahar Navodaya Vidyalaya Anand, Gujarat-338530
53.	Jawahar Navodaya Vidyalaya Narmada, Gujarat-393151
54.	Jawahar Navodaya Vidyalaya Dang, Gujarat-394720
55.	Jawahar Navodaya Vidyalaya Gandhinagar, Gujarat-382315
56.	Jawahar Navodaya Vidyalaya Navsari, Gujarat-396580
57.	Jawahar Navodaya Vidyalaya Akola, Maharashtra-444104
58.	Jawahar Navodaya Vidyalaya Aurangabad, Maharashtra-431103
59.	Jawahar Navodaya Vidyalaya Dhule, Maharashtra-424002
60.	Jawahar Navodaya Vidyalaya Gondia, Maharashtra-441702
61.	Jawahar Navodaya Vidyalaya Nandurbar - 2, Maharashtra-425415
62.	Jawahar Navodaya Vidyalaya Raigad, Maharashtra-402120
63.	Jawahar Navodaya Vidyalaya Mewat, Haryana-122107
64.	Jawahar Navodaya Vidyalaya Sriganganagar, Rajasthan- - 335804
65.	Jawahar Navodaya Vidyalaya East Siang, Arunachal Pradesh-791102
66.	Jawahar Navodaya Vidyalaya Papumpare, Arunachal Pradesh-791112
67.	Jawahar Navodaya Vidyalaya Tawang, Arunachal Pradesh-790104
68.	Jawahar Navodaya Vidyalaya Lower Subansiri, Arunachal Pradesh-791120
69.	Jawahar Navodaya Vidyalaya West Kameng, Arunachal Pradesh-790001
70.	Jawahar Navodaya Vidyalaya Baksa, Assam-781372
71.	Jawahar Navodaya Vidyalaya Bongaigaon, Assam-783380
72.	Jawahar Navodaya Vidyalaya Ri Bhoi, Meghalaya-793102
73.	Jawahar Navodaya Vidyalaya Gomati, Tripura-799013
74.	Jawahar Navodaya Vidyalaya Anuppur, Madhya Pradesh-484886
75.	Jawahar Navodaya Vidyalaya Harda, Madhya Pradesh-461444
76.	Jawahar Navodaya Vidyalaya Raisen, Madhya Pradesh-464665
77.	Jawahar Navodaya Vidyalaya Seoni, Madhya Pradesh-480990
78.	Jawahar Navodaya Vidyalaya Lakshadweep, Lakshadweep -682559

[No. 11011-2/2015-O.L.U.]

SUKHBIR SINGH SANDHU, Jt. Secy.

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय**(उपभोक्ता मामले विभाग)****(भारतीय मानक ब्यूरो)**

नई दिल्ली, 13 दिसम्बर, 2015

का.आ. 2330.—भारतीय मानक ब्यूरो (प्रमाणन) विनियम 1988 के विनियम 6 के उपविनियम (3) के अनुसरण में भारतीय मानक ब्यूरो एतद्वारा नीचे अनुसूची में दिए गए उत्पादों की मुहरांकन शुल्क अधिसूचित करता है :

अनुसूची

भारतीय मानक संख्या	भाग	अनु भाग	वर्ष	उत्पाद	इकाई	न्यूनतम मुहरांकन शुल्क (रु)		इकाई दर स्लैब 1 (रु)	स्लैब में इकाईयां	इकाई दर स्लैब 2 (रु)	स्लैब में इकाईयां	इकाई दर स्लैब 3 (रु)	स्लैब में इकाईयां	प्रचालन तिथि
						बृहद स्तर	एम. एस. एम. ई							
4505	-	-	2015	सोडियम फॉर्मेलडीहाईड सलफोक्सीलेट-विशिष्ट (पहला पुनरीक्षण)	मै. टन	43000	34400	300	1000 तक	200	अगले 5000 के लिए	100	शेष	20 11 2015

[संदर्भ: सीएमडी-2/16:4505]

सी. के. महेश्वरी, वैज्ञानिक 'जी' एवं उपमहानिदेशक (प्रमाणन)

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Consumer Affairs)

(BUREAU OF INDIAN STANDARDS)

New Delhi, the 13th December, 2015

S.O. 2330.—In pursuance of sub-regulation (3) of regulation 6 of the Bureau of Indian Standards (Certification) Regulations 1988, the Bureau of Indian Standards, hereby notifies the Marking Fee for the product given in the schedule:

SCHEDULE

IS No.	Part	Sec	Year	Product	Units	Minimum Marking Fee (Rs.)		Unit Rate Slab-1 Fee(Rs.)	Units in Slab-1	Unit Rate Slab-2 Fee(Rs.)	Units in Slab-2	Unit Rate Slab3 Fee(Rs.)	Units in Slab-3	Effective Date
						Large Scale	MSME							
4505	-	-	2015	Sodium Formaldehyde Sulphoxylate Specification (First Revision)	1 MT	43000	34400	300	1000	200	Next 5000	100	Remaining	20. 11 2015

[Ref. : CMD-2/16:4505]

C. K. MAHESHWARI, Scientist 'G' & DDG (Certification)

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

नई दिल्ली, 6 नवम्बर, 2015

का.आ. 2331.—भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार सम्बद्ध विश्वविद्यालय के परिवर्तन के कारण भारतीय आयुर्विज्ञान परिषद् से परामर्श करने के पश्चात्, एतद्वारा उक्त अधिनियम की प्रथम अनुसूची में कुछ और निम्नलिखित संशोधन करती है।

“एचआइएचटी विश्वविद्यालय” के उपरांत उपर्युक्त पहली अनुसूची में अनुसूची में “स्वामी रामा हिमालयन विश्वविद्यालय, देहरादून” जोड़ा जाएगा और “मान्यता प्राप्त चिकित्सा योग्यता” (कॉलम 2 में) शीर्षक के तहत और “पंजीकरण के लिए संक्षेपण” (कॉलम 3 में) शीर्षक के तहत “स्वामी रामा हिमालयन विश्वविद्यालय, देहरादून” के सामने निम्नलिखित को अंतर्विष्ट किया जाएगा, अर्थात् :-

(2)	(3)
बैचलर ऑफ मेडिसिन तथा बैचलर ऑफ सर्जरी	एम. बी. बी. एस. (1 जून, 2014 को अथवा उसके बाद हिमालयन चिकित्सा विज्ञान संस्थान, देहरादून में प्रशिक्षित किए जा रहे छात्रों के संबंध में “स्वामी रामा हिमालयन विश्वविद्यालय, देहरादून” द्वारा स्वीकृत किए जाने पर मान्यता प्राप्त चिकित्सा अर्हता होगी।

[सं. यू. 12012/84/2012-एमई-1]

डॉ. वी. के. राव, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE**(Department of Health and Family Welfare)**

New Delhi, the 6th November, 2015

S.O. 2331.—In exercise of the powers conferred by sub-section (2) of the Section 11 of the Indian Medical Council Act, 1956 (102 of 1956), the Central Government, after consulting the Medical Council of India, hereby makes the following further amendments in the First Schedule to the said Act, due to change of affiliating University, namely :—

In the said First Schedule after “HIHT University” “Swami Rama Himalayan University, “Dehradun” shall be added and against “Swami Rama Himalayan University Dehradun under the heading ‘Recognized Medical Qualification’ [in column (2)] and under the heading ‘Abbreviation for Registration’ [in column (3)], the following shall be inserted, namely :—

(2)	(3)
Bachelor of Medicine and Bachelor of Surgery	M.B.B.S. (This shall be a recognized medical qualification when granted by Swami Rama Himalayan University, Dehradun in respect of students being trained at Himalayan Institute of Medical Science, Dehradun on or after 1 st June, 2014.

[No. U. 12012/84/2012-ME-I]

D. V. K. RAO, Under Secy.

कौशल विकास और उद्यमशीलता मंत्रालय

नई दिल्ली, 11 दिसम्बर, 2015

विषय:- भारतीय उद्यमशीलता संस्थान (आईआईई), गुवाहाटी, असम के अधीन विभिन्न निकायों में सरकारी सदस्यों की नियुक्ति।

का.आ. 2332.—आईआईई के संगम ज्ञापन और नियमावली के अंतर्गत भारत सरकार (कार्य आबंटन नियमावली) 1961 में संशोधन किए जाने के बारे में मंत्रि-मण्डल सचिवालय की अधिसूचना संख्या का.आ.1200 (अ) दिनांक 2 मई, 2015 के अनुसरण में निम्नलिखित पदाधिकारी, तत्काल प्रभाव से संस्थान के शासी परिषद और कार्यकारिणी समिति के पदेन पदाधिकारी होंगे।

शासी परिषद

1	माननीय कौशल विकास और उद्यमशीलता राज्य मंत्री (स्वतंत्र प्रभार), भारत सरकार	अध्यक्ष
4	अपर सचिव एवं वित्तीय सलाहकार, कौशल विकास और उद्यमशीलता मंत्रालय, भारत सरकार	उपाध्यक्ष
5	संयुक्त सचिव, कौशल विकास और उद्यमशीलता मंत्रालय, भारत सरकार	सदस्य

कार्यकारी समिति

1	सचिव, कौशल विकास और उद्यमशीलता मंत्रालय, भारत सरकार	अध्यक्ष
2	वरिष्ठ सलाहकार, कौशल विकास और उद्यमशीलता मंत्रालय, भारत सरकार	उपाध्यक्ष
3	अपर सचिव एवं वित्तीय सलाहकार, कौशल विकास और उद्यमशीलता मंत्रालय, भारत सरकार	सदस्य
4	संयुक्त सचिव, कौशल विकास और उद्यमशीलता मंत्रालय, भारत सरकार	सदस्य

इसे सक्षम प्राधिकारी के अनुमोदन से जारी किया जाता है।

[सं. I. 34020/24/2015-एसडीई]

डॉ० बी० के० रे, उप सचिव

MINISTRY OF SKILL DEVELOPMENT AND ENTREPRENEURSHIP

New Delhi, the 11th December, 2015

Subject: - Appointment of official members to different bodies under the Indian Institute of Entrepreneurship (IIE), Guwahati, Assam.

S.O. 2332.—In pursuance of the Notification No. S.O.1200 (E) dated 2nd May, 2015 of the Cabinet Secretariat relating to amendment in the Government of India (Allocation of Business Rules) 1961 and in accordance with the provisions under the Memorandum of Association and Rules frames there under of IIE, the following functionaries shall be the ex-officio office bearers of the Governing Council and Executive Committee of the institute with immediate effect.

GOVERNING COUNCIL

1	Secretary, Ministry of Skill Development and Entrepreneurship, Government of India.	Chairman
4	Additional Secretary & Financial Advisor, Ministry of Skill Development and Entrepreneurship, Government of India.	Member
5	Joint Secretary, Ministry of Skill Development and Entrepreneurship, Government of India.	Member

EXECUTIVE COMMITTEE

1	Secretary, Ministry of Skill Development and Entrepreneurship, Government of India.	Chairman
2	Senior Advisor, Ministry of Skill Development and Entrepreneurship, Government of India.	Vice- Chairman
3	Additional Secretary & Financial Adviser, Ministry of Skill Development and Entrepreneurship, Government of India.	Member
4	Joint Secretary, Ministry of Skill Development and Entrepreneurship, Government of India.	Member

This issues with the approval of the Competent Authority.

[No. I. 34020/24/2015-SDE]

Dr. B. K. RAY, Dy. Secy.

नई दिल्ली, 11 दिसम्बर, 2015

विषय:- राष्ट्रीय उद्यमशीलता और लघु व्यापार विकास संस्थान (नीस्वड), नोएडा के अधीन विभिन्न निकायों में सरकारी सदस्यों की नियुक्ति।

का.आ. 2333.—नीस्वड के संगम ज्ञापन और नियमावली के अंतर्गत भारत सरकार (कार्य आवंटन नियमावली) 1961 में संशोधन किए जाने के बारे में मंत्रि-मण्डल सचिवालय की अधिसूचना संख्या एस.ओ.1200 (ई) दिनांक 2 मई, 2015 के अनुसरण में निम्नलिखित पदाधिकारी, तत्काल प्रभाव से संस्थान के शासी परिषद और कार्यकारिणी समिति के पदेन पदाधिकारी होंगे।

सोसायटी (सामान्य सभा)

- | | |
|---|-----------|
| (i) माननीय कौशल विकास और उद्यमशीलता राज्य मंत्री (स्वतंत्र प्रभार),
भारत सरकार | सभापति |
| (ii) सचिव, कौशल विकास और उद्यमशीलता मंत्रालय, भारत सरकार | उप-सभापति |

शासी परिषद

- | | |
|---|-----------|
| (i) माननीय कौशल विकास और उद्यमशीलता राज्य मंत्री (स्वतंत्र प्रभार),
भारत सरकार | अध्यक्ष |
| (ii) सचिव, कौशल विकास और उद्यमशीलता मंत्रालय, भारत सरकार | उपाध्यक्ष |
| (iii) वरिष्ठ सलाहकार, कौशल विकास और उद्यमशीलता मंत्रालय, भारत
सरकार | सदस्य |
| (iv) अपर सचिव एवं वित्तीय सलाहकार, कौशल विकास और
उद्यमशीलता मंत्रालय, भारत सरकार | सदस्य |
| (v) संयुक्त सचिव, कौशल विकास और उद्यमशीलता मंत्रालय, भारत
सरकार | सदस्य |
| (vi) संयुक्त सचिव, राष्ट्रीय कौशल विकास निगम (एनएसडीसी), भारत
सरकार | सदस्य |

कार्यकारी समिति

- | | |
|--|-----------|
| (i) सचिव, कौशल विकास और उद्यमशीलता मंत्रालय, भारत सरकार | अध्यक्ष |
| (ii) वरिष्ठ सलाहकार, कौशल विकास और उद्यमशीलता मंत्रालय, भारत
सरकार | उपाध्यक्ष |
| (iii) अपर सचिव एवं वित्तीय सलाहकार, कौशल विकास और
उद्यमशीलता मंत्रालय, भारत सरकार | सदस्य |
| (iv) प्रशिक्षण महानिदेशक (डीजीटी), कौशल विकास और उद्यमशीलता
मंत्रालय, भारत सरकार | सदस्य |
| (v) संयुक्त सचिव, कौशल विकास और उद्यमशीलता मंत्रालय, भारत
सरकार | सदस्य |

इसे सक्षम प्राधिकारी के अनुमोदन से जारी किया जाता है।

[सं. I. 34020/24/2015-एसडीई]

डॉ० वी० के० रे, उप सचिव

New Delhi, the 11th December, 2015

Subject:- Appointment of official members to different bodies under the National Institute for Entrepreneurship and Small Business Development (NIESBUD) Noida.

S.O. 2333.—In pursuance of the Notification No. S.O.1200 (E) dated 2nd May, 2015 of the Cabinet Secretariat relating to amendment in the Government of India (Allocation of Business Rules) 1961 and in accordance with the provisions under the Memorandum of Association and Rules frames there under of NIESBUD, the following functionaries shall be the ex-officio office bearers of the Society, Governing Council and Executive Committee of the institute with immediate effect.

SOCIETY (GENERAL BODY)

- | | | |
|------|--|----------------|
| (i) | Hon'ble Minister of State for Skill Development and Entrepreneurship (Independent Charge) Government of India. | President |
| (ii) | Secretary, Ministry of Skill Development and Entrepreneurship, Government of India. | Vice President |

GOVERNING COUNCIL

- | | | |
|-------|--|----------------|
| (i) | Hon'ble Minister of State for Skill Development and Entrepreneurship (Independent Charge) Government of India. | Chairman |
| (ii) | Secretary, Ministry of Skill Development and Entrepreneurship, Government of India. | Vice- Chairman |
| (iii) | Senior Advisor, Ministry of Skill Development and Entrepreneurship, Government of India. | Member |
| (iv) | Additional Secretary & Financial Advisor, Ministry of Skill Development and Entrepreneurship, Government of India. | Member |
| (v) | Joint Secretary, Ministry of Skill Development and Entrepreneurship, Government of India. | Member |
| (vi) | Joint Secretary, National Skill Development Corporation (NSDC), Government of India. | Member |

EXECUTIVE COMMITTEE

- | | | |
|-------|--|----------------|
| (i) | Secretary, Ministry of Skill Development and Entrepreneurship, Government of India. | Chairman |
| (ii) | Senior Advisor, Ministry of Skill Development and Entrepreneurship, Government of India. | Vice- Chairman |
| (iii) | Additional Secretary & Financial Advisor, Ministry of Skill Development and Entrepreneurship, Government of India. | Member |
| (iv) | Director General of Training (DGT), Ministry of Skill Development and Entrepreneurship, Government of India | Member |
| (v) | Joint Secretary, Ministry of Skill Development and Entrepreneurship, Government of India. | Member |

This issues with the approval of the Competent Authority

[No. I. 34020/24/2015-SDE]

Dr. B. K. RAY, Dy. Secy.

इस्पात मंत्रालय

नई दिल्ली, 18 दिसम्बर, 2015

का.आ. 2334.—राजभाषा संघ के शासकीय प्रयोजनों के लिए प्रयोग नियम, 1976 (यथासंशोधित, 1987) के नियम 10 के उप नियम (4) के अनुसरण में, केन्द्रीय सरकार एतद्वारा इस्पात मंत्रालय के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालयों, जिनके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञानप्राप्त कर लिया है, को अधिसूचित करती है:—

1. शाखा बिक्री कार्यालय, राष्ट्रीय इस्पात निगम लिमिटेड, 101 अपोलो एवेन्यू, 30बी, पुराना पलासिया, पलासिया पुलिस स्टेशन के पीछे, इन्दौर – 452001
2. क्षेत्रीय कार्यालय उत्तर राष्ट्रीय इस्पात निगम लिमिटेड, चौथी मंजिल, चौथा टावर, एनबीसीसी प्लाजा, पुष्प विहार, सेक्टर-5, साकेत, नई दिल्ली- 110017
3. शाखा बिक्री कार्यालय राष्ट्रीय इस्पात निगम लिमिटेड, साई आर्कड, 16/34 भार्गव इस्टेट, सिविल लेन, कानपुर- 208001
4. शाखा बिक्री कार्यालय, राष्ट्रीय इस्पात निगम लिमिटेड, मेघालय टावर, III फ्लोर, ओल्ड सेंट चर्च के पीछे, सी-300, संसार विहार, एमआई रोड, जयपुर-302001
5. शाखा बिक्री कार्यालय राष्ट्रीय इस्पात निगम लिमिटेड, 101 फ्री प्रेस हाउस, फ्री प्रेस जरनल रोड, मुम्बई- 400021
6. क्षेत्रीय कार्यालय (पश्चिम) राष्ट्रीय इस्पात निगम लिमिटेड, 101 फ्री प्रेस हाउस, फ्री प्रेस जरनल रोड, मुम्बई- 400021
7. शाखा बिक्री कार्यालय राष्ट्रीय इस्पात निगम लिमिटेड, एनबीसी हाउस, प्रथम तल, शहजानंद कालेज के पास, कामधेनू कॉम्प्लेक्स के पीछे, अम्बावदी, अहमदाबाद-380015
8. एनएमडीसी लिमिटेड, क्षेत्रीय कार्यालय, खनिज भवन, पोर्ट क्षेत्र, विशाखापट्टनम-530035
9. एनएमडीसी लिमिटेड मुख्यालय, 'खनिज भवन, 10-3-311/ए, कैसल हिल्स, मसाब टैंक, हैदराबाद-500028
10. एमएसटीसी लिमिटेड, शाखा कार्यालय, 21 कमलाजंसी, दूसरी मंजिल, टयूब कंपनी के सामने, ओल्ड पादरी रोड, बडोदा-390020
11. फैरो स्क्रैप निगम लिमिटेड, 303 कैलाश टॉवर, दोडडाबेल्लापुर, यलहंका, बेंगलुरु-560064 (कर्नाटक)

[सं. ई-11011(1)/2012-हिन्दी]

टी. श्रीनिवास, संयुक्त सचिव

MINISTRY OF STEEL

New Delhi, the 18th December, 2015

S.O. 2334.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (Use for Official Purposes of the Union) Rules, 1976 (as amended, 1987) the Central Government hereby notifies the following offices under the administrative control of Ministry of Steel, wherein more than 80% of the staff have acquired the working knowledge of Hindi :-

1. Branch Sales Office, Rashtriya Ispat Nigam Limited, 101 Apollo Avenue, 30 B Old Palasia, Opp. Palasia Police Station, Indore-452001
2. Regional Office (North), Rashtriya Ispat Nigam Limited, 4th Floor, 4th Tower, NBCC Plaza, Pushp Vihar, Sector-5, Saket, New Delhi-110017
3. Branch Sales Office, Rashtriya Ispat Nigam Limited, Sai Arcade, 16/34 Bhargava Estate, Civil Lanes, Kanpur-208001

4. Branch Sales Office, Rashtriya Ispat Nigam Limited, Meghalaya Towers, 3rd Floor, Opp. Old Saint Church, C-300 Sansar Villa, M.I. Road, Jaipur-302001
5. Branch Sales Office, Rashtriya Ispat Nigam Limited, 101 Free Press House, Free Press Journal Road, Mumbai-400021
6. Regional Office (Western), Rashtriya Ispat Nigam Limited, 101 Free Press House, Free Press Journal Road, Mumbai-400021
7. Branch Sales Office, Rashtriya Ispat Nigam Limited, NBCC House, 1st Floor, Near Sahajanand College, Opp. Kamdhenu Complex, Ambawadi, Ahmedabad-380015
8. NMDC LTD., Regional Office, Khanij Bhawan, Port Region, Vishakhapatnam-530035
9. NMDC Limited (HQs), Khanij Bhawan, 10-3-311/A, Castle Hills, Masab Tank, Hyderabad-500028
10. MSTC Limited, Branch Office, 21 Kamlanjali, 2nd Floor, Opp. Tube Co., Old Padri Road, Vadodara-390020
11. Ferro Scrap Nigam Limited, 303 Kailash Tower, Doddabellarapur, Yelahanka, Bengaluru-560064 (Karnataka)

[No. E. 11011(1)/2012-Hindi]

T. SRINIVAS, Jt. Secy.

वस्त्र मंत्रालय

नई दिल्ली, 21 दिसम्बर, 2015

का.आ. 2335.—केन्द्रीय रेशम बोर्ड अधिनियम, 1948 [1948 का 61] की धारा-8 ग की उपधारा [1] द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय रेशमकीट बीज समिति से परामर्श के पश्चात् केन्द्र सरकार इसके द्वारा अधिसूचना एस.ओ.2333 [ई] दिनांक 22.09.2010 द्वारा अधिसूचित कर्नाटक राज्य के तुमकुर जिला, कुणिगल तालुक के क्रम सं.464, 466, 475 एवं 479 के बहुप्रज बीज क्षेत्र में निम्नलिखित संशोधन करती है।

क्रम सं.464 "तिम्मयानापाल्या" के विद्यमान बीज क्षेत्र के लिए बीज क्षेत्र "तिप्पयानापाल्या" रखा जाए।

क्रम सं.466 "अगदहल्ली" के विद्यमान बीज क्षेत्र के लिए बीज क्षेत्र "हेग्गडत्तीहल्ली" रखा जाए।

क्रम सं.475 "कादरामदा" के विद्यमान बीज क्षेत्र के लिए बीज क्षेत्र "कादरापुरा" रखा जाए।

क्रम सं.479 "हित्तलूरु" के विद्यमान बीज क्षेत्र के लिए बीज क्षेत्र "हित्तलहल्ली" रखा जाए।

[फा. सं. 25017/12/2015-रेशम(ii)]

सीताराम गुप्ता, अवर सचिव

MINISTRY OF TEXTILES

New Delhi, the 21st December, 2015

S.O. 2335.—In exercise of the powers conferred by sub-sec.(1) Section-8(C) of the Central Silk Board Act, 1948 (LXI of 1948) the Central Government after consultation with the Central Silkworm Seed Committee hereby makes the following amendment to the Multivoltine Seed Area at Sl.Nos.464, 466, 475 and 479 of Tumkur District, Kunigal Taluk of Karnataka State notified vide Notification S.O.2333(E) dated 22.09.2010.

For the existing seed area in Sl.No.464 "Thimmayanapalya", the seed area "Thippayanapalya" be substituted.

For the existing seed area in Sl.No.466 "Agadahalli", the seed area "Heggadathihalli" be substituted.

For the existing seed area in Sl.No.475 "Kadaramada", the seed area "Kadarapura" be substituted.

For the existing seed area in Sl.No.479 "Hithalur", the seed area "Hittalahalli" be substituted.

[F. No. 25017/12/2015-Silk (ii)]

SITARAM GUPTA, Under Secy.

नई दिल्ली, 21 दिसम्बर, 2015

का.आ. 2336.—केन्द्रीय रेशम बोर्ड अधिनियम, 1948 [1948 का 61] की धारा-8 ग की उपधारा [1] द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय रेशमकीट बीज समिति से परामर्श के पश्चात् केन्द्र सरकार का मत है कि रेशमकीट बीज की गुणवत्ता को नियंत्रित करने के लिए आवश्यक और उचित है, और इसलिए अधिसूचित करती है कि रेशमकीट बीज तथा बीज कोसों की निम्नलिखित प्रकार या उपजाति नीचे निर्दिष्टानुसार निम्नलिखित राज्यों/क्षेत्रों में उत्पादित किया जाए। आगे, केन्द्र सरकार यह भी अधिसूचित करती है कि प्रत्येक बीज उत्पादक या बीज कोसा उत्पादक या कृषक के लिए यह आवश्यक होगा कि वह रेशमकीट बीज/बीज कोसों की केवल अधिसूचित विशुद्ध प्रजातियों का उत्पादन अधिसूचित क्षेत्र में ही करे और अन्य किसी किस्म अथवा प्रजाति के रेशमकीट बीज तथा बीज कोसों का उत्पादन न करे।

कर्नाटक राज्य**द्विप्रज बीज क्षेत्र**

जिला	तालुक	होब्ली	क्रम सं.	ग्राम का नाम	रेशम कीट उपजाति
बेलगावी	बेलगावी	बेलगावी	1	गुगरेनट्टी	सी.एस.आर 2
			2	नंदी हल्ली	
		हीरेबागेवाडी	3	बेंदीगेरी	
			4	सुलेबावी	
			5	नागेनट्टी	
			6	बदल अंकलगी	
			7	मुथनल	
			8	मरीहल	
			9	मोदगा	
			10	कमकरट्टी	
			11	तुमरगुड्डी	
			12	दरंत्ती	
		उच्चगाव	13	बेलगुंडी	
			14	सुलगा	
			15	सोनोली	
			16	नवगे	
			17	बीजाग्रनी	
			18	बंगवाडे	
			19	यल्लूर	
			20	गोजगा	
			21	अस्ते	
			22	अगसगा	
			23	कल्लेवली	
			24	कुदरेमणी	
			25	रायदुर्गा	
			26	बकनूर	
			27	अंकली	
		होडली	28	हुडली	
			29	होन्नीहाल	

बेलगावी	बैलहोंगल	बैलहोंगल	30	बैलहोंगल	सी.एस.आर 2
			31	देवलापुर	
			32	वकुंद	
			33	अनिगोल	
			34	चिवतगुंडी	
		नेसर्गी	35	बेविनकोप्पा	
			36	मल्लपुर	
			37	मेकलमडी	
			38	हनबरट्टी	
		कितूर	39	नगनूर	सी.एस.आर 2
			40	मुरकीबावी	
			41	कुलवल्ली	
			42	हीरेनंदिहल्ली	
			43	कदथनल	
			44	कलाबावी	
			45	गर्जुर	
			46	देवगाव	
		नेगीताहल	47	नेगीनाहल	
			48	यरदल	
			49	कोधनपुर	
			50	पट्टीहल के.बी	
	खानापुर	खानापुर	51	देवलथी	सी.एस.आर 2
			52	कमसीनाकोप्पा	
			53	वदेबेल	
			54	करमवल	
			55	केरवद	
			56	गोलीहल्ली	
			57	मोदेकोप्पा	
			58	बोरनकी	
			59	पोतगल	
		बेडी	60	हलसी	
			61	बेकवाड	
	हुक्केरी	हुक्केरी	62	येलीमुनवल्ली	
			63	हुक्केरी	
			64	अर्जुनवद	
			65	बेल्लद बागेवाडी	
			66	हनजनट्ट	
			67	सीरगव	
			68	सीरदन	
			69	हुल्लोल्ली	

बेलगावी	हुक्केरी		70	यदगुड	सी.एस.आर 2
			71	बेनवद	
			72	केशती	
			73	जीनरल	
			74	बसपुर	
			75	बन्नीबगी	
			76	बगरनल	
			77	बगरनल	
			78	होसूर	सी.एस.आर 2
			79	यरगट्टी	
			80	यल्लापुर	
			81	सरपुर	
		यमकनमडी	82	सीरुर	
			83	हगेदल	
			84	गुदस	
			85	हथरगी	
			86	अथीहल	
			87	बेलवंकी	
			88	यु.खानपुर	
			89	हृन्चाना	
		संकेश्वर	90	गोटूर	
			91	संकेश्वर	
			92	बद	
			93	अम्मनगी	
			94	नेली	
			95	हेब्बाल	
			96	बदकुंद्री	
	सवदत्ती	सवदत्ती	97	सवदत्ती	सी.एस.आर 2
			98	केंचलरकोप्पा	
			99	असुंदी	
			100	कतमल्ली	
			101	बतसुर	
			102	गुरलहोसूर	
			103	संग्रशकोप्पा	
		मुनवल्ली	104	हुली	
			105	हीरेकुंबी	
			106	तेंगीहल	
			107	सींदोगी	
			108	यक्केरी	
			109	हीरुर	

			110	हल्लूर	
			111	बंदरहल्ली	
			112	येनगी	
			113	मुनवली	
		मूरगोड	114	मुरगोड	
			115	इंचल	
			116	गोंतमर	
			117	चिक्कोप्पा	
बेलगावी	सवदत्ती		118	रुद्रपुर	सी.एस.आर 2
			119	माल्लूर	
			120	करलकट्टी	
			121	यरगनवी	
			122	मुगलीहल	
			123	सत्तीगेरी	
			124	मुगबसव	
हासन	आलूर	पाल्य	125	यलगनहल्ली	
			126	कल्लहल्ली	
			127	ववसहल्ली	
			128	कनतूर	
			129	कारजुवल्ली	
			130	मंजलगोडु	
			131	होन्नवल्ली	
			132	हलूवल्ली	
		कसब	133	नकलगुडु	
			134	कडिगिहल्ली	
			135	चन्नपुर	
			136	तोगरनहल्ली	
			137	देवराजपुरा	
			138	इमुत्तीपुरा	
			139	मडगेरे	
			140	गोवलाकट्टे	
			141	अगसरहट्टी	
			142	हुतसवल्ली	
			143	कवलीकेरे	
			144	भारतवल्ली	
		कूंदूर	145	कगगरवल्ली	
			146	मूडनाहल्ली	

		क.होसकोटे	147	बिलिगरहल्ली	
			148	मेर्वे	
			149	मलगलले	
			150	अनगलले	
	बेलूर	कसब होबली	151	दब्बे	सीएसआर2, सीएसआर2Xसीएसआर 4
			152	कोटीगनहल्ली	
			153	आई.हुनसेकेरे	
			154	निट्टूरु	
			155	हेब्बलु	
			156	कल्लहल्ली	
			157	शंभूगनहल्ली	
		मधीहल्ली	158	संपिगेमरदा कोप्पलु	सीएसआर2, सीएसआर2Xसीएसआर 4
			159	अलदाहल्ली	
			160	अडगूर	
			161	रामचंद्रपुरा	
			162	मल्लीकार्जुनपुरा	
			163	वीरदेवनहल्ली	
			164	मूलेनहल्ली	
			165	सूलेदेवरहल्ली	
			166	सोमेनहल्ली	
			167	सूरपुरा	
		हलेबीडू	168	चिल्लूर	
			169	बंदिलक्कनकोप्पलू	
			170	कल्लूसेट्टीहल्ली	
			171	लिंगप्पनकोप्पलू	
			172	ध्यवप्पनहल्ली	
			173	मचेनहल्ली	
			174	चच्चतनहल्ली	
			175	मयगोंडनहल्ली	
		बीक्कोड	176	बीक्कोडू	
			177	केसगोडू	
			178	मोगसवरा	
	सकलेशपुर	कसब	179	बोम्मनकेरे	सी.एस.आर 2
			180	क्यनहल्ली	
	सकलेशपुर	हनबलु	181	कुमाराहल्ली	सी.एस.आर 2
			182	बचनहल्ली	
			183	अगलहट्टी	
		बेलगोडु	184	सुंदहल्ली	
			185	फथीमपुरा	
			186	लकुंडुडा	

			187	हेब्बनहल्ली	
		येसलूर	188	मंजूर	
	हासन	दुड्डा	189	कोरवनगला	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1, एफसी2एनबी4डी2
			190	हेड्डनहल्ली	
			191	एच मैलहल्ली	
			192	जोडीकृष्णपुरा	
			193	अट्टवरा	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1, एफसी2एनबी4डी2
			194	करेबोरेकवलू	
			195	हेरगु	
			196	कोडीहल्ली	
हासन		कसब	197	हुल्लेनहल्ली	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1, एफसी2एनबी4डी2
			198	डी.एम.हल्ली	
			199	चिक्कमंडीगनहल्ली	
			200	नरेहल्ली	
			201	निगेगौडनकोप्पलु	
			202	तट्टेकेरे	
			203	मरगनहल्ली	
			204	हलूवगीलू	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1, एफसी2एनबी4डी2
			205	अन्निगनहल्ली	
			206	हनुमंतपुरा	
			207	कोकनगट्टा	
			208	येरेहल्ली	
			209	हुवीनहल्ली	
			210	हंदिनकेरे	
			211	हचगौडनहल्ली	
			212	तेजूर	
			213	चिक्ककोंडगुला	
			214	हरलहल्ली	
		कट्टया	215	शंकरनाहल्ली	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1, एफसी2एनबी4डी2
			216	गदेनहल्ली	
			217	बिलगुंडा	
			218	डी.एन.हल्ली	
			219	कट्टया	
			220	कर्ले	
			221	बल्लकेरे	
			222	मुद्देनहल्ली	
			223	मल्लिगेवलू	
			224	सत्तीगराहल्ली	
			225	कल्लाहल्ली	
			226	बोम्मेनहल्ली	

हासन	हासन		227	ओटीमने	
			228	सत्तीगरहल्लीकवलू	
			229	सत्तीगरहल्लीकोप्पलू	
		सलगमे	230	वेदवती	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1,एफसी2एनबी4डी2
			231	मदिहल्ली	
			232	रामदेवराहल्ली	
			233	कक्केहल्ली	
			234	शंखदहोसहल्ली	
			235	सोमनहल्ली कवलू	
			236	कददरवल्ली	
			237	सोप्पनाहल्ली	
			238	बीकनहल्ली	
			239	मल्लेनहल्ली	
			240	मारनाहल्ली	
	हासन	शांतिग्रामा	241	गेकरवल्लि	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1,एफसी2एनबी4डी2
			242	दोड्डाहोन्नेनहल्ली	
			243	वर्लेकोप्पलु	
			244	शांतीग्रामा	
			245	रंगनाथपुरा	
			246	एच बैरपुरा	
			247	हरनाहल्ली	
			248	कनजनहल्ली	
			249	मोसलेहोसहल्ली	
			250	कुरुवरहल्ली	
			251	बंटराहल्ली	
			252	मुत्तीगेहीरेहल्ली	
			253	मोसले	
			254	हुलुवरे	
			255	तमलपुरा	
	अरसीकेरे	कसब	256	यदपुरा	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1,एफसी2एनबी4डी2
			257	जवनहल्लि	
			258	बोम्मनहल्लि	
			259	मुरंडी बी तांड्या	
			260	मुरंडी	
			261	गोल्लरकोप्पलू	
			262	तलतोरे	
			263	बोचेनहल्लिकवलु	
			264	नागेनहल्लि	
			265	दुम्मेनहल्लि	
			266	ए. एन.हल्ली	

हासन		कनकट्टे	267	येरेहल्ली	
			268	विट्टलपुरा	
			269	हरलकट्टा	
			270	गिरिबोम्मेनहल्ली	
			271	रामपुरा	
			272	दोड्डुमेटेकुरके	
		गंडसी	273	आदिधिहल्ली	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1,एफसी2एनबी4डी2
			274	चिंदेनल्लि	
			275	होसहल्लि बी	
			276	श्रीरामपुरा	
			277	मंगलापुरा	
			278	केंकेरे	
			279	माबिनकेरे	
			280	नरम्मनहल्ली	
			281	भरमदेवराहल्ली	
			282	बैरगौडनाहल्ली	
			283	बागेशपुरा	
			284	बागिवलु	
			285	महादेवरहल्ली	
			286	चागचागेरे	
			287	बोरेहल्ली	
			288	जक्कहल्ली	
			289	मरशेट्टुनाहल्ली	
			290	हुलीयप्पनापाल्य	
		291	अप्पेनहल्ली		
		292	बिलेनहल्लि		
		जावगल	293	अरेकेरे	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1,एफसी2एनबी4डी2
			294	धनंजयपुरा	
			295	कस्तूरीकोप्पल	
			296	तिरुपतिहल्लि	
297	जावगल				
298	कोलगुंडा				
299	अत्तिगुडुकवलु				
बाणावरा	300		वलेहल्लि		
	301	बैरमबडि			
	302	बनवरा			
होलेनरसीपुरा	कसब	303	अनकवल्लि		
		304	गन्निकडा		
		305	होलेम्बिगे		

हासन			306	हुलिवलु	
			307	नगलपुरा	
			308	तट्टेकेरे	
			309	दोड्डुबैगतवल्लि	
	होलेनरसीपुरा	हलेकोटे	310	हंगरहल्ली	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1,एफसी2एनबी4डी2
			311	तेरन्या	
			312	हरिहरपुरा	
			313	येल्लेशपुरा	
			314	दोड्डुकुंचेवु	
			315	ओंटिगुडुकवलु	
			316	बेरेहोसूरु	
			317	गुनिसतेनहल्लि	
			318	किन्नरहल्लि	
			319	मुदलकोप्पलु	
		हल्लीमैसूर	320	कल्लहल्लि	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1,एफसी2एनबी4डी2
			321	सिंगनगुप्पे	
			322	जोगिकोप्पलु	
			323	गोहल्लि	
			324	हृदय	
			325	गुद्वेनहल्ली	
			326	मोतनयकनहल्ली	
			327	निदुवनी	
			328	लक्कूरु	
			329	एलन्नगनहल्ली	
			330	सी.हिंदलहल्ली	
			331	बुवनहल्ली	
			332	केरगोडु	
			333	उदूरु होसहल्ली	
			334	बंदिशेत्तीहल्ली	
			335	के मुद्वनहल्ली	
			336	चित्तनहल्ली	
			337	वदेनहल्लि	
			338	जोडीगुब्बी	
			339	मन्नगोदनहल्ली	
			340	विदरक्क	
			341	नेरले	
			342	एदेगोडनहल्ली	
			343	मरहल्ली	

हासन			344	रागिहल्ली कवलु	
			345	मकबल्लि	
			346	होन्नेनहल्ली	
			347	अनेकनंबदि	
			348	मारनायकनहल्ली	
			349	बचेनहल्ली	
			350	गुल्लदपुरा	
			351	अलगोंडनहल्ली	
		हल्लीमैसूर	352	नागरनहल्ली	
			353	हिरीतललु	
			354	इदिगनहोसूरु	
			355	नल्लूरु	
	चेन्नरायपटना		356	नंदिपुरा	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1, एफसी2एनबी4डी2
			357	दिंडगुरु	
			358	चिक्कगोंडनहल्ली	
			359	करिमरनहल्ली	
			360	वी.सोमनहल्ली	
			361	देविगेरे	
			362	कलसिंदा	
			363	एम.होन्नेनहल्ली	
			364	नागसमुद्र	
			365	मचिगनहल्ली	
			366	ससलुपुरा	
			367	मल्लेनहल्ली	
			368	यदुवनहल्ली	
			369	हरलहल्ली	
			370	अडगुरु	
			371	दददहल्ली	
			372	ए.चोलनहल्ली	
			373	दोडुगन्नि	
			374	जी.बेंडेनहल्ली	
			375	मारेनहल्ली	
		दंडिगनहल्ली	376	बलदरे	
			377	उदयपुरा	
			378	बेट्टदपुरा	
			379	हिरिहल्ली	
			380	वगरहल्ली	
			381	वाई.सिंगेनहल्ली	
			382	यलियूरु	
			383	जक्केनहल्ली	

हासन	चेन्नरायपटना		384	बेलगुली	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1, एफसी2एनबी4डी2
			385	मोदलपुरा	
			386	अप्पेनहल्ली	
			387	डी.करदेवु	
			388	बी.चवदेनहल्ली	
			389	बरगुरु	
			390	चिक्कमतिगट्ट	
			391	उपिनहल्ली	
			392	धरसिगट्ट	
			393	मदब	
			394	होसोरु	
			395	दह्मथिगट्ट	
			396	कट्टरीगट्ट	
			397	ननबिहल्ली	
			398	मलेनहल्ली	
			399	एन.बेंदनहल्ली	
			400	कल्लेनहल्ली	
			401	सगथवल्लि	
			402	नंदनहल्ली	
		श्रवण बेलगोला	403	गुरिगरनहल्ली	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1, एफसी2एनबी4डी2
			404	मंजुनाथपुरा	
			405	अलदहल्ली	
			406	कोरेनहल्ली	
			407	बी.होन्नेनहल्ली	
			408	सुंदहल्ली	
			409	कब्बलू	
			410	कंतीरायपुरा	
			411	अरुवनहल्ली	
			412	हलुमतिगट्ट	
		बगुरु	413	बरलू	
			414	गगिबोम्मेनहल्ली	
			415	बी.मंचेनहल्ली	
			416	सनेनहल्ली	
			417	कोडीहल्ली	
			418	वलगेरहल्ली	
			419	के.थिमलपुरा	
			420	बिचगोडनहल्ली	
			421	केंबलू	
			422	कक्कीहल्ली	
			423	बिद्रे	

तुमकूर	चिक्कनया हल्लि	हिरिसवे	424	बलगट्टा	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1,एफसी2एनबी4डी2
			425	एम.शिवरा	
			426	मुद्दनहल्लि कवलु	
			427	बी.होन्नेनहल्ली	
			428	कुंवरहल्ली	
			429	चवेनहल्ली	
			430	नविले	
			431	अरकेरे	
			432	सोरेकायीपुरा	
			433	मतिगट्टा	
		नुग्गेहल्लि	434	कसरनहल्ली	
			435	बिरनहल्ली	
			436	चन्नेनहल्ली	
			437	दासरहल्ली	
			438	एम.होसोरु	
			439	इंद्रनहल्ली	
			440	हुलीगेरे	
			441	डी.तुमकुरु	
			442	मंदलिकनहल्ली	
			443	कब्बल्लि	
		शेट्टीकेरे	444	अतिहल्ली	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1,एफसी2एनबी4डी2
			445	जमबुरु	
			446	हुलिकेरे	
			447	मदिहल्ली	
			448	हनुमंतपुरा	
			449	सोसलगेरे	
			450	विरुपाक्षपुरा	
			451	चन्नगोनहल्ली	
			452	संतेशिवरा	
			453	रामपुरा	
		शेट्टीकेरे	454	हुल्लेनहल्ली	सीएसआर शुद्ध व संकर
			455	दुग्गेनहल्ली	
			456	करेहल्ली	
			457	होन्नेबगि	
			458	कदेननहल्ली	
			459	शेट्टीकेरे	
			460	कोडलगरा	
			461	बेटेरंगनहल्ली	
			462	मल्लगोंडनहल्ली	
			463	रंगनाथपुरा	

तुमकूर			464	मंचेकट्टे	
			465	सिद्धपुरा	
			466	तरबेनहल्ली	
			467	हेसरहल्ली	
			468	अरलिकेरे	
			469	कुप्पुर	
			470	थम्मदिहल्ली	
			471	तोटेगौडनपाल्या	
			472	बगगनहल्ली	
		कंदिकेरे	473	बेलवडी	
			474	बैरनकट्टे	
			475	भीमक्कनकट्टे	
			476	बरकनहल्ली	
			477	सिद्धनकट्टे	
			478	बडकेगुडलू	
			479	हुल्लेनहल्ली	
			480	मदनहल्ली	
			481	अस्त्रीहल्ली	
			482	अज्जिगुडु	
			483	सिंगदहल्ली	
			484	चिक्कविदरे	
			485	दोड्डाविदरे	
		हुलियरु	486	मुथुगदहल्ली	
			487	अंमबरपुरा	
			488	नूलेनुरु	
			489	कल्लेनहल्ली	
	तिपतूर	कसब	490	टी.एल.पाल्या	सीएसआर शुद्ध व संकर
			491	गंगनगट्टा	
			492	दसरीगट्टा	
			493	हुच्चनहल्ली	
			494	एस.होसूर	
			495	एस.लक्किहल्ली	
			496	बसवनहल्ली	
			497	चिक्कविदरे	
			498	दसिहल्ली	
			499	थदसूर	
			500	कोनेहल्ली	
			501	चटनहल्ली	

तुमकूर	तिपतूर	होन्नवल्ली	502	कोडिहल्ली	
			503	हलकुरिके	
			504	मंजुनाथपुरा	
			505	बसवराजपुरा	
			506	मल्लदेविहल्ली	
			507	ग्यरगट्टा	
			508	वसुदेवनहल्ली	
			509	मुनिकिकेरे	
		नोनवीनाकेरे	510	नागरघट्टा	
			511	के. मल्लेनहल्ली	सीएसआर शुद्ध व संकर
			512	यदगरहल्ली	
			513	होन्नेनहल्ली	
			514	एन. मेलनहल्ली	
			515	नेलिकेरे	
			516	गोपालपुरा	
			517	मुगतिहल्ली	
			518	करिकेरे	
			519	बजगूर	
			520	हुल्लेनहल्ली	
			521	मसवनघट्टा	
			522	सन्नेनहल्ली	
			523	सूगूर	
			524	मतिघट्टा	
			525	जयपुरा	
			526	नोनविनाकेरे	
			527	अलबूर	
		किब्बनहल्ली	528	करदलु	सीएसआर शुद्ध व संकर
			529	करदलू पाल्य	
			530	अरलगुप्पे	
			531	नयकेनहल्ली	
			532	कुंदूर	
			533	कट्टेहल्ली	
			534	बलेयकट्टे	
			535	बोम्मेनहल्ली	
			536	कामगोंडनहल्ली	
			537	हिन्दीसकेरे पाल्य	
			538	गिनकिकेरे	
			539	किब्बनहल्ली	
			540	कुंदरपाल्या	
	तुरुवेकेरे	कसबा	541	कल्लनकेरे	

तुमकूर	542	द्वारानहल्ली	सीएसआर शुद्ध व संकर
	543	मदिहल्ली पाल्य	
	544	संगलपुरा	
	545	एच.बोम्मनहल्ली	
	546	चिक्कनहल्ली	
	547	तालेकेरे	
	548	कल्लकेरे	
	549	मुत्तुगदहल्ली	
	550	के.होसहल्ली	
	551	मद्दनहल्ली	
	552	हेब्बे नागसंद्रा	
	553	चिक्कपुरा	
	554	कचिहल्ली	
	555	बोम्मनहल्ली	
	556	के.दोड्डुरी	
	557	इट्टीगेहल्ली	
	558	वैदरहल्ली	
	559	दोड्डुमल्लीगेरे	
	560	सोंडेमारनहल्ली	
	561	बनसंद्रा	
	562	कुणिकेनहल्ली	
	563	कोडीगेहल्ली	
	564	अवलकट्टे	
	565	मरसरकोट्टिगे	
	566	दोड्डुगट्टा	
	567	चिक्कनहल्ली कावल	
	568	मारप्पनहल्ली	
	569	थंदगा	
	570	नडुविनहल्ली	
	571	हुलिकल	
	572	ब्रम्हदेवरहट्टी	
	573	अलदहल्ली	
	574	गोपालपुरा	
	575	हरिकरनहल्ली	सीएसआर शुद्ध व संकर
	576	दोंबरमहट्टी	
	577	थोविनकेरे	
	578	गोप्पेनहल्ली	
	579	चिम्मनहल्ली	
	580	श्रीरामपुरा	

			581	दोड्डेनहल्ली	
			582	कुरुबरहल्लि	
			583	मल्लदेवनहल्ली	
			584	कप्पुरु	
			585	बी.सी.कवलु	
			586	गुड्डय्यनपाल्या	
			587	अंगडीगेरे	
			588	मोसले. कोप्पलू	
			589	कमनहल्ली	
			590	नरगोनहल्ली	
			591	बल्लेकेरे	
			592	येम्मदहल्ली	
			593	अरेबूवनहल्ली	
			594	कृष्णराजपेट	
			595	मतीगट्टा	
			596	येदहल्ली	
			597	कलेगौडनकोप्पलू	
			598	लक्ष्मीपुरा	
			599	बंडी होले	
			600	अग्रहारा बचहल्ली	
			601	हरिरायनहल्ली	
			602	गोविंदेगौडन कोप्पलू	
			603	हरिहरपुरा	
			604	बोम्मनहल्ली	
			605	होसहोललू	
			606	गांधीनगर	
			607	बेल्लिबेट्टुदाकावल	
			608	कुंदनहल्ली	
			609	चिक्कनहल्ली	
			610	पुरा	
			611	मल्लेनहल्ली	
			612	विट्टलपुरा	
			613	यगचकुप्पे	
			614	अरलकुप्पे	
			615	मदुविनकोडी	
			616	नटनहल्ली	

सीएसआर2, सीएसआर2Xसीएसआर4
एफसी1,एफसी2एनबी4डी2

मंड्या	के.आर.पेट	बोकिनकेरे	617	परदेशिगौडनकोप्पलु	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1,एफसी2एनबी4डी2
			618	कपनहल्ली	
			619	बुकनकेरे	
			620	रंगनाथपुरा	
			621	मोडूर	
			622	बोम्मेगौडना कोप्पलु	
			623	बन्ननकेरे	
			624	केरेमेगलाकोप्पलु	
			625	इचनहल्ली	
			626	बन्नेनहल्ली	
			627	चोकनहल्ली	
			628	बोम्मलपुरा	
			629	अगसरहल्ली	
			630	मतीकेरे	
			631	गंजिगेरे	
			632	दोडुगडिगनहल्ली	
			633	मावितनकेरे	
			634	कट्टेली	
			635	कुरुवरहल्ली	
			636	मुडिगेरे	
		किक्केरी	637	चूजलक्यातनहल्ली	
			638	गोविंदनहल्ली	
			639	इचलगुडुकवल	
			640	केंपिकोप्पलु	
			641	उजिनहल्ली	
			642	बिदरहल्ली	
			643	चौडेनहल्ली	
			644	सोल्लेपुरा	
			645	किक्केरी	
			646	भद्रनकोप्पलू	
			647	इकनहल्ली	
			648	बसवनहल्ली	
			649	अनेगोला	
			650	मंदलिकनहल्ली	
			651	तेंगिनगट्टा	
			652	मरगोनहल्ली	
			653	लक्ष्मीपुरा	
		अक्किहेव्वलु	654	श्रवणनहल्ली	
			655	मंदगेरे	

			656	क्यातनहल्ली	
			657	चौड समुद्र	
			658	मंचीबीडू	
			659	हंगरमुदनहल्ली	
			660	वडुरगुडी	
			661	जैनहल्ली	
			662	सोमनहल्ली	
			663	अंबिगरहल्ली	
			664	मुडलपुरा	
			665	अक्किहेब्लू	
		शीलनेरे	666	होन्नेनाहल्ली	
			667	हेम्मदहल्ली	
			668	मरदहल्ली	
			669	अंचेमुदनहल्ली	
			670	हरलहल्ली	
			671	मैलनहल्ली	
			672	नीतिमंगल	
			673	राजगट्टा	
			674	मरुवनहल्ली	
			675	व्योगनाहल्ली	
		सते बचहल्लि	676	कोरटिकेरे	
			677	नारायणपुराकोप्पल	
			678	हुब्बनहल्ली	
			679	अप्पनहल्ली	
			680	कोत्तमारनहल्ली	
			681	गिददबोप्पनहल्ली	
			682	मावितकट्टेकोप्पल	
			683	लोकनहल्ली	
			684	बेददहल्ली	
वेंगलूरुनगर	आनेकल	कसब	685	समंदुरु	
			686	[एस.मडिवाला]	
			687	[एस.तिम्मसंद्रा]	
			688	[गांधीनगर]	
			689	चन्नेना अग्रहारा	
			690	मारनायकनहल्ली	
			691	सबमंगला	
			692	गेरतगेनबेले	
			693	कुवेंपुनगर	
			694	गुडनहल्ली	
			695	मुथगट्टे	

			696	चिक्कनहल्ली	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1, एफसी2, एनबी4डी2
			697	कुरुबरहट्टी	
			698	वनकनहल्ली	
			699	सुनवरा	
			700	सिंगसंद्रा	
			701	सोलूरु	
			702	मेणिसगनहल्ली	
			703	[केंपुदोम्मसंद्रा]	
			704	चूडनहल्ली	
			705	पटनगेरे गोल्लहल्ली	
			706	कलनायकनहल्ली	
			707	बिदरकडहल्ली	
			708	तेलगरहल्ली	
			709	करपुरु	
			710	अरवंतीगेपुरा	
			711	हंदेनहल्ली	
			712	रचमनहल्ली	
			713	बिदरगेरे	
			714	बेस्तमनहल्ली	
			715	[दिन्नूरु]	
			716	ब्यागदनहल्ली	
			717	कुनमडिवाला	
			718	केंपवडुरहल्ली	
			719	दोडुहगदे	
			720	[यल्लम्मनपाल्या]	
			721	अवदेनहल्ली	
			722	कम्मसंद्रा अग्रहारा	
			723	[कवलहोसहल्ली]	
			724	चिक्कहगदे	
			725	तातनहल्ली	
			726	सोप्पहल्ली	
			727	सुरगजक्कनहल्ली	
			728	सिद्धिहोसकोटे	
			729	गोरेनहल्ली	
			730	होन्नकलसपुरा	
			731	ए.मेदिहल्ली	
			732	अगसत्तिम्मनहल्ली	
			733	हसिरुवाणि	
			734	अम्मनिकेरे दोडुकेरे	

			735	संणनायकनपुरा	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1, एफसी2, एनबी4डी2
			736	[सिद्धनपाल्या]	
			737	अडूरु	
			738	[चिन्नयनपाल्या]	
			739	[बोडरहल्ली]	
			740	इंडलवाडी	
			741	[लक्ष्मीपुरा]	
			742	[बसवनपुरा]	
			743	अरेहल्ली	
			744	[बंगलदोडु]	
			745	बगनदोडु	
			746	कडुजक्कनहल्ली	
			747	राजन्नोडी	
			748	विलियनदोडु	
			749	[नागयनदोडु]	
			750	तम्मनायकनहल्ली	
			751	चूडहल्ली	
			752	चिक्कहोसहल्ली	
			753	चिक्कनहल्ली	
			754	इंडलवाडीपुरा	
			755	[करकलघट्टा]	
			756	मूत्तूरु	
			757	मैसूरम्मनदोडु	
			758	[तिम्मयनदोडु]	
			759	तिम्मसंद्रा	
			760	कुंबरहल्ली	
			761	लिंगपुरा	
			762	[नायनहल्ली]	
बेंगलूरु	आनेकल	जिगनी	763	हरगद्दे	
			764	सीतानायकनहल्ली	
			765	नोसेनूरु	
			766	एन.गोल्लहल्ली	
			767	हरगद्देवद्दरहल्ली	
			768	मदपटना	
			769	ध्यावसंद्रा	
			770	कल्लबलू	
			771	गिद्देनहल्ली	
			772	जी.बंगीपुरा	
			773	वडेरमंचनहल्ली	
			774	बुक्कसागरा	

बेंगलूरु नगर	आनेकल	जिगनी	775	[सत्तसबी दिन्ने]	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1,एफसी2,एनबी4डी2
			776	[कसुविनकुट्टे]	
			777	महंतलिंगपुरा	
			778	बलार बंडे	
			779	कृष्णदोड्डु	
			780	पुजारीसिंगयनदोड्डु	
			781	यल्लम्मनदोड्डु	
			782	गिद्देगौडनदोड्डु	
			783	मादप्पनदोड्डु	
			784	जवरेगौडनदोड्डु	
			785	दासप्पनदोड्डु	
			786	गोनिनायकनदोड्डु	
			787	बोम्मनदहल्ली	
			788	कोनसंद्रा	
			789	हरपनहल्ली	
			790	कुप्पसिद्धायनदोड्डु	
			791	जिगनी	
			792	बंडेनल्लसंद्रा	
			793	कयलसनहल्ली	
			794	[श्रीरामपुरा]	
			795	हेन्नगारा	
			796	हेन्नगारा अमनिकेरे	
			797	यरंडहल्ली	
			798	एच.होसहल्ली	
			799	कचनायकनहल्ली	
			800	मस्तेनहल्ली	
			801	हिन्नक्की	
			802	राजपुरा	
			803	रामकृष्णपुरा	
			804	हुलिमंगला	
			805	मरगोंडनहल्ली	
			806	एस.बिगिपुरा	
			807	पोडु	
			808	केंपापुरा	
			809	ववसंद्रा	
			810	नंजपुरा	
			811	कोप्पा	
			812	कोप्पगेट	
			813	शिखारीपाल्या	
			814	रागिहल्ली	

बेंगलूरु नगर	आनेकल	जिगनी	815	[मादयनदोड्डी]	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1, एफसी2, एनबी4डी2
			816	[कोरटगेरेदोड्डी]	
			817	[अन्नयनदोड्डी]	
			818	[सेवानायकनदोड्डी]	
			819	[रामनायकनदोड्डी]	
			820	[बसवनदोड्डी]	
			821	शिवनहल्ली	
			822	[वंटेमारनहल्ली]	
			823	[मुनिनंजप्पनदोड्डी]	
			824	[सोल्लेपुरादोड्डी]	
			825	[पुट्टेगौडनदोड्डी]	
			826	सुब्बेगौडनदोड्डी]	
			827	जयपुरादोड्डी	
			828	[करियप्पनदोड्डी]	
			829	[उज्जिनप्पनदोड्डी]	
			830	[कटेरीदोड्डी]	
			831	[गुंडय्यनदोड्डी]	
			832	मुदलयनदोड्डी	
			833	मंटपा	
			834	कलेश्वरी	
			835	जंगलपाल्या	
			836	[वज्रहल्ली]	
			837	हुल्लहल्ली	
			838	[चट्टेकेरेपाल्या]	
			839	चिन्नयनपाल्लया]	
			840	लक्ष्मीपुरा	
			841	[संपंगिरामनगर]	
			842	हलेसंपिगेहल्ली	
			843	मलेनल्लसंद्रा	
			844	रायसंद्रा	
			845	सकलवरा	
			846	हुलकसवनहल्ली	
		अत्तिबेले	847	वडेहल्ली	
			848	बेगिहल्ली	
			849	अमनि बिदरकेरे	
			850	बुजंगदसकेरे	
			851	बन्नरुघट्टा	
			852	बन्नरुघट्टाकवल	
			853	[केंपनायकनहल्ली]	
			854	संपिगेहल्ली	

		अत्तिबेले	855	बुतनहल्ली	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1,एफसी2, एनबी4डी2
			856	[हक्किपिक्कि कालोनी]	
			857	शिलिंद्रदोड्डी	
			858	[ब्याटरयनदोड्डी]	
			859	[बैलमरादोड्डी]	
			860	बैरप्पनहल्ली	
			861	कन्ननाकनअग्रहारा	
			862	[कुलुवेपाल्या]	
			863	अमृतनगर	
			864	[मुनिमारनदोड्डी]	
			865	बिलवरदहल्ली	
			866	[शानूभोगनहल्ली]	
			867	[केंचय्यनदोड्डी]	
			868	[कैसरगुप्पे]	
			869	गोल्लहल्ली	
			870	अत्तिबेले	
			871	बल्लूर	
			872	दासनपुरा	
			873	कोडलीपुरा	
			874	अरेहल्ली	
			875	हलेहल्ली	
			876	मायासंद्रा	
			877	मुतसंद्रा	
			878	कंबलीपुरा	
			879	[हारोहल्ली]	
			880	एम.मेदिहल्ली	
			881	भक्तिपुरा	
			882	बिदरगुप्पे	
			883	[मलेनहल्ली]	
			884	नरसपुरा	
			885	इंडलाबेले	
			886	चिक्कनहल्ली	
			887	जिगला	
			888	अरेनूरु	
			889	चंदापुरा	
			890	लक्ष्मीसागर	
			891	चंदापुरा चत्रकने	
			892	रामसागर	
			893	अंदपुरा	
			894	हीलालगे	

आनेकल

अत्तिबेले

बेंगलूरु नगर	आनेकल		895	इगलूर	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1, एफसी2एनबी4डी2
			896	नेरलूरु	
			897	तिरुमगोंडनहल्ली	
			898	बलगरनहल्ली	
			899	यदवनहल्ली	
			900	अडिगोंडनहल्ली	
			901	बेंडिगनहल्ली	
			902	गुडुहट्टी	
			903	कृष्णसागर	
			904	गिद्दनहल्ली	
			905	ऐचंगुरु	
			906	[ऐचंगूरु वडुरपाल्य	
			907	हेव्वगोडी	
			908	तिरुपाल्या	
			909	वीरसंद्रा	
			910	गोल्लहल्ली	
			911	कम्मसंद्रा	
			912	वडुरपाल्य	
			913	बोम्मसंद्रा	
			914	कितंगनहल्ली	
		सर्जापुरा	915	बनहल्ली	
			916	बंगलपेटे	
			917	सर्जापुरा	
			918	मुगलूर	
			919	कुटगनहल्ली	
			920	[भोविपाल्य]	
			921	पंडितन अग्रहारा	
			922	मत्तनहल्ली	
			923	गुडिगट्टनहल्ली	
			924	दोडुतिम्मसंद्रा	
			925	महलचौडेनहल्ली	
			926	कुगुरु	
			927	बनहल्ली	
			928	तिन्डलू	
			929	मदप्पनहल्ली	
			930	देशपडेगट्टहल्ली	
			931	सीगनायकनहल्ली	
			932	चिक्कनहल्ली	
			933	कमनहल्ली	
			934	[राजीवगांधीनगर]	

			935	नेरिग	सीएसआर2, सीएसआर2Xसीएसआर4 एफसी1,एफसी2,एनबी4डी2
			936	चिक्केनेक्कुंडी	
			937	नेकुडिडोम्मसंद्रा	
			938	जंतगोंडनहल्ली	
			939	गोनिगटपुरा	
			940	कटरीगुप्पे	
			941	हेगोंडनहल्ली	
			942	हलसल्लीतिप्पसंद्रा	
			943	रामनयकनहल्ली	
			944	चिक्कदासरहल्ली	
			945	नंगनग्राहारा	
			946	चिक्कवदेनूर	
			947	हंडेनहल्ली	
			948	कोटगनहल्ली	
			949	सोल्लेपुरा	
			950	बिकनहल्ली	
			951	एस.मेदीहल्ली	
			952	बिल्लपुरा	
			953	बुरेगुंटे	
			954	अडिगरकल्लहल्ली	
			955	[सुल्तानपाल्या]	
			956	तैवकनाहल्ली	
			957	बैयतैवहल्ली	
			958	बिलचिक्कनहल्ली	
			959	यमरे	
			960	सोमपुरा	
			961	कदग्रहारा	
			962	चंबेनहल्ली	
			963	टी.सी.हल्ली	
			964	बी.होसहल्ली	
			965	वी.कल्लहल्ली	
			966	इट्टनगुरु	
			967	दोम्मसंद्रा	
			968	मुथनल्लूरु	
			969	नारायणघट्टा	
			970	अलिबोम्मसंद्रा	
			971	समनहल्ली	
			972	गोपसंद्रा	
			973	कोम्मसंद्रा	
			974	चिक्कतिम्मसंद्रा	

			975	सिंगेनग्रहारा	
			976	मुथनल्लूरु अमनिकेरे	
			977	चिक्कदोन्नसंद्रा	
			978	हूसकूर	
			979	गुलिमंगला	
			980	अवलहल्ली	
			981	चोक्कसंद्रा	
			982	हरोहल्ली	
			983	चित्तलमडिवाला	
			984	कग्गलिपुरा	
			985	कूड्लू	
			986	गट्टाहल्ली	
			987	चूडसंद्रा	
			988	रायसंद्रा	
			989	चिक्कनागमंगला	
			990	शांतिपुरा	
			991	वडुरपाल्या	
कोडगू	मडिकेरी	बागमंडला	992	चेरंगला	सीएसआर2
			993	सन्नदुलिकेतु	
			994	कोरंगला	
			995	कोप्पट्टी	
	मडिकेरी	बागमंडला	996	बट्टेगेरि	
			997	तवुरु	
		संपगे	998	हप्पत्तूरु	
			999	बिलीगेरी	
		वीराजपेटे	1000	बेल्लूमडु	
		सोमवारापेटे	कुशालनगर	1001	भुवनगिरि
	1002			हुडुगूरु	
1003	चिक्कत्तूरु				
कोडगू	1004			दोडुत्तूरु	
	1005			हेरुरु	
	1006			बल्लूरु	
	1007			मनजूरु	
	1008			बसवनहल्ली	
	1009			बसवनत्तूरु	
	सामवारापेटे	1010	अब्बूरु कट्टे		
1011		बेलूरु			
1012		कुसबूरु			
1013		तन्निरुहल्ला			
1014		मसगोडू			

		शनिवारासंते	1015	कुगेकोडी	
			1016	होसगुट्टी	
		कोडलीपेटे	1017	चिक्ककुंडा	
			1018	निरुगुंडा	
			1019	जनार्दनहल्ली	
			1020	शीरंगला	सीएसआर संकर
			1021	किंतूरु	
			1022	कोनेगनहल्ली	
			1023	मगधहल्ली	
			1024	होसगुट्टी	

उत्तर कन्नड़ जिला

उत्तर कन्नड़	अंकोला	1. बेलले	1025	तोगसे	सीएसआर शुद्ध & संकर
			1026	बीरला बैल	
			1027	हिल्लूरु	
			1028	करिकल	
			1029	सुकसला	
			1030	अचवे	
			1031	मबगी	
			1032	कुंटकनि	
	भटकल	2. बेलकेरी	1033	हरवदा	
		3 सुसुडी	1034	अग्गा	
			1035	अंतरवल्ली	
		4 मवल्ली	1036	शीराली	
			1037	कोप्पा	
	हलियाला	5 मुखवादा	1038	हुल्लट्टी	
			1039	चन्नला	
			1040	बी.के.हल्ली	
			1041	कवलवदा	
			1042	नंदिगड्डा	
			1043	मुखवदा	
			1044	गालेहल्ली	
			1045	थेगनल्ली	
			1046	अलोल्ली	
			1047	हवगि	
			1048	गुतीगेरी	
			1049	सतनल्ली	
			1050	हुनसवदा	
			1051	मुडंक्की	
			1052	मदनल्ली	
		6 दाडेली	1053	यदोगा	

			1054	रामपुरा	
			1055	आलूरा	
		7 सांब्राणी	1056	कुरीगड्डा	
	हलियाला	7 सांब्राणी	1057	अगसलकट्टा	
			1058	अजगवा	
		8 माविनकुर्वा	1059	हुक्कल्ली	
			1060	कोलगड्डे	
		9 मनकी	1061	कुच्चोली	
			1062	मुंदरु	
			1063	मगोडु	
		10 होन्नावरा	1064	कदनिरु	
			1065	होडीकेशीरुरु	
			1066	चंदवरा	
	कारवार	11किन्नरा	1067	बर्गल	
			1068	बेलूरु	
			1069	नगेकोवे	
		12 मीरजना	1070	बेटकुली	
			1071	मुलेकेरी	
			1072	हेबैल	
			1073	होरिमसकि	
			1074	श्रीगुंजी	
			1075	मरकल	
			1076	हुणसेकोप्पा	
			1077	हलगड्डे	
		13 कुजल्लि	1078	मुंडगेजट्टी	
			1079	दीवाली	
			1080	कोजल्ली	
			1081	उल्लूरु	
			1082	कल्लब्बे	
		14 मुंडगोडा	1083	थट्टीहल्ला	
			1084	शीडलगुंडी	
			1085	इंदूरु	
			1086	अट्टुवैल	
			1087	बसवनजड्डु	
			1088	बेक्कोडा	
	मुंडगोडा		1089	बिक्कलसे	
			1090	चनमओ	
		15 कोंडली	1091	हंचिनचप्रा	
			1092	हक्कलकेरी	
			1093	त्यारसी	
उत्तर कन्नड़	सिद्धपुरा				सीएसआर शुद्ध & संकर

		16 उमबलेमने	1094	गोलगोंडा	
			1095	गनदमने	
			1096	अरिशीनगोडा	
			1097	अत्तीसवला	
			1098	हेगगरबैल	
			1099	थलगरा	
			1100	कुल्ले	
			1101	केसरला	
			1102	थंडगुंडी	
		17 कोडकनि	1103	अदमने	
			1104	शीरोरु	
			1105	गुनवतते	
			1106	वंदने	
			1107	बिर्लमक्की	
			1108	बैलल्लि	
			1109	अलवल्लि	
			1110	लक्कीजदी	
			1111	नेल्लिकोप्पा	
			1112	पुरदमता	
			1113	मलवल्ली	
			1114	इगलीकोप्पा	
			1115	मनमने	
			1116	अरेंदुरु	
			1117	अरसीबैल	
			1118	कीलरा	
			1119	कोटेकोप्पा	
			1120	जिक्कीनमदकी	
			1121	तेंगीनमक्की	
	सिद्धपुरा		1122	कोननतले	
			1123	बसवनबैल	
			1124	मरगड्डे	
			1125	बेननगुंडी	
			1126	मस्तने	
			1127	हलगड्डे	
			1128	होसूरु	
			1129	चंद्रगटगी	
	शीरसी	18 बनवासी	1130	दनगनाहल्ली	
			1131	कोटेकोप्पा	
			1132	मललगवा	
			1133	घरसी	

उत्तर कन्नड़	19 संपखंडा	1134	किब्बली	सीएसआर शुद्ध & संकर
		1135	नेगू	
		1136	बनतकोड्लू	
		1137	कोरसे	
		1138	हनीकेरी	
		1139	बंड्ला	
		1140	केरेगनी	
		1141	कोलगिबीस	
		1142	देवनल्ली	
		1143	कोडुगड्डे	
		1144	हुक्कलेबैल	
		1145	हल्लिकेरी	
		1146	कनमने	
		1147	बिक्कीगड्डे	
		1148	सरगुप्पा	
		1149	हसनगी	
		1150	सवले	
	20 हुलेकल	1151	लमेलेनल्ली	
		1152	बोम्मनल्ली	
	जोयदा	1153	बमनगी	
		1154	नगरी	
	येल्लपुरा	1155	केशनिकोडलू	
		1156	भरणी	
		1157	वनकेमने	
		1158	उम्मचागी	
		1159	थुडुगुनी	
		1160	कंगोडा	
		1161	थेरीमक्की	
		1162	गुडंदूरु	
		1163	जमबेसला	
		1164	बैलंदूरा	
		1165	ओनीतोटा	
		1166	गेरला	
		1167	दोनगरा	

शुद्ध मैसूर बीज क्षेत्र—अतिरिक्त

तुमकूर	तुमकूर	हेब्बूर - हेब्बूर	1	हेब्बूर	
			2	गिरीनायकनपाल्या	
			3	मारादीगरपाल्या	
			4	सिद्धनायकनपाल्या	

तुमकूर			5	गद्देतरसैनापाल्या	
			6	कलकेरे	
			7	कलकेरे पाल्या	
			8	सगैहनपाल्या	
			9	शानेगौडनापाल्या	
			10	नरसापुरा	
			11	सिद्धणनपाल्या	
			12	संगलापुरा कॉलोनी	
		हेब्बूर - गंगोनपाल्या	13	महीमनापाल्या	
			14	गोल्लरहट्टी	
			15	जी. एच. रीसाला	
			16	नागेनहल्लि	
			17	कुंबीपाल्या	
		हेब्बूर - गंगोनपाल्या	18	सीनप्पानाहल्लि	
			19	सीनप्पानहल्लिकालोनी	
			20	कोडूमुदनहल्लि	
			21	कुंटरायानापाल्या	
			22	हुणसेमरदापाल्या	
		हेब्बूर - कनकुप्पे	23	मणीकसबरपाल्या	
			24	लिगपुरा	
			25	कचेनाहल्लि	
			26	कनकुप्पे	
			27	बोवीपाल्या	
			28	ब्याटारायनापुरा	
			29	मरीयम्मनपाल्या	
			30	बैचेनाहल्लि	
			31	गरगदकुप्पे	
			32	रायवरा	
			33	तिम्मसंद्रा	
			34	चिक्कन्नदेवरहट्टी	
			35	मरीचिक्कय्यापाल्या	
		हेब्बूर - बल्लगेरे	36	बल्लगेरेकवल	
			37	कल्याणपुरा	
			38	हनुमंतनगर	
			39	दोड्डेय्यानाकट्टेपाल्या	
			40	वक्कोडय्यनापाल्या	
			41	दस्सेगौडनापाल्या	
			42	दासरहल्ली	

			43	मायम्मनापाल्या	
	कुणिलगल	हुलियूरदूर्गल- नलदसले	44	चलमनसंद्रा	
			45	शलवनहल्लल	
			46	नलगनहल्लल	
		हुत्रीदुर्गल	47	सोंडलगेरे	
रलमनगरम	मलगडी	सोलूर	48	सोलूर	
			49	ओंब्वत्तनकेरे	
			50	ओंब्वत्तनकुंटे पलल्यल	
			51	अरसीनकुंटे	
			52	टीएमजी पलल्यल	
			53	चोललपलल्यल	
			54	तलम्मसंद्रा	
			55	सलद्धलंय्यलनपलल्यल	
			56	ब्यलललकेरे	
			57	हक्कीनल	
			58	होसलपलल्यल	
			59	अनकनलपलल्यल	
			60	एम.आर. पलल्यल	
			61	भद्रलपलल्यल	
			62	रंगेनहल्लल	
			63	बीत्तसंद्रा	
			64	हेमपुरल	
			65	गंगेनलपुरल	
			66	हुदकुंटे	
		कूदूर	67	अलदकट्टे	
			68	ए.एम. पलल्यल	
			69	वज्रहल्ली	
			70	केमपोहल्ली	
			71	वेस्तरपलल्यल	
			72	येसप्पलनपलल्यल	
			73	कनसंद्रा	
			74	अरेपलल्यल	
			75	चीलूर	
			76	थेरनलहल्लल	
			77	हतुमपुरल	
		मदबल	78	जूदोधट्टल	

			79	कवलपाल्या	
			80	पूलहल्ली	
			81	टी.जी.पाल्या	

तमिल नाडु राज्य**द्विप्रज बीज क्षेत्र**

जिला	तालुक	होब्ली/ब्लॉक	क्रम सं.	ग्राम का नाम	रेशमकीट उपजाति
धर्मापुरी	पप्पीरेडुपट्टी	मोरप्पूर	1	जलीयूर	सीएसआर2 , सीएसआर4, एफसी1 & एफसी2
		हरूर	2	चिन्नकुप्पम	
नामक्कल	रसीपुरम	वेन्नंदूर	3	कलनकुलम	
तिरुप्पूर	धर्मपुरम	धरपुरम	4	कनकयमपाल्यम	
तिरुवन्नमलै	वंथवसल	कोट्टुपक्कम	5	कोट्टुपक्कम	
पुदुकोट्टै	कुलथूर	कन्नंतकोइल	6	नल्लथंगलपट्टी	
		वीरालीमलै	7	थेन्नथीरायनपट्टी	
	अलनकुडी	तिरुवरनकुलम	8	थडीयमनइ	
			9	वेंकटकुलम	
	पुदुकोट्टै	कांथतवकोट्टै	10	कुपैन्नपट्टी	
	करमबकुडी	करमबकुडी	11	थीथनीपट्टी	

छत्तीसगढ़ राज्य**तसर बीज क्षेत्र**

जिला	तालुक	होब्ली/ब्लॉक	क्रम सं.	ग्राम का नाम	रेशम कीट उपजाति
जांगीर	भामनीदीह	भमनीदीह	1	सारागांव	त्रिप्रज
	बलोदा	बलोदा	2	रामपुर	
			3	महुदा	
			4	करहीदी	
कंकेर	चारमा	चारमा	5	चारमा	त्रिप्रज
	नारहरपुर	नारहरपुर /कंकेर	6	नवगांव	
रायगढ़	घरघोदा	घरघोदा	7	घरघोदा	द्विप्रज
	घरघोदा	तमनर	8	गरे बुदीया कसदोल	
		लैलूंगा	9	कतकलीया	
	धर्मजैगर	धर्मजैगर	10	हटी	
	खारसीया	खारसीया	11	बरा	
	सारनगढ़	सारनगढ़	12	कनकबीरा	
		बरमकेला	13	कंडोला	
		बरमकेला	14	सरीया	

	घरघोदा	घरघोदा	15	कुदुमकेला	
		तमनर	16	तमनगर	
	धर्मजैगर	धर्मजैगर	17	सीस्त्रीगा	
	सारनगढ़	सारनगढ़	18	कनकबीरा	त्रिप्रज
		बरमकेला	19	बरमकेला	
			20	तोरना	
			21	सिंधारी	
			22	डोंगरीपाली	

असम राज्य

मूगा बीज क्षेत्र

जिला	तालुक/होब्ली/ब्लॉक	क्रम सं.	ग्राम का नाम	रेशमकीट उपजाति
डीब्रूगढ़	टिंगखॉंग	1	1 सं.गांधीया	ऐन्थिरिया आसामा
		2	2 सं.गांधीया	
		3	1 सं.बेटोनी	
		4	रायडोंगीय	
		5	नचानी	
		6	केकूरी सोनोवाल	
		7	ओफुलीय सोनोवाल	
		8	2 सं.शेंगल	
	खोवांग	9	नहोरानी	
		10	हुंगुनिया	
		11	कोरडोइगुरी	
		12	नपथर	
		13	नतून भरली	
		14	कतैगुरी	
	टेंगखाट	15	तमूलीखात	
		16	बोरबम	
	जॉयपुर	17	1 सं.दोलमुरी	
		18	सुकनी	
		19	निगम	
		20	कोमरगांव	
		21	केंदुगुरी	
कचार	अग्री	22	थलीग्राम	
		23	चूंगूरबांड	
		24	तिलनगर	
		25	जीबंग्रम	
		26	कुमचेरा	
		27	डोलोइचेरा	

		28	जोयपुरा	
		29	मोहनखल	
सोनीतपुर	बालीपारा	30	उलुबरु	
		31	तराबरी	
		32	बालीपारा	
		33	उदमरी	
		34	भलूकपुंग	
		35	उपर कचरीगांव	
	रंगपरा	36	2 सं. नहरनीग्रंट	
		37	बोरोसला	
	बोरसोला	38	बोरभोगिया	
		39	नतून बोरझार	
		40	पब बोरझार	
		41	पचिम बोरजहर	
कामरूप	बोनगांव	42	दोलतोवा	ऐन्थिरिया आसामा
		43	संतैकोना	
		44	बतकुची	
		45	मेकमदल	
		46	मजैलरी मोडोंगप	
		47	ललमति	
		48	कोमपदूली	
		49	बैंगजेंग	
		50	वाकमेगड्राप	
		51	नोपारा	
	बोको	51	डूोनपारा	
		53	मेगाडाप	
		54	समरंग	
		55	हहीम	
		56	दैनी तरबरी	
		57	बक्रपरा	
		58	सखती	
	बोको	59	रानीखत	
		60	उप्परतरबरी	
		61	टंगखुला	
		62	गिहनीमरा	
		63	नमततराबरी	
		64	दोइनी	
		65	दैनी तरबरी	
		66	गोहलकोना	
गोलपारा	रंगजूली	67	साल पारा	

		68	मलंगकोना	
		69	चोरैबाहा	
		70	बुरबुरी	
		71	बक्रपारा	
		72	गारोपारा	
		73	सोनालीपरानौवापारा	
		74	पतपारा	
		75	औगुरी	
		76	कहीबरीगरोपारा	
		77	मदंग	
		78	तिलापारा	
		79	चेचजझारा	
		80	धनुभंग	
		81	बमुनपारा	
		82	जोलापारा	
		83	दकुआकता	
		84	ओयमरी	
		85	दुरमरी	
		86	बतबरी	
		87	दियोधवीता	
		88	फकीरपारा	
		89	पलसा	
		90	कथलमुरी	
		91	धोनतोला	
		92	गतीयपारा	
		93	गोहीलबोरी	
		94	पीपलीबरी	
		95	पुतीमरी	
		96	सबलीबोरी	
		97	बाघदोबा	
	बलीजना	98	भलूकदूबी	
		99	कुरुवाभाषा	
		100	भोइशखुली	
		101	दोसरपारा	
		102	अलंगपारा	
		103	कल्यानपुर	
		104	बूधीपारा	
		105	कोचपारा	
		106	सोलमरी	
		107	हटिगांव	

		108	बोदहापुर	ऐन्थिरिया आसामा
		109	बैजुरी	
		110	बोरदक	
		111	दलोक	
		112	रपखापारा	
	बलीजना	112	दोरापारा	
		113	चौकापारा	
		114	पखरपारा	
	लखीपुर	115	मोघो	
		116	हृतीसीला	
		117	जोंगपारा	
		118	तीसीमकली	
		119	बलसरी	
		120	नेहलीवीता	
		121	बैदा	
जोरहट	चीपहीखुला	122	ककोजन	
		123	पीराकोता	
		124	होलोंगपारा	
		125	मबकुकुरचोवा	
		126	मोरंगांव	
		127	बैलूंग गांव	
	कलियापानी	128	जोगदूर	
		129	कलीपानी गोहैन गांव	
		130	सीमोलीगुरी	
		131	बलमा	
		132	हंचारा	
		133	बामुनपुखरी	
	तीताबार	134	रंगजन	
		135	बीबीजन	
		136	बोरूला	
		137	राजबहार	
		138	खरखोवा	
		139	वेबजीय	
		140	दियोघोरिया	
		141	कचूघाट	
		142	तोकौबरी	
	सेलेंघाट	143	हेमलै	
		144	नकचारी	
		145	बोलीमोरा	
		146	इरागांव बोमगया	

		147	चूंगी लहींग	
		148	मोरोनगीअल	
गोलघाट	पदुमोनी	149	कबरुगांव	
		150	बोगोरीजेंग	
		151	चेलेंगी	
		152	सं.1 सेनचोवा	
	कथालगुरी	153	सं.2 सेनचोवा	
		154	दखीन मौखुवा	
		155	अकागांव	
		156	दुलखोरीय	
	बोकखत	157	थंगल फान	
	मोरोंग	158	पोंका	
		159	बोरचापोरी	
	ककदुंग	160	बतीपोरीया	
		161	कचुगांव	
		162	सुमोनी	
	सारुपाथार	163	जलजोरी	
		164	लंगथा	ऐन्थिरिया आसामा
		165	बिलपाथर	
		166	नवजान	
लखीपुरा	नरायनपुर	167	घंगरा	
		168	सोंधारा	
		169	केस्सेरुगुरी	
		170	घेमगढ	
		171	1 सं. रोंगतो	
		172	तीनीअली हंडीक	
		173	3 सं. निमूरी	
		174	4 सं. निमूरी	
		175	बलीपुखुरी	
		176	जुतूलीबारी	
		177	बाहुपाथर	
		178	बातीपारिया	
		179	नवधुली	
		180	पनीगांव	
		181	खलीहमरी	
		182	जोरहतीय	
		183	बेज़रचुक	
		184	भीतरडोलोनी	
		185	गेलेकी	
		186	दीबरुआ	

शिवसागर	चपंगानी	187	हुदु पारा अभयपुरिया खंगिया गांव	
	खेलूवा	188	बनमुख देहिंगिया	
		189	बारहोतिंग	
		190	बोगीदल भरलीगांव	
	देमौ	191	बोइरघीवार	
		192	कचरीपाथर	
		193	पतस्कु	
	अमगुरी	194	दुलिया गांव	
	सोनरी	195	सेपॉन तिफोक गांव	
	पश्चिम अभोरीपुर	196	मथुरापुर भकोत गांव	

एरी बीज क्षेत्र

जिला	तालुक/होब्ली/ब्लॉक	क्रम सं.	ग्राम का नाम	रेशमकीट उपजाति
डिब्रूगढ़	बरबरुआ	1	मधुपुर देवरी गांव	फिलोसोमिया रिसिनी - श्वेत प्रजाति सादा व धब्बायुक्त
		2	परोलिगुरी	
		3	गोहैगांव	
		4	तिनसुकिया गांव	
		5	1 सं.सेस्साकोश	
		6	मनकोटा	
		7	हतिमोरा	
	खोवांग	8	2 सं.चराईहावि	
		9	गोधोइगुरी	
		10	गजपुरिया कोनवार गांव	
		11	गजपुरिया नेपाली गांव	
	जाँयपुर	12	कचरी पाथर	फिलोसोमिया रिसिनी -दिफू प्रजाति
करबी अंगलॉग	लुंबजोंग	13	इंगी गांव	
		14	सरते तेराँगांव	
		15	हिदी साजिर गांव	
		16	ज़िरला गांव	
		17	तरलनगसो गांव	
		18	रामसिंग तेराँगांव	
	समेलंगसो	19	रोंगमीरन बेयगांव	
		20	दिंगासो तेराँगांव	
		21	भलूकजन गांव	

		22	चिनतोंग हनसेगांव	
		23	मेशपारा गांव	
		24	पालम एंगटी गांव	
	हवराघाट	25	लानक्लेंग तेरोंगांव	
	आम्पी	26	उमसुवै मॉडल विलेज	
		27	रामफन गांव	
		28	उमसलन गांव	
		29	हिउन्दू बॉस्ति	
		30	मलांग गांव	
		31	बोरमरिजन गांव	
कच्चार	कच्चार	32	कल्याणपुर	फिलोसोमिया रिसिनी - श्वेत प्रजाति सादा व धब्बायुक्त
		33	दरुइखल	
		34	जिबनग्राम	
		35	प्रेचनगर	
		36	तैफुनगर	
		37	गुआबारी	
		38	खासपुर	
सोनीतपुर	सूतिया	39	चारेंगीया	
		40	ना-पाम	
		41	बारा भूयन	
		42	नलबट्टी बोरभेती	
		43	जोयसिध्दी	
		44	बालिजुरी	
		45	निज़ारपार	
	ना-दुआर	46	तलकाबारी	
		47	बोरपखुरीपार	
		48	दीकारायगुरी	
		49	कुसुमटोला	
		50	रिहाबारी	
		51	गोहाई चुक	
		52	तुपीया	
		53	बेतगुरी	
		54	हतिंगा	
		55	नाबिल	
		56	तौभांग	
		57	नहरबारी	
	बलीपारा	58	सिरंगजूली	
		59	दलंगबस्ती	
		60	मोरीसुती	

		61	अमलौंगा	फिलोसोमिया रिसिनी - श्वेत प्रजाति सादा व धब्बायुक्त
		62	बाटाबारी	
		63	चापागुरी	
		64	धेकीदोल	
		65	बोरपुखुरीपार	
	रंगपारा	66	ऊपर कचारीगांव	
		67	2 सं.नहरानीग्रंट	
		68	2 सं.नमनीगांव	
	बोरसोला	69	बोरसोला	
		70	नैतुन बोज़हार	
		71	पब-बोरझार	
		72	दालबारी	
	बीहागुरी	73	घातुवा	
		74	निरैओति	
		75	बरुआदोलोनी	
		76	पुतिमारी	
		77	बपुभेटी	
		78	बोरगांव चापरी	
		79	पोंजरी	
		80	उलूबारी	
		81	1 सं.बरफूकुरी	
	धेकियाजूली	82	सीराजूली सत्रा	
		83	बोंडैजरानी	
		84	पीराकाता	
		85	बगरीबाडी	
		86	सिहरी	
		87	नहरबारी	
		88	मज़-रौमारी	
		89	बलीसुति	
		90	पंच-नॉय	
नागांव	कथीयाटोली	91	छोटा काँडोली	फिलोसोमिया रिसिनी - बोरदुआर बगान प्रजाति सादा, धब्बायुक्त व जेब्रा
	उदली	92	लांग मैलू	
	बीनाकंदी	93	मोदरतोली	
होजाई	उदली	94	लांग मैलू	
	बीनाकंदी	95	मोदरतोली	
कामरूप	चायनी बोरुदुआर	96	खोखापारा	फिलोसोमिया रिसिनी - बोरदुआर बगान प्रजाति सादा, धब्बायुक्त व जेब्रा
		97	मानिकपुर	
		98	बोरदुआर	
		99	तेंगखल	
		100	हतिबंधा	

कामरूप		101	घीलाबारी	
		102	युजूला	
		103	उमसोर	
		104	हनपारा	
		105	राजापारा	
		106	नागांव	
		107	पतगांव	
		108	सलसेर	
	रानी	109	बाटाबारी	फिलोसोमिया रिसिनी - बोरदुआर बगान प्रजाति सादा, धब्बायुक्त व जेब्रा
		110	मिलानपुर	
		111	बिलपारा	
		112	रानीबारी	
		113	ज्मीमपुता	
		114	2 सं. जपांगपुरी	
		115	मैरापुर	
		116	गणेशपारा	
		117	पुनमपुर	
		118	बोरजूली	
		119	हेरकाजूली	
		120	पक्कालाइन	
		121	सामपुर	
	छायागांव	122	नारायणपुर	
		123	सीमियन	
		124	रंगमति	
		125	जोगीबारी	
		126	पतगांव	
		127	औगुरी	
		128	2 स. रतनपुर	
		129	भेरभेरी	
		130	दकुआपारा	
		131	करदेगुरी	
		132	रतनपुर	
		133	बोरजहर	
		134	जलूकाबारी	
	बोंगांव	135	निचिनपुर	
		136	लमगांव	
		137	लमपारा	
		138	चौधुरीपारा	
		139	फालापुंग	
		140	संतीपुर	

		141	बोरखाल	
		142	1 सं. बोरखाल	
		143	लरुवामा	
	लुकी बेकेली	144	हाटीपारा	
		145	मौचौवा	
		146	गारोघुहुली	
		147	लांगकोना	
		148	नंबरजूली	
		149	सुकुनीपारा	
		150	गिरीमा	
		151	बोरीपारा	
		152	भालापारा	
		153	उलीपारा	
		154	गरबंधा	
		155	दावगांव	
	दीमोरिया	156	कलनपुर	
		157	मगुरसीला	
		158	तलानी	
गोलपारा	रंगजूली	159	साल पारा	फिलोसोमिया रिसिनी - श्वेत प्रजाति, सादा एवं धब्बायुक्त
		160	मलंगकोना	
		161	चोराईबाल	
		162	बुराबुरी	
		163	बखरापारा	
		164	गरोपारा	
		165	सोनालीपारा	
		166	नौपारा	
		167	पतपारा	
		168	औगुरी	
		169	हदीपारा	
		170	गारोवीता	
		171	गारोपारा	
		172	सारापारा	
		173	महजोनपारा	
		174	राउमरी	
		175	सुतरपारा	
		176	सरदारपारा	
		177	सीमिलीटोला	
		178	डॉक्टोपारा	
		179	देवनपारा	

	कुचधोवा	180	कुमारपारा	
		181	बंगालपारा	
		182	बेचीमारी	
		183	सद्रापारा	
		184	हतखोलाबारी	
	बलीजाना	185	हांथीगांव	
		186	बोदहपुर	
		187	बैजुरी	
		188	बोरदक	
		189	दलोक	
		190	रोखापारा	
		191	दोरापारा	
		192	चौकापारा	
		193	पखारपारा	
		194	सप्लेकांता	
		195	कतापारा	
		196	पुतिमरी	
		197	प्राइमरी	
		198	केतकीबारी	
		199	द्वारका	
		200	देवली	
		201	कोसलोतपारा	
धेमाजी(जोनाई उपमण्डल)	मरकाँगसेलेक जनजाति विकास खंड	202	केमी जेलूम	
		203	लेकु जेलूम	
		204	उजोइनी बीजोयपुर	
		205	उदपुर देब्रे चपोरी	
		206	मजुलीपुर सं.1 + सं.2	
		207	जमीजेंग	
		208	हंदीक मिलॉन	
		209	सं.3 मुरकाँग सेलेक	
		210	सीमेन चपोरी	
		211	हंगामा चपोरी	
		212	बरुबली	
		213	कोरोयबारी	
दरांग	पश्चिम मंगलडोई	214	कबीकरा	फिलोसोमिया रिसिनी - श्वेत प्रजाति, सादा व धब्बायुक्त
		215	दहीगंनकपारा	
		216	दही बनियापारा	
		217	सोतानगर	
	पुब मंगलडोई	218	बंदीया	
		219	के.बंदिया	

	बेचीमारी	220	बंदिया चपोरी	
		221	अलगाचार	
		222	हीरापारा	
		223	बरुआझार	
		224	बरुआपारा	
दरांग	बेचीमारी	225	बताबारी	फिलोसोमिया रिसिनी - श्वेत प्रजाति, सादा व धब्बायुक्त
	सीपाझार	226	सतघरिया	
		227	कबीचूबा	
		228	चेंगापारा	
		229	बोरदौलगुरी	
		230	नागांव	
		231	गोरुखुटी	
		232	समला	
		233	रायकाबारी	
		234	झाकुआपारा	
		235	महालियापारा	
		236	नंकारा	
	कलैगांव	237	कचारीपारा	
		238	चारंध्रा	
		239	बाघरबारी	
जोरहाट	बागचुंग	240	जलूकोनी	फिलोसोमिया रिसिनी - श्वेत प्रजाति, सादा व धब्बायुक्त
		241	तमुलबारी	
		242	खोरीकोटिया	
		243	नगधोली अधोलकोटिया	
		244	खेरमिया	
		245	नमरुपिया	
	धेकोरगोरह	246	बहफोला	
		247	कलबारी	
		248	नमदेउरी	
		249	कोकिलामुख	
		250	लोलिलीमुख	
		251	बोराहोम	
	सेलेनघाट	252	खुतियापुता	
		253	हेमलाई	
		254	नाकाचारी	
		255	बोलीमोरा	
		256	एरागांव बोरंगया	
		257	चूंगी लहींग	
	मजुली	258	मॉरोंगिया	
		259	रतनपुर	

		260	रौनापारा	
		261	बोनगांव	
		262	बंगेनती	
		263	कनीजन	
		264	दोरियागांव	
गोलाघाट	पदुमोनी	265	मोकरांग	
		266	बलीजन	
	कथालगुरी पदुमोनी	267	बोर्टिंग सेनचौवा	
		268	कबरु	
	गोमरी	269	गरीगांव	
		270	मोराचुक	
	कथालगुरी	271	मोयदामोनी	
		272	अकागांव	
		273	नाथगांव	
		274	सौटोली	
	मोरोंगी	275	पेंकगांव	
		276	कनैघाट	
	देरागांव	277	सागुढी	
		278	नतुनचापोरी	
		279	दनीयचापोरी	
		280	ना-भोंगा	
		281	खकंदगुरी	
		282	कचारीपम	
गोलाघाट	देरागांव	283	दखीन डोलीजोला	
	बोकाखात	284	दुसुतीमुख	
		285	अलामी	
	बोकाखात	286	राजबारी	
		287	बोसागांव	
	सारुपाथर	288	जोलजोरी	
		289	गेलाबिल	
		290	बिलगांव	
		291	बिलपाथर	
मोरीगांव	भूरबंधा	292	नवजान	फिलोसोमिया रिसिनी - श्वेत सादा व धब्बायुक्त
		293	बातीपारिया	
		294	औजारी	
	मयॉंग	295	मणिपुर	
		296	गसरगुरी	
		297	बखाराबारी	
		298	गरमारी	
		299	घाघवा	

		300	मीखाबारी	फिलोसोमिया रिसिनी - श्वेत सादा व धब्बायुक्त
		301	कुमारकुची	
		302	बंगफोर	
		303	बेहिथा	
		304	खींदेहर	
		305	सेनैकुची	
		306	संतीपुर	
		307	बेहुबारी	
		308	दरेपनीगांव	
	कपीली	309	मिकीरगांव	
		310	लूककुची	
		311	पत्राबारी	
		312	बनपारा	
तिनसुकिया	ककपथार	313	काकापाथर	फिलोसोमिया रिसिनी - श्वेत, सादा धब्बायुक्त एवं जेब्रा
		314	फीलोबरी	
		315	दनगरी	
		316	मैथंग	
	इतखूली	317	मतियाखाना	
	गुइजन	318	ना-सराय	
		319	बरगुरी	
	मरघेरिता	320	नमसल	
		321	जागुन	
		322	मकुमपाथर	
		323	मकुमकिल्ला	
लखीमपुर	नार्थ लखीमपुर	324	कोरचान	फिलोसोमिया रिसिनी - श्वेत, सादा धब्बायुक्त एवं जेब्रा
		325	भोगमाँन	
		326	नोवर गांव	
		327	चरायमारी	
		328	बकल गांव	
		329	बोरकमलाबरिया	
		330	बोरछापारी	
		331	घुनसुती	
		332	घरमारा	
	तेलही	333	गोहैन तेकेला	
		334	बाहपती नाथ गांव	
		335	मोदरगुरी	
		336	दा-गती	
		337	रोंगपुरिया	
		338	बोरसोरीय	
		339	जोरहिट्या	

	बोगीनदी	340	गगलदुबी बोरखेलिया	
लखीमपुर	बोगीनदी	341	गगलदुबी बलीगांव	फिलोसोमिया रिसिनी - श्वेत, सादा धब्बायुक्त एवं जेब्रा
		342	गगलदुबी माजगांव	
		343	1 सं.लालपानी	
		344	2 सं.लालपानी	
		345	बोगीनदी नगर नगांव	
		346	बोगीनदी कचारी गांव	
		347	जरधारा	
		348	कदम बेगान गांव	
		349	राजगढ़	
		350	बोधकारा मजगांव	
शिवसागर	छापनगनी	351	न-पम बरुवती	
		352	दुलकखोरीया	
		353	चानबेपा	
		354	रेबती कपहुवा	
		355	बौलीमोइदम	
	गौरीसागर	356	लाइया	
		357	चीपही	
	खेलुवा	358	बनमुख नगांव	
		359	कलूगांव	
	देमौ	360	कचरीपाथार	
361		धुरामुख		
362		बाम राजबरी		
363		ना-हत		
एन.सी.हिल्स (दीमहसौ)	मैबाँग	364	देहर फोंगलो	फिलोसोमिया रिसिनी - श्वेत, सादा धब्बायुक्त एवं जेब्रा
		365	लॉगखार	
		366	कालाचंद	
		367	खेजुरबांग	
		368	दमदी हौवर	
		369	पूर्ण माइबूग	
		370	गीदींग पार	
		371	हरी चंद्रपुर	
		372	बसबरी	
	हाफलांग	373	दीमलीकपुर	
		374	दीकरीक	
		375	दीबराय	
		376	दीमलीक राजी	
		377	तुलाराम राजी	
		378	तोपोदीशा	
		379	बोलीदुरा	

		380	सूरजनगर	
		381	अमरुदीशा	
		382	बोरोवाशीलिंग	
		383	लंग्री	

असम राज्य**शहतूत बीज क्षेत्र**

जिला	तालुक/होब्ली/ब्लॉक	क्रम सं.	ग्राम का नाम	रेशमकीट उपजाति
कचार	कचार	1	कामरंग	बहुप्रज - सारुपत
नागांव	कथीयाटोली	2	पश्चिम सेचोवा	बहुप्रज - सारुपत व निस्तरी
कामरूप	छायागांव	3	जोगीरबारी, रत्नपुर	बहुप्रज - सारुपत व निस्तरी
गोलपारा	बलीजन्ता	4	बूधीपारा	एम वी - सारुपत
		5	दोरापारा	द्विप्रज - एनवी4डी2, सीएसआर1, सीएसआर2
		6	चौकापारा	
दरांग	पश्चिम मंगलदोई	7	कबीकारा	बहुप्रज - सरुपत, निस्तरीद्विप्रज - सीएसआर1, सीएसआर2, सीएसआर4
		8	सोतनगांव	
		9	बोरमगांव	
		10	निज़ दही	
		11	बनीयापारा	
		12	गोसाईगांव	
	पुब मंगलदोई	13	चेनीयलपारा	
		14	खतनीयापारा (धुला)	
	सीपझार	15	सतघरिया	
		16	बलीपारा	
		17	बताबारी	
		18	गभाहारा	
		19	हल्दा	
		20	निज़-सिपाझार	
		21	हरीमुरिया	
		22	सतखाली	
	कलैगांव	23	हीरापारा	
		24	बघरबारी	
		25	दलाघाट	
		26	गोरीयपारा	
		27	चरनधारा	
		28	हपमारा	
		29	बलीपोता	
		30	बहजनी	

जोरहाट	बगचुंग	31	जलूकोनी	बहुप्रज - सारुपत, निस्तरीद्विप्रज - सीएसआर1, सीएसआर2, सीएसआर4
		32	तमुलबारी	
		33	खोरीकोटीया	
		34	नागाघोली अधोलकोटीया	
		35	खेरमिया	
		36	नमरुपिया	
	धेकोरगोरह	37	बहफोला	
		38	कालबारी	
		39	नामदेवरी	
		40	पोतीया गांव	
		41	लोलीतिमुख	
		42	बोराहोम	
		43	निमती गोरीयभोगा	
		44	उप्पर बाहफोला	
		45	नमोनी बाहफोला	
		46	सगुरी	
		47	करेंग छापोरी	
		48	उप्पर देवरी	
		49	नाम देवरी	
		50	छारीघोरीया	
जोरहाट	धेकोरगोरह	51	बोरखु	बहुप्रज - सारुपत, निस्तरीद्विप्रज - सीएसआर1, सीएसआर2, सीएसआर4
	तीताबर	52	रंगजान	
		53	बीबीजान	
		54	बोरहुला	
		55	राजाबाहर	
		56	खारखोवा	
		57	बेरबेजीया	
		58	देवघोरीया	
		59	काचुखाट	
		60	तोकोबारी	
जोरहाट	मजौली	61	रतनपुर	
		62	रौनापारा	
		63	बेनगांव	
		64	बेनगेनटी	
		65	कानीजन	
		66	दोराइगांव	
		67	रंगाचाही	
		68	लूइतपारा	
		69	सलमोरा	

		70	बीरीनाबारी	
		71	गौल गांव	
लखीमपुरा	घीलमारा	72	बोरपतीया	द्विप्रज - एनबी4डी2, एनबी18, सीएसआर2Xसीएसआर4
		73	सरुपतीया	
		74	धूलपेटा	
		75	मतनीबारी	
		76	केकूरी	
		77	सपेखाती	
		78	1 सं. घीलामारा	
		79	कोरोडगुरी	
		80	बलीयोनीय	
		81	सोनारी सपारी	
		82	छारीकुरीया	
		83	मोरनोइ बेबेजीया	
		84	पतीर चूक	
	उत्तर लखमीपुर	85	उज्जलपुर	
		86	काचीपाथर	
		87	जनकपुर	
		88	सतकपुर	
		89	सियाबारी	
		90	ना-पम	
शिवसागर	गौरीसागर	91	मथीयचीग देहीनगीया गांव	द्विप्रज - सीएसआर1, सीएसआर2 , सीएसआर4
	खेलूवा	92	कुकुआछुरा	
	देमौ	93	धुन्दरमुख	
		94	पलांगी	

बोडोलैंड टेरीटोरियल कौंसिल (बीटीसी), कोकराझार

एरी बीज क्षेत्र

जिला	तालुक/होब्ली/ब्लॉक	क्रम सं.	ग्राम का नाम	रेशमकीट उपजाति
कोकराझार	तालुक- परबतझोरा ब्लॉक - देवीटोला	1	दोलनझोरा	एरी
		2	मोलंदुबी	
		3	बोंगशीझोरा	
	तालुक - कोकराझार ब्लॉक - तीतागुरी	4	बेथगांव	
		5	बमुनपारा	
		6	बोरो कुरसाकती	
		7	नायकगांव	
बकसा	तालुक-मुशलपुर ब्लॉक- मुशलपुर	8	नारायणपुर	
		9	दारागांव	
		10	उज़ीबारी	
		11	जलाह	

	तालुक - तमुलपुर ब्लॉक - नगरीजुली	12	नगरीजुली	
	तालुक - सलबारी ब्लॉक - सलबारी	13	हसोरा	
उदलगुरी	तालुक- उदलगुरी ब्लॉक - उदलगुरी	14	धनसीरिखती	
		15	बारगेन	
		16	हजोजुली	
		17	दैफगखुती	
		18	स्वरंग	
		19	हाबवे	
		20	बुराचूबूरी	
		21	अलीकगुरी	
		22	बोसकोबरी	
	तालुक- उदलगुरी ब्लॉक - रौता	23	बलीसाहवी	
		24	दहीगोला	
		25	बाटाबारी	
	तालुक - उदलगुरी ब्लॉक - मज़बत	26	नलबारी	
		27	कलबारी	
		28	कथपुरी	
		29	बलीसीहा	

मूगा बीज क्षेत्र

जिला	तालुक/होब्ली/ब्लॉक	क्रम सं.	ग्राम का नाम	रेशमकीट उपजाति
कोकराझार	तालुक - कोकराझार ब्लॉक - तीतागुरी	1	बेस्सरगांव	मूगा
		2	बोरो कुरसकटी	
बक्स	तालुक - मुशलपुर ब्लॉक - जलाह	3	जलाह	
		4	उज़ीबारी	
		5	बथौपुरी	
	तालुक - तमुलपुर ब्लॉक - तमुलपुर	6	कुमारीकाता	
		7	सलबत्री	
उदलगुरी	तालुक - सलबारी ब्लॉक - सलबारी	8	मजोतमखा	
		9	नलबारी	
	तालुक - भेरगांव ब्लॉक - भेरगांव	10	सीम्लीबारी	
		11	कुहीरकुची	
		12	बगरीबारी	
		13	ज़ारागांव	
	तालुक - भेरगांव ब्लॉक - खैराबारी	14	अरेंगपारा	
		15	बरजार	
		16	नीज़-दोला	

मणिपुर राज्य

द्विप्रज बीज क्षेत्र

जिला	तालुक/होब्ली/ब्लॉक	क्रम सं.	ग्राम का नाम	रेशमकीट उपजाति
इंफाल पूर्व	सवोमबंग	1	सेइजांग	सी102 व जे101
		2	अचानबीगइ	सी102 व जे101
	कैराव	3	बमोन कंपू	सी102 व जे101
इंफाल पश्चिम	हऔरंग सबल	4	फूमलौ	सी004 व जे003
		5	तौथांग	सी004 व जे003
थौबल	ककचिंग	6	ककचिंग	सी102 व जे101
	थौबल	7	लेइरोंगतेल	सी102 व जे101
		8	उलयल	सी102 व जे101
बिष्णुपुर	मोईरंग	9	वांगू	सी004 व जे003
		10	कूंब्री	सी004 व जे003
	नमबल	11	बरोइचिंग	सी004 व जे003
उखरुल	उखरुल	12	हुनडुंगु	सी102 व जे101
सेनापति	सेनापति	13	सेनापति	सी102 X सी004 व जे101 X जे003
	तदुबी	14	करोंग	सी102 X सी004 व जे101 X जे003
चंदेल	चंडेल	15	पल्लेल	सी004 X सी102 व जे003 X जे101
	चकपीकरोंग	16	चकपीकरांग	सी004 X सी102 व जे003 X जे101
कंगपोकपी	कंगपोकपी	17	मोलसंग	सी102 X सी004 व जे101 X जे003
	सैतु	18	मोतबुंग	सी102 X सी004 व जे101 X जे003
तमेंगलांग	नुंगबा	19	नोनी	सी004 X सी102 व जे003 X जे101
		20	तुपुल	सी004 X सी102 व जे003 X जे101
सी सी पुर	टी.डी.ब्लॉक	21	पेंगज़ाल	सी004 X सी102 व जे003 X जे101
		22	साइपुम	सी004 X सी102 व जे003 X जे101

2. आगे, उक्त अधिनियम की धारा-8 ग की उप-धारा [2] के खंड-[क] की प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्र सरकार उक्त समिति की सिफ़ारिशों पर रेशमकीट बीज की अधिसूचित किस्मों अथवा प्रजातियों के न्यूनतम गुणवत्ता मानकों को भी विनिर्दिष्ट करती है।

एएन (I) - शहतूत रेशमकीट के प्राधिकृत नए द्विप्रज संकर

(एचएसी द्वारा 30.07.2013 को प्राधिकृत)

क्रम सं.	संकर	राज्य/क्षेत्र/अंचल	कीटपालन आंकड़ा					
			अंडजनन क्षमता (सं)	प्रस्फुटन क्षमता (%)	उत्तरजीविता %	कोसा उपज /100 रोमुबीच (किग्रा)	प्यूपीकरण दर (%)	कोसों की सं./ किग्रा
1	सीएसआर50x सीएसआर51	दक्षिण अंचल नामतः कर्नाटक, आंध्र प्रदेश, तमिलनाडु व महाराष्ट्र	≥480	≥90	≥90	≥67	≥90	≥550
2	एपी71 x एपी72	दक्षिण अंचल नामतः कर्नाटक, आंध्र प्रदेश, तमिलनाडु व महाराष्ट्र	≥500	≥ 95	≥ 90	≥ 66	≥ 90	≥ 570
3	(सीएसआर52x सीएसआर50) x (सीएसआर51x सीएसआर53)	भारत के सभी रेशम उत्पादन अंचल	≥500	≥90	≥90	≥68	≥90	≥540

एएन (II) प्राधिकृत नए बहुप्रज x द्विप्रज शहतूत रेशमकीट संकर

(एचएसी द्वारा 4.03.2013 एवं 30.07.2013 को प्राधिकृत)

क्रम सं.	संकर	राज्य/क्षेत्र/आंचल	कीटपालन आंकड़ा					
			अंडजनन क्षमता	प्रस्फुटन क्षमता (%)	उत्तरजीविता %	कोसा उपज / 100 रोमुबीच (किग्रा)	प्यूपीकरण दर (%)	कोसों की सं./ किग्रा
1	एनxएनबी4डी2	पश्चिम बंगाल, झारखंड, ओडिशा, असम, मणिपुर, मेघालय, नागलैण्ड	≥400	≥90	≥90	≥45	≥90	≥650
2	एन(एम) x(एसके6xएसके7)	पूर्वी एवं उत्तर-पूर्वी क्षेत्र	≥ 400	≥ 90	≥ 90	≥ 47	≥ 90	≥ 750
3	एम6डीपी(सी)x एसके4सी	पूर्वी एवं उत्तर-पूर्वी क्षेत्र	≥ 450	≥ 90	≥ 90	≥ 50	≥ 90	≥ 700

एएन (III) - अधिसूचना के लिए प्राधिकृत नए द्विप्रज शहतूत रेशमकीट पैतृक बीज

क्रम सं.	प्रजाति	अंडजनन क्षमता	प्रस्फुटन क्षमता (%)	उत्तरजीविता %	कोसा उपज / 100 रोमुबीच (किग्रा)	प्यूपीकरण दर (%)	कोसों की सं./ किग्रा
1	एनबी4 डी2	≥475	≥90	≥90	≥45	≥90	≥800
2	एपी71	≥ 500	≥ 95	≥ 89	≥ 60	≥ 90	≥ 640
3	एपी72	≥ 480	≥ 95	≥ 91	≥ 63	≥ 91	≥ 625
4	सीएसआर50	≥475	≥90	≥90	≥62	≥90	≥530
5	सीएसआर51	≥500	≥90	≥92	≥60	≥92	≥550
6	सीएसआर52	≥ 480	≥ 90	≥ 90	≥ 61	≥ 90	≥ 540
7	सीएसआर53	≥ 465	≥ 90	≥ 91	≥ 60	≥ 91	≥ 545
8	एसके4सी	≥ 510	≥ 90	≥ 90	≥ 52	≥ 90	≥ 680
8	एसके6	≥ 505	≥ 90	≥ 90	≥ 48	≥ 90	≥ 660
10	एसके7	≥ 500	≥ 90	≥ 90	≥ 47	≥ 90	≥ 650

एएन (IV) - अधिसूचना के लिए प्राधिकृत नए द्विप्रज शहतूत रेशमकीट पैतृक बीज

क्रम सं.	प्रजाति	अंडजनन क्षमता	प्रस्फुटन क्षमता (%)	उत्तरजीविता %	कोसा उपज / 100 रोमुबीच (किग्रा)	प्यूपीकरण दर (%)	कोसों की सं./ किग्रा
1	एम6डीपी(सी)	≥ 450	≥ 90	≥ 90	≥ 36	≥ 90	≥ 850

[फा. सं. 25017/12/2015-रेशम(i)]

सीताराम गुप्ता, अवर सचिव

New Delhi, the 21st December, 2015

S.O. 2336.—In exercise of the powers conferred by sub-section (1) of Section-8 C of Central Silk Board Act, 1948 (LXI of 1948) the Central Govt. after consultation with the Central Silkworm Seed Committee, is of the opinion that it is necessary and expedient to regulate the quality of silkworm seed and therefore hereby notifies the following kinds or varieties of silkworm seed and seed cocoons, which shall be produced in the particular State / area as indicated below against each. The Central Government further notifies that onus lies upon every seed producer or seed cocoon producer or farmer in the particular notified area to produce notified pure races of silkworm seed/seed cocoon only and no other kind or varieties of silkworm seed and seed cocoons.

KARNATAKA STATE**Bivoltine Seed Area:**

District	Taluk	Hobali	SL. No.	Name of Village	Silk worm Variety
Belgavi	Belgavi	Belgavi	1	Gugarenatti.	CSR2
			2	Nandi halli	
		Hirebagevadi	3	Bendigeri	
			4	Sulebavi	
			5	Nagenatti	
			6	Badal Ankalgi	
			7	Muthnal	
			8	Marihal	
			9	Modaga	
			10	Kamakaratti	
			11	Tummarguddi	
			12	Darantti	
		Uchagav	13	Belagundi	
			14	Sulaga	
			15	Sonoli	
			16	Navage	
			17	Bijagrni	
			18	Vagavade	
			19	Yallur	
			20	Gojaga	
			21	Aste	
			22	Agsaga	
			23	Kallevli	
			24	Kudremani	
			25	Rayadurg	
			26	Bakanur	
			27	Ankali	
		Hudali	28	Hudali	
			29	Honnihal	
	Bailhongal	Bailhongal	30	Bailhongal	CSR2
			31	Devalapur	
			32	Vkkund	
			33	Anigol	
			34	Chivtagundi	
		Nesaragi	35	Bevinakoppa	CSR2
			36	Mallapur	
			37	Mekalmardi	
			38	Hanabaratti	
			39	Naganur	
			40	Murakibavi	
		Kithur	41	Kulavlli	
			42	Hirenandihalli	
			43	Kadathnal	
			44	Kalabavi	

Belgavi		Neginahal	45	Garjur	
			46	Devagav	
			47	Neginahal	
			48	Yaradal	
			49	Kodhanapur	
			50	Pattihal.K.B	
	Khanapur	Khanapur	51	Devalathi	CSR2
			52	Kamasinakoppa	
			53	Vdebail	
			54	Karambal	
			55	Keravad	
			56	Golihalli	
			57	Modekoppa	
			58	Boranaki	
			59	potagal	
		Bedi	60	Halasi	
			61	Bekavad	
	Hukkeri	Hukkeri	62	Yelimunavalli	CSR2
			63	Hukkeri	
			64	Arajunavad	
			65	Belld bagevadi	
			66	Hanajanatt	
			67	Siragav	
			68	Siradan	
			69	Hullolli	
			70	Yadagud	
			71	Benavad	
			72	Keshti	
			73	Jinaral	
			74	Basapur	
			75	Bannibagi	
			76	Bagaranal	
			77	Bagaranal	
			78	Hosur	
			79	Yaragtti	
			80	Yallapur	
			81	Sarapur	
			82	Sirur	CSR2
			83	Hagedal	
			84	Gudas	
		Yamakanmardi	85	Hthargi	
			86	Athihal	
			87	Belavanki	
			88	U.Khanapur	
			89	Hanchana;	
		Sankeshwar	90	Gotur	
			91	Sankeshwar	
			92	Bad	
			93	Ammanagi	
			94	Nerli	
			95	Hebbal	
			96	Badakundri	
	Savadathi	Savadathi	97	Savadathi	CSR2
			98	Kenchalarkoppa	
			99	Asundi	
			100	Katamalli	
			101	Batasur	
			102	Gurlahosur	
			103	sangreshakoppa	
		Munavalli	104	Huli	

Belgavi	Savadathi		105	Hirekumbi	CSR2
			106	Teggihal	
			107	Sindogi	
			108	Ykkeri	
			109	Hirur	
			110	Hallur	
			111	Bandarhalli	
			112	Yenagi	
			113	Munavlli	
		Muragod	114	Muragod	
			115	Inchal	
			116	Gonthamar	
			117	Chikkoppa	
			118	Rudrapur	
			119	Mallur	
			120	Karalkatti	
			121	Yaraganavi	
			122	Mugalihal	
			123	Sattigeri	
			124	Mugabasav	
Hassan	Alur	Palya	125	Yalaganhalli	CSR2
			126	Kallahalli	
			127	Bavasahalli	
			128	Kanatur	
			129	Kaarjuvalli	
			130	Manjalagodu	
			131	Honnnavalli	
			132	Haluvali	
		Kasaba	133	Nakalgudu	
			134	Kodagihalli	
			135	Channapura	
			136	Togaranahalli	
			137	Devarajapura	
			138	Imuttipura	
			139	Madagere	
			140	Gowlakatte	
			141	Agasarahatti	
			142	Hunasavalli	
			143	Kavalikere	
			144	Bharatavalli	
		Kundur	145	Kaggaravalli	
			146	Moodanahalli	
			147	Biligarahalli	
			148	Merve	
		K.Hosakote	149	Malagalale	
			150	Anagalale	
	Belur	Kasaba Hobali	151	Dabbe	CSR2, CSR2XCSR4
			152	Kotiganahalli	
			153	I. hunasekere	
			154	nitturu	
			155	Hebbalu	
			156	Kallahalli	
			157	Shambhuganahalli	
		Madhihalli	158	Sampigemarada Koppalu	CSR2, CSR2XCSR4
			159	Aladahalli	
			160	Adagur	
			161	Ramachandrapura	
			162	Millikarjunapura	
			163	Veeradevanahalli	

			164	Moolenahalli	
			165	Suledevarahalli	
			166	Somenahalli	
			167	Soorapura	
			168	Chilkur	
		Halebeed	169	Bandilakkanakoppalu	
			170	kallusettihalli	
			171	Lingappanakoppalu	
			172	Dyavappanahalli	
			173	Machenahalli	
			174	Chachatanahalli	
			175	Mayagondanahalli	
		Biccodu	176	Biccodu	
			177	Kesagodu	
			178	Mogasavara	
	Sakaleshpur	Kasaba	179	Bommanakere	CSR2
			180	Kyanahalli	
		Hanabalu	181	Kumarahalli	
			182	Bachanahalli	
			183	Agalahatti	
		Belagodu	184	Sundahalli	
			185	Phathimapura	
			186	Lakundda	
			187	Hebbanahalli	
		Yeslur	188	Manjuru	
	Hassan	Dudda	189	Koravangala	CSR2, CSR2x CSR4, FC1, FC2, NB4D2
			190	Heddanahalli	
			191	H Mylahalli	
			192	Jodikrishnapura	
			193	Attavara	
			194	Kareborekavalu	
			195	Heragu	
			196	Kodihalli	
Hassan		Kasaba	197	Hullenahalli	CSR2, CSR2x CSR4, FC1, FC2, NB4D2
			198	D.M.Halli	
			199	Chikkamandiganahalli	
			200	Narehalli	
			201	Ningegowdanakoppalu	
			202	Tattekere	
			203	Marganahalli	
			204	Haluvagilu	
			205	Anniganahalli	
			206	Hanmanthapura	
			207	Kokkangatta	
			208	Yerehalli	
			209	Huvinahalli	
			210	Handinakere	
			211	Hachagondanahalli	
			212	Tejur	
			213	Chikkakondagula	
			214	Haralahalli	
		Kattaya	215	Shankaranahalli	CSR2, CSR2x CSR4, FC1, FC2, NB4D2
			216	Gadenahalli	
			217	Bilagunda	
			218	D.N.Halli	
			219	Kattaya	
			220	Karle	
			221	Ballakere	
			222	Muddanahalli	
			223	Malligevalu	

			224	Sattigarahalli	
			225	Kallahalli	
			226	Bommenahalli	
			227	Ontimane	
			228	Sattigarahallikavalu	
			229	Sattigarahallikoppalu	
Hassan	Hassan	Salagame	230	Vedavati	CSR2, CSR2x CSR4, FC1, FC2, NB4D2
			231	Madihalli	
			232	Ramadevarahalli	
			233	Kakkehalli	
			234	Shankadahosahalli	
			235	Somanahalli kavalu	
			236	Kadadaravalli	
			237	Soppanahalli	
			238	Bikanahalli	
			239	Mallenahalli	
			240	Maranahalli	
		Shantigrama	241	Gekaravalli	CSR2, CSR2x CSR4, FC1, FC2, NB4D2
			242	Doddahonnenahalli	
			243	Varlekoppalu	
			244	Shantigrama	
			245	Ranganathapura	
			246	H Byrapura	
			247	Haranahalli	
			248	Kanajanahalli	
			249	Mosalehosahalli	
			250	Kurubarahalli	
	Arasikere	Kasaba	251	Bantarahalli	CSR2, CSR2x CSR4, FC1, FC2, NB4D2
			252	Muttigehirehalli	
			253	Mosale	
			254	Huluvare	
			255	Tamalapura	
			256	Yadapura	
			257	Javanahalli	
			258	Bommanahalli	
			259	Murundi B Tandya	
			260	Murundi	
		Kanakatte	261	Gollarakoppalu	CSR2, CSR2x CSR4, FC1, FC2, NB4D2
			262	Talatore	
			263	Bochenahallikavalu	
			264	Nagenahalli	
			265	Dummenahalli	
			266	A.N.Halli	
			267	Yerehalli	
			268	Vittalapura	
			269	Haralakatta	
			270	Giribommenahalli	
		Gandasi	271	Rampura	CSR2, CSR2x CSR4, FC1, FC2, NB4D2
			272	Doddametekerke	
			273	Adihalli	
			274	Chindenahalli	
			275	Hosahalli B	
			276	Srirampura	
			277	Mangalapura	
			278	Kenkere	
			279	Mavinakere	
			280	Narammanahalli	
			281	Bharmadevarahalli	
			282	Byragowdanahalli	
			283	Bageshapura	

			284	Bagivalu	CSR2, CSR2x CSR4, FC1, FC2, NB4D2
			285	Mahadevarahalli	
			286	Chagachagere	
			287	Borehalli	
			288	Jakkahalli	
			289	Marashettanahalli	
			290	Huliyappannapalya	
			291	Appenahalli	
			292	Bilenahalli	
		Javagal	293	Arekere	
			294	Dhanajayapura	
			295	Kasturikoppal	
			296	Tirupatihalli	
			297	Javagal	
			298	Kolagunda	
			299	Attiguddakavalu	
		Banavara	300	Valehalli	
			301	Byrambudi	
			302	Banavara	
	Holenarasipura	Kasaba	303	Ankavalli	
			304	Gannikada	
			305	Holeambige	
			306	Hulivalu	
			307	Nagalapura	
			308	Tattekere	
			309	Doodabyagatavalli	
Hassan	Holenarasipura	Halekote	310	Hangarahalli	
			311	Teranya	
			312	Hariharapura	
			313	Yelleshpura	
			314	Doddakunchevu	
			315	Ontiguddakavalu	
			316	Barehosuru	
			317	Gunisatenahalli	
			318	Kinnarahalli	
			319	Mudalakoppalu	
	Holenarasipura	Hallimysore	320	Kallahalli	
			321	Singanaguppe	
			322	Jogikoppalu	
			323	Gohalli	
			324	Hadya	
			325	Guddenahalli	
			326	Motanayakanahalli	
			327	Niduvani	
			328	Lakkuru	
			329	Elechaganahalli	
			330	C.Hindalahalli	
			331	Boovanhalli	
			332	Keragodu	
			333	Udduru Hosahalli	
			334	Bandishettihalli	
			335	K Muddanhalli	
			336	Chittanahalli	
			337	Vadenahalli	
			338	Jodigubbi	
			339	Machagodanahalli	
			340	Bidarakka	
			341	Nerale	
			342	Edegondanahalli	
			343	Marahalli	

Hassan			344	Ragihalli kavalu	CSR2, CSR2x CSR4, FC1, FC2, NB4D2	
			345	Makaballi		
			346	Honnenahalli		
			347	Anekanambadi		
			348	Maranayakanahalli\		
		Hallimysore	349	Bachenahalli		
			350	Gulladapura		
			351	Alagondanahalli		
			352	Nagaranahalli		
			353	Hiritalalu		
			354	Idiganahosuru		
		Channarayap atna	Kasaba	355		Nalluru
				356		Nandipura
				357		Dindaguru
	358			Chikkagondanahalli		
	359			Karimaranahalli		
	360			V. Somanahalli		
	361			Devigere		
	362			Kalasinda		
	363			M. Honnenahalli		
	364			Nagasamudra		
	365			Manchiganahalli		
	366			Sasalupura		
	367			Mallenahalli		
	368			Yaduvannahalli		
	369			Haralahalli		
	370			Adaguru		
	371			Dadadahalli		
	372			A. Cholenahalli		
	373			Doddaganni		
	374			G. Bendenahalli		
	375			Marenahalli		
	Dandiganahalli		376	Baladare		
			377	Udayapura		
			378	Bettadapura		
			379	Hirihalli		
			380	Vagarahalli		
			381	Y. Singenahalli		
			382	Yaliyuru		
			383	Jakkenahalli		
			384	Belaguli		
			385	Modalapura		
			386	Appenahalli		
387			D. Karadevu			
Channarayap atna			388	B.Chwadenahalli		
			389	Baraguru		
	390	Chikkamatthigatta				
	391	Upinahalli				
	392	Dharasigatta				
	393	Madaba				
	394	Hosoru				
	395	Daddamathigatta				
	396	Kattarigatta				
	397	Nanbihalli				
	398	Malenahalli				
	399	N. Bendenahalli				
	400	Kallenahalli				
	401	Sagathavalli				
	402	Nadanahalli				
	Shravana Belagola	403	Gurigaranahalli			

			404	Manjunathapura	CSR2, CSR2x CSR4, FC1, FC2, NB4D2
			405	Aladahalli	
			406	Korenahalli	
			407	B. Honnenahalli	
			408	Sundahalli	
			409	Kabbalu	
			410	Kantirayapura	
			411	Aruvanahalli	
			412	Halumathigatta	
			413	Baralu	
			414	Gagibommenahalli	
			415	B. Manchenahalli	
			416	Sanenahalli	
		Baguru	417	Kodihalli	
			418	Valagerahalli	
			419	K.Thimlapura	
			420	Bichagodanahalli	
			421	Kembaalu	
			422	Kakkihalli	
			423	Bidare	
			424	Balagatta	
			425	M.Shivara	
			426	Muddanahalli Kavalu	
			427	B. Honnenahalli	
			428	Kumbarahalli	
			429	Chavvenahalli	
			430	Navile	
		Hirisave	431	Arakere	
			432	Sorekayipura	
			433	Mathigatta	
			434	Kasaranahalli	
			435	Biranahalli	
			436	Channenahalli	
			437	Dasarahalli	
			438	M.Hosoru	
			439	Indranahalli	
			440	Huligere	
			441	D.Thumakuru	
			442	Mandalikanahalli	
			443	Kabballi	
		Nuggehalli	444	Athihalli	
			445	Jamburu	
			446	Hulikere	
			447	Madihalli	
			448	Hanumanthapura	
			449	Sosalagere	
			450	Virupakshapura	
			451	Channagonahalli	
			452	Santheshivara	
			453	Rampura	
			454	Hullenahalli	
			455	Duggenahalli	
			456	Karehalli	
Tumkur	Chikkanayakana halli	Shettikere	457	Honnebagi	CSR- Pure races & CSR Hybrids
			458	Kadenanahalli.	
			459	Shettikere	
			460	Kodalagara	
			461	Beteranganahalli	
			462	Mallagondanahalli	

			463	Ranganathapura	
			464	Manchekatte	
			465	Siddapura	
			466	Tharabenahalli	
			467	Hesarahalli	
			468	Aralikere	
			469	Kuppuru	
			470	Thammadihalli	
			471	Thotegowdanapalya	
			472	Bagganahalli	
		Kandikere	473	Belavadi	
			474	Byranakatte	
			475	Bheemakkanakatte	
			476	Barakanahall	
			477	Siddanakatte	
			478	Badakegudlu	
			479	Hullenahalli	
			480	Madanahalli	
			481	Astrihall	
			482	Ajjigudde	
			483	Singadahalli	
			484	Chikkabidare	
			485	Doddabidare	
		Huliyaru	486	Muthugadahalli	
			487	Ambarapura	
			488	Nulenuru	
			489	Kallenahalli	
Tumkur	Tiptur	Kasaba	490	T.L. Palya	CSR Pure races & CSR Hybrids
			491	Ganganagatta	
			492	Dasarighatta	
			493	Huchanahalli	
			494	S. Hosur	
			495	S. Iakkihalli	
			496	Basavanahalli	
			497	Chikkabidare	
			498	Dasihalli	
			499	Thadasur	
			500	Konehalli	
			501	Chatnahalli	
			502	Kodihalli	
		Honnnavalli	503	Halkurike	
			504	Manjunathapura	
			505	Basavarajapura	
			506	Malladevihalli	
			507	Gyaragatta	
			508	Vasudevanahalli	
			509	Manukikere	
		Nonavinakere	510	Nagaraghatta	
			511	K.Mallenahalli	
			512	Yadagarahalli	
			513	Honnenahalli	
			514	N. Melanahalli	
			515	Nellikere	
			516	Gopalapura	
			517	Mugtihalli	
			518	Karikere	
			519	Bajagur	
			520	Hullenahalli	
			521	Masavanaghatta	
			522	Sannenahalli	

Tumkur	TIPTUR		523	Sugur	CSR Pure races & Hybrids
			524	Mathighatta	
			525	Jaipura	
			526	Nonavinakere	
			527	Albur	
		Kibbanahalli	528	Karadalu	
			529	Karadalu palya	
			530	Aralaguppe	
			531	Nyakenahalli.	
			532	Kundur	
			533	Kattehalli	
			534	Balleyakatte	
			535	Bommenahalli	
			536	Kamagondanahalli	
			537	Hindiskere Palya	
			538	Ginakikere	
			539	Kibbanahalli	
			540	Kundurpalya	
	TURUVEKERE	Kasaba	541	Kallanakere	
			542	Dwaranahalli	
			543	Madihally palya	
			544	Sanglapura	
			545	H.Bommanahally	
			546	Chikkonahally	
			547	Thalekere	
			548	Kallakere	
			549	Muthugadahally	
			550	K.Hoshally	
			551	Maddanahally	
			552	Hebbe Nagasandra	
			553	Chikkapura	
			554	Kachihally	
			555	Bommenahally	
			556	K. Dodderi	
			557	Ittigehally	
			558	Byadarahally	
			559	Doddamalligere	
			560	Sondemaranahally	
			561	Banasandra	
			562	Kunikenahally	
			563	Kodigehally	
Tumkur	TURUVEKERE	Kasaba	564	Abalakatte	CSR Pure races & CSR Hybrids
			565	Marasarakottige	
			566	Doddagattha	
			567	Chikkanahally kaval	
			568	Marappanahally	
			569	Thandaga	
			570	Naduvinahally	
			571	Hulikal	
			572	Brahmadevarahatty	
			573	Aladahally	
			574	Gopalapura	
			575	Harikaranahally	
			576	Dombaramahatty	
			577	Thovinakere	
			578	Goppenahally	
			579	Chimmanahally	
			580	Srirampura	
			581	Doddenahally	
			582	Kurubarahalli	

Mandya	K.R.Pet	Kasaba	583	Malladevanahally	CSR2, CSR2x CSR4,FC1, FC2, NB4D2
			584	Kappuru	
			585	B.C. Kavalu	
			586	Guddaiahnapalya	
			587	Angadigere	
		Kasaba	588	Mosale. Koppalu	CSR2, CSR2x CSR4,FC1, FC2, NB4D2
			589	Kamanahalli	
			590	Nargonahalli	
			591	Ballekere	
			592	Yemmadahalli	
			593	Areboovanahally	
			594	Krishnarajapet	
			595	Mathigatta	
			596	Yedahalli	
			597	Kalegowdanakoppalu	
			598	Laxmipura	
			599	Bandi Hole	
			600	Agrahara Bachahalli	
			601	Harirayana halli	
			602	Govindgowdana Koppalu	
			603	Hariharapura	
			604	Bommenahalli	
			605	Hosaholalu	
			606	Gandinagara	
			607	Bellibettadakaval	
			608	Kundanahalli	
			609	Chikkonahalli	
			610	Pura	
			611	Mallenahalli	
		Bookinakere	612	Vittalapura	CSR2, CSR2x CSR4,FC1, FC2, NB4D2
			613	Yagachakuppe	
			614	Aralakuppe	
			615	Maduvina Kodi	
			616	Natanahalli	
			617	Paradeshigowdana Koppalu	
			618	Kapanahalli	
			619	Bukanakere	
			620	Ranganathapura	
			621	Modur	
			622	BommegowdanaKoppalu	CSR2, CSR2x CSR4,FC1, FC2, NB4D2
		Bookinakere	623	Bannanakere	
			624	KeremegalaKoppalu	
			625	Ichanahalli	
			626	Bannenahalli	
			627	Chokanahalli	
			628	Bommalapura	
			629	Agasarahalli	
			630	Mathikere	
			631	Ganjigere	
			632	Doddagadiganahalli	
			633	Mavinakere	
			634	Kattally	
			635	Kurubarahally	
			636	Mudigere	
		Kikkeri	637	Chujjalakyatanahalli	
			638	Govindanahalli	
			639	Echalaguddekaval	

			640	Kempikoppalu	
			641	Uginahalli	
			642	Bidarahalli	
			643	Chowdenahalli	
			644	Sollepura	
			645	Kikkeri	
			646	Bhadranakoppalu	
			647	Ikanahalli	
			648	Basavanahalli	
			649	Anegola	
			650	Mandalikanahalli	
			651	Thenginagatta	
			652	Margonahalli	
			653	Lakshmipura	
		Akkihebbalu	654	Sravananahally	
			655	Mandagere	
			656	Kyathanahally	
			657	Chowda samudra	
			658	Manchibeedu	
			659	Hangaramuddanahally	
			660	Vaddaragudi	
			661	Jainahalli	
			662	Somanahalli	
			663	Ambigarahalli	
			664	Mudalapura	
			665	Akkihebbalu	
		Sheelnere	666	Honnenahalli	
			667	Hemmadahalli	
			668	Maradahalli	
			669	Anchemuddnahalli	
			670	Hralahalli	
			671	Mailanahalli	
			672	Neethimangala	
			673	Rajaghatta	
			674	Maruvanahalli	
			675	Uygonahalli	
		Santhe bachahalli	676	Koratikere	
			677	Narayanapurakoppal	
			678	Hubbanahalli	
			679	Appanahalli	
			680	Kotthamaranahalli	
			681	Gidadaboppanahalli	
			682	Mavinakattekkoppal	
Mandya	K.R.Pet	Santhe bachahalli	683	Lokanahalli	CSR2, CSR2x CSR4, FC1, FC2, NB4D2
			684	Bedadahalli	
Bangalore Urban	Anekal	Kasaba	685	Samanduru	CSR2, CSR2x CSR4, FC1, FC2, NB4D2
			686	[S.Madivala]	
			687	[S.Thimmasandra]	
			688	[Gandhinagara]	
			689	Channena Agrahara	
			690	Maranayakanahalli	
			691	Sabmangala	
			692	Geratagenabele	
			693	Kuvempunagar	
			694	Gudnahalli	
			695	Muthagatte	
			696	Chikkanahalli	
			697	Kurubarahatti	
			698	Vanakanahalli	
			699	Sunavara	

			700	Singasandra	
			701	Soluru	
			702	Menasiganahalli	
			703	[Kempudommasandra]	
			704	Choodenahalli	
			705	Patnagere Gollahalli	
			706	Kalanayakanahalli	
			707	Bidarakadahalli	
			708	Telagarahalli	
			709	Karpuru	
			710	Aravantigepura	
			711	Handenahalli	
			712	Rachamanahalli	
			713	Bidaragere	
			714	Bestamanahalli	
			715	[Dinnuru]	
			716	Byagadenahalli	
			717	Kunmadivala	
			718	Kempavaderahalli	
			719	Doddahagade	
			720	[Yallammanapalya]	
			721	Avadenahalli	
			722	Kammasandra Agrahara	
			723	[Kavalahosahalli]	
			724	Chikkahagade	
			725	Thattanahalli	
			726	Soppahalli	
			727	Suragajakkanahalli	
			728	Sidihosakote	
			729	Gowrenahalli	
			730	Honnakalasapura	
			731	A.Medihalli	
			732	Agasathimmanahalli	
			733	Hasiruvani	
			734	Amanikere Doddakere	
			735	Sannanayakanapura	
			736	[Siddanapalya]	
			737	Aduru	
			738	[Chinnayanapalya]	
			739	[Bodarahalli]	
			740	Indlavadi	
			741	[Laxmipura]	
			742	[Basavanapura]	
Bangalore Urban	Anekal	Kasaba	743	Arehalli	CSR2, CSR2x CSR4,FC1, FC2, NB4D2
			744	[Bangladoddi]	
			745	Bagganadoddi	
			746	Kadujakkanahalli	
			747	Rajannaoddi	
			748	Billayanadoddi	
			749	[Nagaiyanadoddi]	
			750	Thammanayakanahalli	
			751	Choodahalli	
			752	Chikkahosahalli	
			753	Chikkanahalli	
			754	Indlavadipura	
			755	[Karakalaghatta]	
			756	Mutturu	
			757	Mysorammanadoddi	
			758	[Thimmaihanadoddi]	

Bangalore Urban	Anekal	Jigani	759	Thimmasandra	CSR2, CSR2x CSR4,FC1, FC2, NB4D2
			760	Kumbarahalli	
			761	Lingapura	
			762	[Nayanahalli]	
			763	Haragadde	
			764	Seethanayakanahalli	
			765	Nosenuru	
			766	N.Gollahalli	
			767	Haragadde Vaddarahalli	
			768	Madapatna	
			769	Dyavasandra	
			770	Kallabalu	
			771	Giddenahalli	
			772	J.Bangipura	
			773	Vaderamanchanahalli	
			774	Bukkasagara	
			775	[Sattasabi Dinne]	
			776	[Kasuvinkunte]	
			777	Mahanthlingapura	
			778	Balar bande	
			779	Krishnadoddi	
			780	Pujjarisingayandoddi	
			781	Yallamandoddi	
			782	Giddegowdandoddi	
			783	Madappandoddi	
			784	Javaregowdandoddi	
			785	Dasappandoddi	
			786	Goninayakandoddi	
			787	Bommandhalli	
			788	Konasandra	
			789	Harapanhalli	
			790	Kuppasiddaiaandoddi	
			791	Jigani	
			792	Bandenallasandra	
			793	Kyalasanhalli	
			794	[Srirampura]	
			795	Hennagara	
			796	Hennagara Amanikere	
			797	Yarandahalli	
			798	H.Hosahalli	
			799	Kachanayakanahalli	
			800	Mastanahalli	
			801	Hinnakki	
			802	Rajapura	
			803	Ramakrishnapura	
			804	Hulimangala	
			805	Maragondanahalli	
			806	S.Bingipura	
		Jigani	807	Podu	CSR2, CSR2x CSR4,FC1, FC2, NB4D2
			808	Kempapura	
			809	Vabasandra	
			810	Nanjapura	
			811	Koppa	
			812	Koppagate	
			813	Shikaripalya	
			814	Ragihalli	
			815	[Madayandoddi]	
			816	[Koratageredoddi]	
			817	[Annayandoddi]	
			818	[Sevanayakandoddi]	

			819	[Ramanayakandoddi]	CSR2, CSR2x CSR4,FC1, FC2, NB4D2
			820	[Basavandoddi]	
			821	Shivanhalli	
			822	[Vantemaranhalli]	
			823	[Muninanjappandoddi]	
			824	[Sollepuradoddi]	
			825	[Puttegowdandoddi]	
			826	Subbegowdandoddi]	
			827	Jaipurdoddi	
			828	[Kariyappandoddi]	
			829	[Ujinappandoddi]	
			830	[Kateridoddi]	
			831	[Gundayandoddi]	
			832	Mudlyandoddi	
			833	Mantapa	
			834	Kaleswari	
			835	Jangalpalya	
			836	[Vajarahalli[	
			837	Hullahalli	
			838	[Chattekerepalya]	
			839	[Chinnayanpalya]	
			840	Laxmipura	
			841	[Sampangiramanagar]	
			842	Halesampigehalli	
			843	Malenallasandra	
			844	Rayasandra	
			845	Sakalavara	
			846	Hulkasavanhalli	
		Attibele	847	Vaderhalli	
			848	Begihalli	
			849	Amani Bidarkere	
			850	Bujangdasankere	
			851	Bannerughatta	
			852	Bannerughattakaval	
			853	[Kempanayakanhalli]	
			854	Sampigehalli	
			855	Butanhalli	
			856	[Hakkipikki colony]	
			857	Shilindradoddi	
			858	[Byatarayandoddi]	
			859	[Bylamaradoddi]	
			860	Byarappanhalli	
			861	Kannanayakanagrahara	
			862	[Kuluvepalya]	
			863	Amruthnagar	
			864	[Munimarandoddi]	
			865	Bilvaradahalli	
			866	{Shanubhoganhalli[	
			867	[Kenchayandoddi]	
			868	[Kysaraguppe]	
			869	Gollahalli	
			870	Attibele	
			871	Ballur	
			872	Dasanpura	
			873	Kodlipura	
			874	Arehalli	
			875	Halehalli	
			876	Mayasandra	
			877	Mutasandra	
			878	Kamblipura	

			879	[Harohalli]	
			880	M.Medihalli	
			881	Baktipura	
			882	Bidaraguppe	
			883	[Malenhalli]	
			884	Narasapura	
			885	Indlabele	
			886	Chikkanahalli	
			887	Jigala	
			888	Arenuru	
			889	Chandapura	
			890	Laxmisagara	
			891	Chandapura Chatrakane	
			892	Ramasagar	
			893	Andapura	
			894	Heelalage	
			895	Iggalur	
			896	Neraluru	
			897	Thirumagondanahalli	
			898	Balagaranahalli	
			899	Yadavanhalli	
			900	Adigondanahalli	
			901	Bendiganahalli	
			902	Guddahatti	
			903	Krishnasagar	
			904	Giddenhalli	
			905	Ichanguru	
			906	[Ichanguru Vaddarpalya	
			907	Hebbagodi	
			908	Thirupalya	
			909	Veerasandra	
			910	Gollahalli	
			911	Kammasandra	
			912	Vaddarapalya	
			913	Bommasandra	
			914	Kithaganhalli	
	Anekal	Sarjapura	915	Banahalli	CSR2, CSR2x CSR4,FC1, FC2, NB4D2
			915	Banglapete	
			916	Sarjapura	
			917	Mugalur	
			918	Kutaganhalli	
			919	[Bhovipalya]	
			920	Panditan Agrahara	
			921	Mattnahalli	
			922	Gudigattanhalli	
			923	Doddathimmasandra	
			924	Mahalchoudenhalli	
			925	Kuguru	
			926	Banahalli	
			927	Thindlu	
			928	Madappanhalli	
			929	Deshapandegattahalli	
			930	Seeganayakanahalli	
			931	Chikkanahalli	
			932	Kamanhalli [Rajivgandhinagar]	
			933	Neriga	
			934	Chikkanekkundi	
			935	Nekundidommasandra	

			936	Jantagondanhalli	
			937	Gonigatapura	
			938	Katariguppe	
			939	Heggondhalli	
			940	Halasahallitippasandra	
			941	Ramanayakanhalli	
			942	Chikkadasarahalli	
			943	Nagengrahara	
			944	Chikkavadenur	
			945	Handenahalli	
			946	Kotaganhalli	
			947	Sollepura	
			948	Bikanhalli	
			949	S.Medihalli	
			950	Billapura	
			951	Buregunte	
			952	Adigarkallahalli	
			953	[Sultanpalya]	
			954	Tyvakanahalli	
			955	Byalhalli	
			956	Bilchikkanhalli	
			957	Yamare	
			958	Sompura	
			959	Kadagrahara	
			960	Chambenhalli	
			961	T.C.halli	
			962	B.Hosahalli	
			963	V.Kallahalli	
			964	Ittanguru	
			965	Dommasandra	
			966	Muthanalluru	
			967	Narayanghatta	
			968	Alibommasandra	
			969	Samanhalli	
			970	Gopasandra	
			971	Kommasandra	
			972	Chikkathimmasandra	
			973	Singenagrahara	
			974	Muthanalluru Amanikere	
			975	Chikkadonnasandra	
			976	Huskur	
			977	Gulimangala	
			978	Avalhalli	
			979	Chokkasandra	
			980	Harohalli	
			981	Chintalmadivala	
			982	Kaggalipura	
			983	Kudlu	
			984	Gattahalli	
			985	Choodasandra	
			986	Rayasandra	
			987	Chikkanagamangala	
			988	Shantipura	
			989	Vaddarpalya	
Kodagu	Madikeri	Baghamandala	990	Cherangala	CSR2
			991	Sannaduliket	
			992	Korangala	
			993	Koppatty	

Kodagu		Sampage	994	Bettageri	CSR2
			995	Tavuru	
			996	Hapatturu	
			997	Biligeri	
			998	Bellumadu	
	Somavara pete	Kushalanagar	999	Bhuvanagiri	CSR2 , CSR4
			1000	Hudugooru	
			1001	Chikkatturu	
			1002	Doddatturu	
			1003	Heruru	
			1004	Balluru	
			1005	Manajuru	
			1006	Basavanahalli	
			1007	Basavanaturu	
		Somavarapete	1008	Abburu Katte	
			1009	Beluru	
			1010	Kusaburu	
			1011	Tanniruhalla	
			1012	masagodu	
		ShanivaraSante	1013	Kugekodi	
			1014	Hosagutti	
		Kodalipete	1015	Chikkakunda	CSR Hybrid
			1016	Nirugunda	
			1017	Janardhanahalli	
			1018	Shirangala	
			1019	Kitturu	
			1020	Koneganahalli	
			1021	Maagadahalli	
			1022	Hosagutti	
Uttar Kannada	Ankola	1. Belale	1023	Thogase	CSR pure races & CSR Hybrids
			1024	Beerala bail	
			1025	Hilluru	
			1026	Karikal	
			1027	Sunkasala	
			1028	Achave	
			1029	Mabagi	
			1030	Kuntakani	
		2. Belekeri	1031	Haravada	
	Bhatkal	3 Susudi	1032	Agga	
		4 Mavalli	1033	Antravalli	
			1034	Shirali	
	Haliyala	5 Murkavada	1035	Koppa	
			1036	Hullati	
			1037	Chatranala	
			1038	B.K. Halli	
			1039	Kavalavada	
			1040	Nandigadda	
			1041	Murkavada	
			1042	Golehalli	
			1043	Thegnalli	
			1044	Alolli	
			1045	Havagi	
			1046	Gutthigeri	
			1047	Satnalli	
			1048	Hunasavada	
			1049	Mundakki	
			1050	Madnalli	
		6 Dandeli	1051	Yadoga	

Uttar Kannada	Haliyala	7 Sambrani	1052	Ramapura	CSR Pure aces and CSR Hybrids
			1053	Aalura	
			1054	Kurigadda	
			1055	Agasalakatta	
			1056	Ajagava	
	Honnavara	8 Mavinakurva	1057	Hukkalli	
			1058	Kolagadde	
		9 Manki	1059	Kuchcholi	
			1060	Mundaru	
			1061	Magodu	
		10 Honnavara	1062	Kadniru	
			1063	Hodikeshirooru	
			1064	Chandavara	
	Karwara	11 Kinnara	1065	Bargal	
			1066	Beluru	
			1067	Nagekove	
	Kumata	12 Mirjana	1068	Betkuli	
			1069	Mulekeri	
			1070	Hebail	
			1071	Horemaski	
			1072	Shrigunji	
			1073	Marakal	
			1074	Hunsekoppa	
			1075	Halagadde	
		13 Koojalli	1076	Mundgejaddi	
			1077	Diwalli	
			1078	Kojalli	
			1079	Ulluru	
			1080	Kallabbe	
	Mundagoda	14 Mundagoda	1081	Thattihalla	
			1082	Shidlagundi	
			1083	Induru	
			1084	Attabail	
			1085	Basavanajaddi	
			1086	Bekkoda	
	Siddapura	15 Kondli	1087	Bikkalase	
			1088	Chanamaov	
			1089	Hanchinachappara	
			1090	Hakkalakari	
			1091	Thyarsi	
			1092	Golagoda	
		16 Umbalemane	1093	Ganadamane	
			1094	Arishinagoda	
			1095	Attisavala	
			1096	Heggarabail	
			1097	Thalagara	
			1098	Kulle	
			1099	Kesarala	
			1100	Thandagundi	
		17 Kodkani	1101	Admane	
			1102	Shiroru	
			1103	Gunavaththe	
			1104	Vandaane	
			1105	Birlamakki	
			1106	Bailalli	
			1107	Alavalli	
			1108	Lakkijaddi	
			1109	Nellikoppa	
			1110	Puradamatha	
			1111	Malavalli	

Uttar Kannada	Siddapura		1112	Igalikoppa	CSR Pure aces and CSR Hybrids
			1113	Manamane	
			1114	Arenduru	
			1115	Arasibail	
			1116	Keelara	
			1117	Kotekoppa	
			1118	Jikkinamadaki	
			1119	Thenginamakki	
		17 Kodkani	1120	Konanathale	
			1121	Basavanabail	
			1122	Maragadde	
			1123	Benanagundi	
			1124	Mastane	
			1125	Halagadde	
			1126	Hosuru	
			1127	Chandragatagi	
	Shirasi	18 Banavasi	1128	Danaganahalli	
			1129	Kotekoppa	
			1130	Malalagava	
			1131	Gharsi	
		19 Sampakhanda	1132	Kibbali	
			1133	Neggu	
			1134	Banatkodlu	
			1135	Korse	
			1136	Hanikeri	
			1137	Bandala	
			1138	Keregani	
			1139	Kolagibees	
			1140	Devanalli	
			1141	Koddagadde	
			1142	Hukkalebail	
			1143	Hallikeri	
			1144	Kanamane	
			1145	Bikkigadde	
			1146	Saraguppa	
			1147	Hasanagi	
			1148	Sawale	
		20 Hulekal	1149	Lmalenalli	
			1150	Bommanalli	
	Joyada	21 Joyada	1151	Bamanagi	
			1152	Nagari	
	Yellapura	22 Manchikeri	1153	Keshinakodlu	
			1154	Bharani	
			1155	Vanakemane	
			1156	Ummachagi	
			1157	Thuduguni	
			1158	Kangoda	
			1159	Tharimakki	
			1160	Gudanduru	
			1161	Jambesala	
			1162	Bailandoora	
			1163	Onithota	
			1164	Gerala	
			1165	Donagara	

KARNATAKA

PURE MYSORE SEED AREA -
ADDITIONAL

District	Taluk	Hobali- Panchayat	SL. No.	Name of Village
Tumkur	Tumkur	Hebbur - Hebbur	1	Hebbur
			2	Girinayakanapalya
			3	Maradigarapalya
			4	Siddanayakanapalya
			5	Gaddenarasainapalya
			6	Kalkere
			7	Kalkere palya
			8	Saggaihnepalya
			9	Shanegowdanapalya
			10	Narasapura
			11	Siddannanapalya
			12	Sangalapura colony
		Hebbur - Gangonapalya	13	Mahimanapalya
			14	Gollarahatty
			15	G.H. Risala
			16	Nagenahally
			17	Kumbipalya
			18	Seenappanahally
			19	Seenappanahally colony
			20	Kodumuddanahally
			21	Kuntarayanapalya
			22	Hunasemaradapalya
		Hebbur - Kanakuppe	23	Manikasabarapalya
			24	Lingapura
			25	kachenahally
			26	kanakuppe
			27	Bovipalya
			28	Byatarayanapura
			29	Mariyammanapalya
			30	Bychenahally
			31	Garagadakuppe
			32	Rayavara
			33	Thimmasandra
			34	Chikkannadevarahatty
			35	Marichikkaiahnapalya
		Hebbur - Ballagere	36	Ballagerekaval
			37	kalyanapura
			38	Hanumantanagara
			39	Doddaiahnakattepalya
			40	Vakkodaiahnapalya
			41	Dassegowdanapalya
			42	Dasarahally
			43	Mayammanapalya
	Kunigal	Huliyurdurga - Nidasale	44	Chalamanasandra
			45	Shivanahally
		Hutridurga	46	Naganahally
			47	Sondalagere
Ramanagaram	Magadi	Solur	48	Solur
			49	Ombathanakere
			50	Ombathanakunte palya
			51	Arasinakunte
			52	TMG Palya
			53	Cholapalya

			54	Thimmasandra	
			55	Siddaihanapalya	
			56	Bylakere	
			57	Hakkinal	
			58	Hosapalya	
			59	Ankanapalya	
			60	M.R.Palya	
			61	Bhadrapalya	
			62	Rangenahally	
			63	Bittasandra	
			64	Hemapura	
			65	Gangenapura	
			66	Hudakunte	
		Kudur	67	Aladakatte	
			68	A.M.palya	
			69	Vajarahalli	
			70	Kempohalli	
			71	Bestarapalya	
			72	Yessapanpalya	
			73	Kansandra	
			74	Arepalya	
			75	Cheeloor	
			76	Theranahalli	
			77	Hanumapura	
		Madabal	78	Joodoghatta	
			79	kavalpalya	
			80	Polohalli	
			81	T.G. Palya	

TAMIL NADU STATE**Bivoltine Seed Area**

District	Taluk	Hobali/ Block	SL. No.	Name of Village	Silk worm Variety
Dharmapuri	Pappireddipatti	Morappur	1	Jaliyur	CSR2 , CSR4, FC1 & FC2
		Harur	2	Chinnakuppam	
Namakkal	Rasipuram	Vennandur	3	Kalankulam	
Thiruppur	Dharapuram	Dharapuram	4	Kanakayampalayam	
Thiruvannamalai	Vanthavasal	Kottupakkam	5	Kottupakkam	
Pudukottai	Kulathur	Kannanthakoil	6	Nallathangalpatti	
		Viralimalai	7	Thennathirayanpatti	
	Alankudi	Thiruvarankulam	8	Thadiyamanai	
			9	Venkatakulam	
	Pudukkottai	Kantharvakottai	10	Kuppaiyanpatti	
	Karambakudi	Karambakudi	11	Theethanipatti	

CHHATISGARH STATE**Tasar Seed Area**

District	Taluk	Hobli/Block	SL. No.	Name of Village	Silk worm Variety
Jangir	Bhamnidih	Bhamnidih	1	Saragaon	Trivoltine
	Baloda	Baloda	2	Rampur	
			3	Mahuda	
			4	Karhidi	
Kanker	Charama	Charama	5	Charama	Trivoltine
	Narharpur	Narharpur Kanker	6	Navagaon	
Raigarh	Gharghoda	Gharghoda	7	Gharghoda	Bivoltine
	Gharghoda	Tamnar	8	Gare budiya Kasdol	
		Lailunga	9	Katkaliya	

	Dharamjaigarh	Dharamjaigarh	10	Hati	
	Kharsiya	Kharsiya	11	Barra	
	Sarangarh	Sarangarh	12	Kanakbira	
		Baramkela	13	Kandola	
		Baramkela	14	Sariya	Trivoltine
	Gharghoda	Gharghoda	15	Kudumkela	
	Gharghoda	Tamnar	16	Tamnagar	
	Dharamjaigarh	Dharam-jaigarh	17	Sisringa	
	Sarangarh	Sarangarh	18	Kanakbira	
		Baramkela	19	Baramkela	
			20	Torna	
			21	Singharee	
			22	Dongripalee	

ASSAM STATE

Muga Seed Area

District	Taluk/Hobli/Block	SL.	Name of Village	Silk worm Variety
		No.		
Dibrugarh	Tingkhong	1	1 No. Gandhia	<i>Antheraea assama</i>
		2	2 No. Gandhia	
		3	1 No. Betoni	
		4	Raidongia	
		5	Nachani	
		6	Kekuri Sonowal	
		7	Ouphulia Sonowal	
		8	2 No. Thengal	
	Khowang	9	Nahorani	
		10	Hunghungia	
		11	Kordoiguri	
		12	Napathar	
		13	Natun Bharali	
		14	Kathalguri	
	Tengakhat	15	Tamulikhath	
		16	Borbam	
	Joypur	17	1 No. Dolamuri	
		18	Sukani	
		19	Nigam	
		20	Komargaon	
		21	Kenduguri	
Cachar	Amri	22	Thaligram	
		23	Chungoorbond	
		24	Tilanagar	
		25	Jibangram	
		26	Kumacherra	
		27	Doloicherra	
		28	Joypura	
		29	Mohankhal	
Sonitpur	Balipara	30	Ulubaru	
		31	Tarabari	
		32	Balipara	
		33	Udmari	
	Rangapara	34	Bhalukpung	
		35	Upar Kacharigaon	
		36	2 No. Naharanigrant	
	Borsola	37	Borosla	
		38	Borbhogia	
		39	Natun Borjhar	
		40	Pub Borjhar	
		41	Pachim Borjhar	

Kamrup	Bongaon	42	Dolathowa	<i>Antheraea assama</i>
		43	Santaikona	
		44	Batakuchi	
		45	Mekamadal	
		46	Majailari Mowdongop	
		47	Lalmati	
	Boko	48	Kompaduli	
		49	Bangjeng	
		50	Walkmegadrop	
		51	Noapara	
		52	Dronpara	
		53	Megadop	
		54	Samarang	
		55	Hahim	
		56	Daini Tarabari	
		57	Bakrapara	
		58	Sakhati	
		59	Ranikhat	
		60	Uppertarabari	
		61	Tangkhula	
		62	Gihanimara	
		63	Namtarabari	
		64	Doini	
		65	Daini Tarabari	
		66	Gohalkona	
Goalpara	Rangjuli	67	Sal para	
		68	Malangkona	
		69	Choraibaha	
		70	Buraburi	
		71	Bakrapara	
		72	Garopara	
		73	SonaliparaNowapara	
		74	Patpara	
		75	Ouguri	
		76	Kahibarigaropara	
		77	Madang	
		78	Tilapara	
		79	Chechajhora	
		80	Dhanubhanga	
		81	Bamunpara	
		82	Jolapara	
		83	Dakuakata	
		84	Aoimari	
		85	Duramari	
		86	Batabari	
		87	Deodhavita	
		88	Fakirpara	
		89	Palsa	
		90	Kathalmuri	
		91	Dhontola	
		92	Gathiapara	
		93	Gohailbori	
		94	Piplibari	
		95	Puthimari	
		96	Sawlibori	
		97	Baghdoba	
	Balijana	98	Bhalukdubi	
		99	Kuruwabhasha	
		100	Bhoishkhuli	
		101	Dosorapara	

		102	Alangpara	<i>Antheraea assama</i>
		103	kalyanpur	
		104	Budhipara	
		105	Kochpara	
		106	Solmari	
		107	Hatigaon	
		108	Bodahapur	
		109	Baijuri	
		110	Bordak	
		111	Dalok	
		112	Rpkhpara	
	Balijana	113	Dorapara	
		114	Chowkapara	
		115	Pakharpara	
	Lakhipur	116	Mogho	
		117	Hatisila	
		118	Jongpara	
		119	Tisimkali	
		120	Balasari	
		121	Nehalivita	
		122	Baida	
Jorhat	Chipahikhula	123	Kakojan	
		124	Pirakota	
		125	Hollongpara	
		126	Mabkukurachowa	
		127	Morangaon	
		128	Bailung gaon	
	Kaliapani	129	Jogduar	
		130	Kaliapani gohain gaon	
		131	Simoliguri	
		132	Balama	
		133	Hanchara	
		134	Bamunpukhuri	
	Titabar	135	Rangajan	
		136	Bibijan	
		137	Borhula	
		138	Rajabahar	
		139	Kharkhowa	
		140	Bebejia	
		141	Deoghoria	
		142	Kachukhat	
		143	Tokoubari	
	Selenghat	144	Hemlai	
		145	Nakachari	
		146	Bolimora	
		147	Eragaon Borngaya	
		148	Chungi Lahing	
		149	Morongial	
Golaghat	Padumoni	150	Kabarugaon	
		151	Bogorijeng	
		152	Chelengi	
	Kathalguri	153	No. 1 Senchowa	
		154	No. 2 Senchowa	
		155	Dakhin Mowkhuwa	
		156	Akagaon	
		157	Dulakhoria	
	Bokakhat	158	Thangal faon	
	Morong	159	Ponka	
		160	Borchapori	
	Kakadunga	161	Batiporia	

	Sarupathar	162	Kachugaon	<i>Antheraea assama</i>
		163	Sumoni	
		164	Jaljori	
		165	Langtha	
		166	Bilpathar	
		167	Nawjan	
Lakhimpur	Narayanpur	168	Ghagara	
		169	Sondhara	
		170	Kesseruguri	
		171	Dhemagarh	
		172	1 No. Rongato	
		173	Tiniali Handique	
		174	3 No. Nimuri	
		175	4 No. Nimuri	
		176	Balipukhuri	
		177	Jutulibari	
		178	Bahupathar	
		179	Batiparia	
		180	Nawghuli	
		181	Panigaon	
		182	Khalihamari	
		183	Jorhatia	
		184	Bezarchuk	
		185	Bhitardoloni	
		186	Geleki	
		187	Dibarua	
Sivasagar	Chapangani	188	Hudu para Abhaipuria Khangia gaon	
	Kheluwa	189	Banmukh Dehingia	
		190	Barhoiting	
		191	Bogidal Bharaligaon	
	Demow	192	Boiraghibar	
		193	Kacharipather	
		194	Patsaku	
	Amguri	195	Dulia gaon	
	Sonari	196	Sepon Tiphok gaon	
	Paschim Abhoripur	197	Mathurapur Bhakot gaon	

Eri Seed Area

District	Taluk/Hobli/Block	SL. No.	Name of Village	Silk worm Variety
Dibrugarh	Barbaruah	1	Madhupur Deori Gaon	<i>Philosomia ricini</i> - White variety, Plain & dotted
		2	Paroliguri	
		3	Gohaigaon	
		4	Tinsukia Gaon	
		5	1 no. Sessakosh	
		6	Mankota	
		7	Hatimora	
	Khowang	8	2 no. Charaihabi	
		9	Gondhoiguri	
		10	Gajpuria Konwar gaon	
		11	Gajpuria Nepali gaon	

	Joypur	12	Kacharipathar	<i>Philosomia ricini - Diphu variety</i>
Karbi Anglong	Lumbajong	13	Enghi gaon	
		14	Sarthe Terongaon	
		15	Hidi Sajir gaon	
		16	Zirla gaon	
		17	Taralangso gaon	
		18	Ramsing Terongaon	
	Samelangso	19	Rongmiran Beygaon	
		20	Dingso Terang gaon	
		21	Bhalukjan gaon	
		22	Chinthong Hansegaon	
		23	Meshpara gaon	
		24	Palam Engti gaon	
	Hawraghat	25	Lancleng terongaon	
	Amri	26	Umsuwai model vilage	
		27	Ramphan gaon	
		28	Umsalan gaon	
		29	Hiundu Bosti	
		30	Mallang gaon	
		31	Bormarijan gaon	
Cachar	Cachar	32	Kalyanpur	<i>Philosomia ricini - White variety, Plain & dotted</i>
		33	Daruikhal	
		34	Jibangram	
		35	Prenchnagar	
		36	Taifunagar	
		37	Guabari	
		38	Khaspur	
Sonitpur	Sootea	39	Charengia	
		40	Na-pam	
		41	Bara bhuyan	
		42	Nalbari Borbheti	
		43	Joysidhi	
		44	Balijuri	
		45	Nizarpar	
	Na-Duar	46	Talakabari	
		47	Borpukhuripar	
		48	Dikaraiguri	
		49	Kusumtola	
		50	Rihabari	
		51	Gohai chuk	
		52	Tupia	
		53	Betguri	
		54	Hatinga	
		55	Nabill	
		56	Toubhanga	
		57	Naharbari	
	Balipara	58	Sirangjuli	
		59	Dalangbasti	
		60	Morisuti	
		61	Amloga	
		62	Batabari	
		63	Chapaguri	
		64	Dhekidol	
		65	Borpukhuripar	
	Rangapara	66	Upar Kacharigaon	
		67	2 No. Naharanigrant	
		68	2 No. Namanigaon	
	Borsola	69	Borsola	
		70	Natun Borjhar	

	Bihaguri	71	Pub-Borjhar	
		72	Dalbari	
		73	Ghatuwa	
		74	Niraioti	
		75	Barauadoloni	
		76	Puthimari	
		77	Bapubheti	
		78	Borgaon Chapari	
		79	Ponjari	
		80	Ulubari	
	Dhekiajuli	81	1 No. Barphukuri	
		82	Sirajuli Satra	
		83	Bondaijarani	
		84	Pirakata	
		85	Bagaribari	
		86	Singri	
		87	Naharbari	
		88	Maz-Rowmari	
		89	Balisuti	
		90	Panch-noi	
Nagaon	Kathiatoli	91	Chota Kondoli	
	Udali	92	Long Mailu	
	Binakandi	93	Modartoli	
Hojai	Udali	94	Long Mailu	
	Binakandi	95	Modartoli	
Kamrup	Chayani Borduar	96	Khokhapara	Philosomia ricini- Borduar Bagan vatriety plain dotted & Zebra
		97	Manikpur	
		98	Borduar	
		99	Tengakhil	
		100	Hatibandha	
		101	Ghilabari	
	Rani	102	Uijula	
		103	Umsore	
		104	Hanapara	
		105	Rajapara	
		106	Nagaon	
		107	Patgaon	
		108	Salser	
		109	Batabari	
		110	Milanpur	
		111	Bilpara	
		112	Ranibari	
		113	Zimputa	
		114	2 No. Japangpuri	
		115	Mairapur	
	Chayagaon	116	Ganeshpara	
		117	Punampur	
		118	Borjuli	
		119	Herkajuli	
		120	Pakkaline	
		121	Sampur	
		122	Narayanpur	
		123	Simian	
		124	Rangamati	
		125	Jogibari	
		126	Patgaon	
		127	Ouguri	
		128	2 No. Ratanpur	
		129	Bherbheri	
		130	Dakuapara	

		131	Kardeguri	
		132	Ratanpur	
		133	Borjhar	
		134	Jalukabari	
	Bongaon	135	Nichinpur	
		136	Lamgaon	
		137	Lampara	
		138	Choudhuripara	
		139	Phalapung	
		140	Santipur	
		141	Borkhal	
		142	1 No. Borkhal	
		143	Larubama	
		144	Hatipara	
	Luki Bekeli	145	Mouchowa	
		146	Garoghuli	
		147	Longkona	
		148	Namberjuli	
		149	Sukunipara	
		150	Girima	
		151	Boripara	
		152	Bhalapara	
		153	Ulipara	
		154	Garbandha	
		155	Dawgaon	
	Dimoria	156	Kalangpur	
		157	Magursila	
		158	Talani	
Goalpara	Rangjuli	159	Sal para	<i>Philosomia ricini - white variety, Plain & dotted</i>
		160	Malangkona	
		161	Choraibaha	
		162	Buraburi	
		163	Bakhrapara	
		164	Garopara	
		165	Sonalipara	
		166	Nowapara	
		167	Patpara	
		168	Ouguri	
		169	Hadipara	
		170	Garovita	
		171	Garopara	
		172	Sarapara	
		173	Mahajonpara	
		174	Rowmari	
		175	Sutarpara	
		176	Sardarpara	
		177	Simlitola	
		178	Doctopara	
		179	Dewanpara	
	Kuchdhowa	180	Kumarpara	
		181	Bangalpara	
		182	Bechimari	
		183	Sadrapara	
	Balijana	184	Hatkholabori	
		185	Hatigaon	
		186	Bodahapur	
		187	Baijuri	
		188	Bordak	
		189	Dalok	
		190	Rokhpara	

		191	Dorapara	<i>Philosomia ricini</i> - white variety, Plain & dotted
		192	Chwokapara	
		193	Pakharpara	
		194	Saplekanta	
		195	Katapara	
		196	Puthimari	
		197	Primary	
		198	Ketkibari	
		199	Dwarka	
		200	Dewli	
		201	Koslotpara	
Dhemaji(Jonai Sub.divn.)	Markongselek Tribal Dev. Block	202	Kemi Jelum	
		203	Leku Jelum	
		204	Ujoini Bijoypur	
		205	Udapur debe chaponi	
		206	Majulipur No.1 + No.2	
		207	Jamjing	
		208	Handique Milon	
		209	No.3 Murkong selek	
		210	Simen chaponi	
		211	Hangma Chaponi	
		212	Barubali	
		213	Koroibari	
Darrang	Paschim Magnaldoi	214	Kabikara	
		215	Dahiganakpara	
		216	Dahi Baniapara	
		217	Sotanagar	
	Pub Mangaldoi	218	Bandia	
		219	K. Bandia	
		220	Bandia Chaponi	
		221	Algachar	
	Bechimari	222	Hirapara	
		223	Baruahjhar	
		224	Baruapara	
	Bechimari	225	Batabari	
	Sipajhar	226	Satgharia	
		227	Kabeichuba	
		228	Chengapara	
		229	Bordoulguri	
		230	Nagaon	
		231	Gorukhuti	
		232	Samala	
		233	Raikabari	
		234	Jhakuapara	
		235	Mahaliapara	
	Kalaigaon	236	Nankara	
		237	Kacharipara	
		238	Charandhra	
		239	Bagharbari	
Jorhat	Bagchung	240	Jalukoni	
		241	Tamulbari	
		242	Khorikotia	
		243	Nagadholi Adholkotia	
		244	Khermia	
		245	Namrupia	
	Dhekorgorah	246	Bahfola	
		247	Kalbari	
		248	Namdeuri	
		249	Kokilamukh	
		250	Lolitimukh	

	Selenghat	251	Boarahom	<i>Philosomia ricini- white variety, Plain & Dotted</i>
		252	Khutiaputa	
		253	Hemlai	
		254	Nakachari	
		255	Bolimora	
		256	Eragaon Bornagaya	
		257	Chungi Lahing	
		258	Morongial	
	Majuli	259	Ratanpur	
		260	Raunapara	
		261	Bongaon	
		262	Bengenati	
		263	Kanijan	
		264	Doriagaon	
Golaghat	Padumoni	265	Mokrong	<i>Philosomia ricini - white, plain dotted</i>
		266	Balijan	
	Kathalguri Padumoni	267	Borting Senchowa	
		268	Kabaru	
	Gomari	269	Garigaon	
		270	Morachuk	
	Kathalguri	271	Moidamoni	
		272	Akagaon	
		273	Nathgaon	
		274	Sautoli	
	Morongi	275	Penkagaon	
		276	Kanaighat	
	Deragaon	277	Sawguri	
		278	Natunchapori	
		279	Daniachapori	
		280	Na-Bhonga	
		281	Khakandguri	
		282	Kacharipam	
Golaghat	Deragaon	283	Dakhin Dolijola	<i>Philosomia ricini - white, plain dotted</i>
	Bokakhat	284	Dusutimukh	
		285	Alami	
	Bokakhat	286	Rajbari	
		287	Bosagaon	
	Sarupathar	288	Joljori	
		289	Gelabil	
		290	Bil gaon	
		291	Bilpathar	
		292	Nawjan	
Morigaon	Kakadunga	293	Batiparia	<i>Philosomia ricini - white, plain dotted</i>
	Bhurbandha	294	Oujari	
		295	Manipur	
		296	Gasarguri	
	Mayong	297	Bakharabari	
		298	Garmari	
		299	Ghaghwa	
		300	Tikhabari	
		301	Kumarkuchi	
		302	Bangfor	
		303	Behitha	
		304	Khindehar	
		305	Senaikuchi	
		306	Santipur	
		307	Behubari	
		308	Darepanigaon	
	Kapili	309	Mikirgaon	
		310	Lukakuchi	

		311	Patrabari	
		312	Banpara	
Tinsukia	Kakapather	313	Kakapather	
		314	Philobari	
		315	Dangari	
		316	Maithang	
		317	Matiakhana	
	Itakhooli	318	Na-sarai	
		319	Barguri	
	Margherita	320	Namsal	
		321	Jagun	
		322	Makumpathar	
323		Makumkilla		
Lakhimpur	North Lakhimpur	324	Korchan	Philosomia ricini - white, plain dotted & Zebra
		325	Bhogmon	
		326	Knowar gaon	
		327	Charaimari	
		328	Bakal gaon	
		329	Borkamalabaria	
		330	Borchapari	
		331	Ghunasuti	
		332	Gharmara	
		Telahi	333	
	334		Bahpati Nath gaon	
	335		Modarguri	
	336		Da-gati	
	337		Rongpuria	
	338		Borsoria	
	339		Jorhatia	
	Boginadi	340	Gagaldubi Borkhelia	Philosomia ricini - white, plain dotted & Zebra
		341	Gagaldubi Baligaon	
		342	Gagaldubi Majgaon	
		343	1 No. Lalpani	
		344	2 No. Lalpani	
		345	Boginadi Nagar Nagaon	
		346	Boginadi Kachari gaon	
		347	Jaradhara	
		348	Kadam Bagan gaon	
		349	Rajgarh	
	350	Bodhkara Majgaon		
Sivasagar	Chapangani	351	Na-pam Baruwati	Philosomia ricini - white, plain dotted & Zebra
		352	Dulakakhoria	
		353	Chanbesha	
		354	Rebati Kapahuwa	
		355	Baulimoidam	
	Gaurisagar	356	Laichapori	
		357	Chipahi	
	Kheluwa	358	Banmukh Nagaon	
		359	Kalugaon	
	Demow	360	Kacharipather	
361		Dhuramukh		
362		Bam Rajabari		
363		Na-hat		
N.C. Hills (Dimahasao)	Maibong	364	Dehar Phonglo	
		365	Longkhar	
		366	Kalachand	
		367	Khejurbong	
		368	Damadi Hower	
		369	Purna Maibong	
		370	Giding par	

		371	Hari chandrapur	
		372	Basabari	
		373	Dimalikpur	
	Haflong	374	Dikrik	
		375	Dibara	
		376	Dimalik raji	
		377	Tularam raji	
		378	Topodisha	
		379	Bolidura	
		380	Surajnagar	
		381	Amrudisha	
		382	Borowashilling	
		383	Langri	

ASSAM STATE

Mulberry Seed Area

District	Taluk/Hobli/Block	SL. No.	Name of Village	Silk worm Variety
Cachar	Cachar	1	Kamranga	Multivoltine - Sarupat
Nagaon	Kathiatoli	2	Paschim Senchowra	Multivoltine - Sarupat & Nistari
Kamrup	Chayagaon	3	Jogirbari, Ratanpur	Multivoltine - Sarupat & Nistari
Goalpara	Balijana	4	Budhipara	MV - Sarupat
		5	Dorapara	Bivoltine - NB4D2, CSR1, CSR2
		6	Chowkapara	
Darrang	Paschim Mangaldoi	7	Kabikara	Multivoltine - Sarupat, Nistari Bivoltine - CSR1, CSR2, CSR4
		8	Sotangaon	
		9	Bornagaon	
		10	Niz Dahi	
		11	Baniapara	
		12	Gosaigaon	
	Pub Mangaldoi	13	Chenialpara	
		14	Khataniapara (Dhula)	
	Sipajhar	15	Satgharia	
		16	Balipara	
		17	Batabari	
		18	Gabhara	
		19	Halda	
		20	Niz-sipajhar	
		21	Harimuria	
		22	Satkhal	
	Kalaigaon	23	Hirapara	
		24	Bagharbari	
		25	Dalanghat	
		26	Goriapara	
		27	Charandhara	
		28	Hapamara	
		29	Balipota	
		30	Bahjani	
Jorhat	Bagchung	31	Jalukoni	Multivoltine - Sarupat, Nistari Bivoltine - CSR1, CSR2, CSR4
		32	Tamulbari	
		33	Khorikotia	
		34	Nagadholi Adhokotia	
		35	Khermia	
		36	Namrupia	
	Dhekorgorah	37	Bahfol	
		38	Kalbari	

Jorhat		39	Namdeuri	
		40	Potia gaon	
		41	Lolitimukh	
		42	Borahom	
		43	Nimati Goriabhoga	
		44	Upper Bahfolā	
		45	Namoni Bahfolā	
		46	Saguri	
		47	Kareng Chapori	
		48	Upper Deuri	
		49	Nam Deuri	
		50	Charighoria	
	Dhekorgorah	51	Borkhu	Multivoltine - Sarupat, Nistari Bivoltine - CSR1, CSR2, CSR4
	Titabar	52	Rangajan	
		53	Bibijan	
		54	Borhula	
		55	Rajabahar	
		56	Kharkhowa	
		57	Berbejia	
		58	Deoghoria	
		59	Kachukhat	
		60	Tokoubari	
	Majauli	61	Ratanpur	
		62	Raunapara	
		63	Bongaon	
		64	Bengenati	
		65	Kanijan	
		66	Doraigaon	
		67	Rangachahi	
		68	Luitpara	
		69	Salmora	
		70	Birinabari	
		71	Goul gaon	
Lakhimpur	Ghilmara	72	Borpatia	Bivoltine - NB4D2, NB18, CSR2XCSR4
		73	Sarupatia	
		74	Dhulpeta	
		75	Matanibari	
		76	Kekuri	
		77	Sapekhati	
		78	1 No. Ghilamara	
		79	Koroiguri	
		80	Balionoi	
		81	Sonari sapari	
		82	Charikuria	
		83	Mornoi Bebejia	
		84	Patir Chuk	
	North Lakhmipur	85	Ujjalpur	
		86	Kachipathar	
		87	Janakpur	
		88	Satakpur	
		89	Siabari	
		90	Na-pam	
Sivasagar	Gaurisagar	91	Mathiachiga Dehingia gaon	Bivoltine - CSR1, CSR2, CSR4
	Kheluwa Demow	92	Kukurachuwa	
		93	Dhundarmukh	
		94	Palangi	

BODOLAND TERRITORIAL COUNCIL (BTC), KOKRAJHAR**Eri Seed Area**

District	Taluk/Hobli/Block	SL. No.	Name of Village	Silk Worm Variety
Kokrajhar	Taluk- Parbatjhora Block- Devitola	1	Dolanjhora	Eri
		2	Molandubi	
		3	Bongshijhora	
	Taluk-Kokrajhar Block-Titaguri	4	Bethagaon	
		5	Bamunpara	
		6	Boro Kursakati	
		7	Nayakgaon	
Baksa	Taluk-Mushalpur Block- Mushalpur	8	Narayanpur	
		9	Daragaon	
		10	Uzirbari	
		11	Jalah	
	Taluk- Tamulpur Block - Nagrijuli	12	Nagrijuli	
Udalguri	Taluk- Udalguri Block-Udalguri	13	Hasora	
		14	Dhansirikhti	
		15	Bargain	
		16	Hajojuli	
		17	Daifangkhuti	
		18	Swrang	
		19	Habwe	
		20	Burachuburi	
	Taluk-Udalguri Block-Rowta	21	Alikaguri	
		22	Boskobar	
		23	Balisahabi	
	Taluk- Udalguri Block-Mazbat	24	Dahigola	
		25	Batabari	
		26	Nalbari	
		27	Kalbari	
		28	Kathpuri	
		29	Balisiha	

Muga Seed Area

District	Taluk/Hobli/Block	SL. No.	Name of Village	Silk Worm Variety
Kokrajhar	Taluk- Kokrajhar Block-Titaguri	1	Bessargaon	Muga
		2	Boro Kursakati	
Baksa	Taluk-Mushalpur Block- Jalah	3	Jalah	
		4	Uzirbari	
		5	Bathoupuri	
	Taluk- Tamulpur Block - Tamulpur	6	Kumarikata	
		7	Salbatri	
	Taluk-Salbari Block- Salbari	8	Majormakha	
Udalguri	Taluk- Bhergaon Block- Bhergaon	9	Nalbari	
		10	Simlibari	

	Taluk- Bhergaon Block- Khairabari	11	Kuhiarkuchi	
		12	Bagaribari	
		13	Jhargaon	
		14	Arengapara	
	Taluk- Bhergaon Block-Kalaigaon	15	Barjhar	
		16	Niz-Dola	

MANIPUR STATE**Bivoltine Seed Area**

District	Taluk/Hobli/Block	SL. No.	Name of Village	Silk Worm Variety
Imphal East	Sawombung	1	Seijang	C102 and J101
		2	Achanbigai	C102 and J101
	Keirao	3	Bamon Kampu	C102 and J101
Imphal West	Haorang Sabal	4	Phumlou	C004 and J003
		5	Taothang	C004 and J003
Thoubal	Kakching	6	Kakching	C102 and J101
	Thoubal	7	Leirongthel	C102 and J101
		8	Ulyal	C102 and J101
Bishnupur	Moirang	9	Wangoo	C004 and J003
		10	Kumbi	C004 and J003
	Nambol	11	Waroiching	C004 and J003
Ukhrul	Ukhrul	12	Hundung	C102 and J101
Senapati	Senapati	13	Senapati	C102 X C004 and J101 X J003
	Tadubi	14	Karong	C102 X C004 and J101 X J003
Chandel	Chandel	15	Pallel	C004 X C102 and J003 X J101
	Chakpikarong	16	Chakpikarong	C004 X C102 and J003 X J101
Kangpokpi	Kangpokpi	17	Molsang	C102 X C004 and J101 X J003
	Saitu	18	Motbung	C102 X C004 and J101 X J003
Tamenglong	Nungba	19	Noney	C004 X C102 and J003 X J101
		20	Tupul	C004 X C102 and J003 X J101
C C pur	T.D. Block	21	Pengzawl	C004 X C102 and J003 X J101
		22	Saipum	C004 X C102 and J003 X J101

2. Further, in exercise of the powers conferred by clause – (a) of sub-sec.(2) of Section-8 C of the said Act, the Central Govt. on the recommendations of the said committee also specifies the minimum quality standards for the following notified kinds or varieties of silkworm seed.

AN (I) - Authorized New Bivoltine hybrids of Mulberry Silkworm
(Authorized by HAC on 30.07.2013)

Sl. No.	Hybrid	States/ Regions/ zones	Rearing data					
			Fecundity (No)	Hatchability (%)	Survival %	Cocoon yield/ 100 dfls (kg)	Pupation rate (%)	No of cocoons/kg
1	CSR50x CSR51	Southren Zone viz., Karnataka, Andhra Pradesh, Tamil Nadu and Maharashtra	≥480	≥90	≥90	≥67	≥90	≥550
2	AP71 x AP72	Southren Zone viz., Karnataka, Andhra Pradesh, Tamil Nadu and Maharashtra	≥500	≥ 95	≥ 90	≥ 66	≥ 90	≥ 570
3	(CSR52x CSR50) x (CSR51x CSR53)	All sericulture zones of India	≥500	≥90	≥90	≥68	≥90	≥540

AN (II) - Authorized New Multivoltine x Bivoltine mulberry silkworm hybrid

(Authorized by HAC on 4.03.2013 and 30.07.2013)

Sl. No.	Hybrid	States/ Regions/ zones	Rearing data					
			Fecundity	Hatchability (%)	Survival %	Cocoon yield/ 100 dfls (kg)	Pupation rate (%)	No of cocoons/Kg
1	NxNB4D2	West Bengal, Jharkhand, Odisha, Assam, Manipur, Meghalaya, Nagaland.	≥ 400	≥ 90	≥ 90	≥ 45	≥ 90	≥ 650
2	N(M) x(SK6xSK7)	Eastern and North-Eastern regions	≥ 400	≥ 90	≥ 90	≥ 47	≥ 90	≥ 750
3	M6DP(C)x SK4C	Eastern and North-Eastern regions	≥ 450	≥ 90	≥ 90	≥ 50	≥ 90	≥ 700

AN (III) - Authorized New Bivoltine Mulberry Silkworm Parent Seed for Notification

Sl. No.	Race	Fecundity	Hatchability (%)	Survival %	Cocoon yield/ 100 dfls (kg)	Pupation rate (%)	No of cocoons/Kg
1	NB4D2	≥475	≥90	≥90	≥45	≥90	≥800
2	AP71	≥500	≥95	≥89	≥60	≥90	≥640
3	AP72	≥480	≥95	≥91	≥63	≥91	≥625
4	CSR50	≥475	≥90	≥90	≥62	≥90	≥530
5	CSR51	≥500	≥90	≥92	≥60	≥92	≥550
6	CSR52	≥480	≥90	≥90	≥61	≥90	≥540
7	CSR53	≥465	≥90	≥91	≥60	≥91	≥545
8	SK4C	≥510	≥90	≥90	≥52	≥90	≥680
8	SK6	≥505	≥90	≥90	≥48	≥90	≥660
10	SK7	≥500	≥90	≥90	≥47	≥90	≥650

AN (IV) - Authorized New Multivoltine Mulberry Silkworm Parent Seed for Notification

Sl. No.	Race	Fecundity	Hatchability (%)	Survival %	Cocoon yield/ 100 dfls (kg.)	Pupation rate	No of cocoons/ Kg.
1	M6DP(C)	≥ 450	≥ 90	≥ 90	≥ 36	≥ 90	≥ 850

[F. No. 25017/12/2015-Silk(i)]

SITARAM GUPTA, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 16 दिसम्बर, 2015

का.आ. 2337.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार तकनीकी शिक्षक प्रशिक्षण अनुसंधान के राष्ट्रीय संस्थान के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण एव श्रम न्यायालय चेन्नै** के पंचाट (संदर्भ सं. 124/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 11/12/2015 को प्राप्त हुआ था।

[सं. एल-42012 / 155 / 2015—आईआर(डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENTNew Delhi, the 16th December, 2015

S.O. 2337.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**I.D No.124/2015**) of the Central Government Industrial Tribunal Cum Labour Court No.1, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the **National Institute of Technical Teachers Training and Research, Chennai** and their workman, which was received by the Central Government on **11/12/2015**.

[No. L-42012/155/2015-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, CHENNAI**

Friday, the 20th November, 2015

Present : **K.P. PRASANNA KUMARI**
Presiding Officer

Industrial Dispute No. 124/2015

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of National Institute of Technical Teachers Training and Research, Chennai and Two Others and their workman)

BETWEEN

Shri M. Rajakumar : 1st Party/Petitioner Union
C/o S. Bhakthavatsalam
President, Footwear Workers Union
No. 29-4, K.M.P. Koil Street, Ayanavaram
Chennai-600023

AND

1. The Director : 2nd Party/1st Respondent
National Institute of Technical Teachers
Training and Research
Taramani

Chennai-600113

2. The Secretary : 2nd Party/2nd Respondent
Ministry of Human Resource Development
Government of India

New Delhi-110001

3. Sri S.R.K. Prasad : 2nd Party/3rd Respondent
Chairman, Board of Governors
National Institute of Technical Teachers Training
& Research Chennai Society, Taramani

Chennai-600113**Appearance:**

For the 1st Party/Petitioner Union : Absent
For the 2nd Party/1st Respondent : M/s. Sai Raaj Associates, Advocate
For the 2nd Party/2nd Respondent : Absent
For the 2nd Party/3rd Respondent : M/s. Sai Raaj Associates, Advocates

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-42012/155/2015-IR (DU) dated 29.09.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is :

“Whether the action carried out by the Management of National Institute of Technical Teachers Training and Research, Chennai Society in respect of transfer of the Union members to various states and not allowing the union representative to run the union, etc. amount to unfair labour practice as per Section-2(ra), 5th Schedule of ID Act, 1947 or not? If not to what relief the petitioner union is entitled to?”

2. On receipt of Industrial Dispute this Tribunal has numbered it as ID 124/2015 and issued notices to both sides.
3. The Respondents have entered appearance through their counsel on receipt of notice.
4. Notice was sent to the petitioner in the address given in the order of reference twice. On both occasions notice was returned with the endorsement *“there is no such name or address”*. There is no way to find out the correct address of the petitioner. If he was interested in pursuing the matter he would have furnished correct address to the Tribunal or even to the Ministry before the matter was referred to this Tribunal. The assumption to be made is that the petitioner is not interested in pursuing the matter. So the reference is to be answered against the petitioner.
5. In the result the reference is answered against the petitioner. An award is passed accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 20th November, 2015)

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner Union : None

For the 2nd Party/1st, 2nd & 3rd Management : None

Documents Marked:

On the petitioner's side

Ex. No.	Date	Description
	Nil	

On the Management's side

Ex. No.	Date	Description
	Nil	

नई दिल्ली, 16 दिसम्बर, 2015

का.आ. 2338.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूरसंचार विभाग, भोपाल के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण एव श्रम न्यायालय, जबलपुर** के पंचाट (**संदर्भ Case No. CGIT/LC/R/116/2005**) की प्रकाशित करती है जो केन्द्रीय सरकार को 15/12/2015 को प्राप्त हुआ था।

[सं. एल-40012/46/2005-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 16th December, 2015

S.O. 2338.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**I.D Case No. CGIT/LC/R/116/2005**) of the Central Government Industrial Tribunal Cum Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the **Department of Telecommunications, Bhopal** and their workman, which was received by the Central Government on **15/12/2015**.

[No. L-40012/46/2005-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR
NO. CGIT/LC/R/116/2005**

Shri Makhanlal Andheshwar,
Sahastra Dhara Road,
Near Govt. Milk Scheme,
Opp Shukla Parisar,
Rampura,
Mandla (MP)

...Workman

Versus

Chief General Manager,
Telecom, Telecom Bhawan,
Hoshangabad Road,
Bhopal
Telecom District Manager,
Mandla

...Management

AWARDPassed on this 4th day of December 2015

1. As per letter dated 18-10-05 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section 10 of I.D.Act, 1947 as per Notification No. L-40012/46/2005-IR(DU).The dispute under reference relates to:
“Whether the action of the SDO/TDE Telecom, Mandla in terminating the services of Shri Makhanlal Andheshwar instead of regularizing him (as he completed 240 days) and not complying provisions of Industrial Dispute Act, 1947 is legal and justified? If not, to what relief the concerned workman is entitled?”
2. After receiving reference, notices were issued to the parties. Workman submitted statement of claim at page 6/1 to 6/4. Case of Ist party workman is that he was appointed as casual labour in office of Sub Divisional Office Mandla DTO from 25-9-89. He worked without any complaints. He completed more than 240 days continuous service. He claims to be entitled for regularization in service as per circular dated 17-12-90 providing regularization of casual employees. The work for which he was engaged from June 1992 is still available. There is no reason to discontinue his services. Suddenly his services were terminated without giving retrenchment compensation. Order of termination was not issued to him. He claims to be continued in service. That department issued Attendance Certificate for period 1992 to 1999. The workman reiterates that he worked continuously more than 240 days during each of the calendar year. His services were terminated without notice. Retrenchment compensation not paid. Termination of his service is illegal. Workman further claims that since he is out of employment from 1999, he has no other source of livelihood. He and his family are unable to maintain themselves.
3. 2nd party filed Written Statement at Page 7/1 to 7/2 opposing claim of workman. 2nd party denies that workman was appointed as casual labour from 25-9-89. 2nd party contends that workman was engaged for casual work as per exigencies. There was no question of his satisfactory service. Workman was engaged intermittently. He had not completed 240 days continuous service. As workman was not in service of the management, there was no question of terminating his services. The documents referred by workman were not issued by the department. Workman is not entitled to showcause notice or retrenchment compensation. Workman is not entitled to any relief.
4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the SDO/TDE Telecom, Mandla in terminating the services of Shri Makhanlal Andheshwar instead of regularizing him (as he completed 240 days) and not complying provisions of Industrial Dispute Act, 1947 is legal and justified?	Termination of workman is illegal for violation of Section 25-F of ID Act.
(ii) If not, what relief the workman is entitled to?”	As per final order.

REASONS

5. The terms of reference pertains to denial of regularisation of workman and terminating his services violating provisions of ID Act. Claim of workman is denied by 2nd party. Workman filed affidavit of his evidence supporting his contentions in statement of claim that he was engaged as casual labour from 25-9-89 by Sub Divisional Officer, Mandla. He completed more than 240 days continuous service during each of the year during 1989 to 1999. That circular dated 17-12-90 for regularisation of casual employees was issued. That his services were terminated without notice, retrenchment compensation was not paid to him. In his cross-examination, workman says he had not submitted application for obtaining copies of Exhibit W-1 to W-3. Zerox copy of those documents were not obtained on the same day. The post on which he was working was not advertised. His name was not sponsored through Employment Exchange. He submitted application for job but Written test was not conducted. He was called by Shri J.P.Parwar and immediately engaged him in the work. Appointment letter was not given to him. He was paid wages for his working days. He denies that he not completed 240 days continuous service during any of the year.
6. Management's witness Shri Ashok Kumar Sahu supported contentions of 2nd party in Written Statement that workman was never engaged by the management of BSNL Mandla. Workman not rendered services in the department on casual basis or otherwise. He not completed 240 days continuous service during any of the year. There was no question of his termination. In his cross-examination, management's witness says he was not posted in Mandla office during 1992 to 1999. The record of engagement of casual labours for the period 92 to 99 was not found by him. His affidavit is prepared as per the legal file of the case. The documents on which his affidavit is based are not produced. He had seen Written Statement filed by management in the matter. He admits that the documents he had seen may disclose whether workman had worked in the department or not. It is clear that workman has no personal knowledge of the matter. He was not working in Mandla office during the relevant period.
7. Workman has produced documents Exhibit W-1 copies of vouchers, those vouchers are carefully seen working days of workman during the year 1990 to 1999 comes 216 days. Exhibit W-2, W-3 produced by workman shows name of workman about payment of wages. He was engaged for the work. Ist party had filed application for production of documents on 8-4-08. The application was opposed by 2nd party filing reply on 27-9-12. Shri A.K.Shashi for workman pointed out my attention to reply. Management had contented workman had not worked for more than 240 days. He was engaged for casual work in the department.
8. Management's witness in his affidavit however contented that workman never worked with the management. The inconsistency in reply filed to the application for production of documents and evidence of management's witness is apparent. When workman was engaged for casual work, management's witness had totally denied his engagement. The evidence of management's witness cannot be believed. Workman produced documents Exhibit W-1 to W-3 regarding his engagement. Management has not produced documents despite application for production of documents filed.
9. Shri M.P.Kapoor Advocate for management during course of argument submitted that the documents produced by management are denied by Ist party. The documents produced along with list by management on 17-11-07 are denied by Ist party. Those documents were not requested by Ist party workman. As per application dated 8-4-08, Ist party had requested production of vacancy position from 1989 to 1999, attendance particulars of workman. The particulars of wages paid to him during above period. Muster roll from 1989 to 1999 and circular dated 17-12-90. Those documents are not produced by management. In affidavit of evidence of workman, he has stated about circular dated 17-12-90 was issued for regularisation of casual employees is not challenged in his cross-examination. During course of argument Shri M.P.Kapoor submits that the scheme for regularisation of casual employees, cut off period is 30-3-85, workman was not working during said period. Workman claims to be engaged from 25-9-89. Consequently Ist party workman cannot get benefit of regularisation under the scheme.
10. The evidence of workman about his continuous working is supported by documents Exhibit W-1 to W-3. He could not produce all documents. 2nd party has not produced documents despite application is filed. The management's witness in cross-examination says his affidavit is filed as per documents. Those documents are not produced on record. Adverse inference deserves to be drawn. If documents would have produced, it would have supported claim of workman. Therefore I accept evidence of workman that he completed 240 days continuous service preceding his date of termination. His services are terminated without notice, retrenchment compensation is not paid to him. Therefore termination of service of workman is illegal for violation of Section 25-F of ID Act. For above reasons, I record my finding in Point No.1 in Negative.
11. Point No.2- In view of my finding in Point No.1 that termination of services of workman is illegal, question arises whether Ist party is entitled for reinstatement with backwages. Shri A.K.Shashi submitted copy of order passed by CAT in 411/90 and others. In para-11 it is clear that cut off date was changed from 30-3-85 to 22-6-88. Workman was not working during said period. As per pleading in statement of claim, he was engaged from 25-9-89 therefore the claim of Ist party workman for regularisation cannot be upheld.

12. Shri A.K. Shashi on the point relies on ratio held in case of

Maharashtra State Board of Secondary and Higher Secondary Education, Amravati versus Sanjay Krishnarao Shrugare, Amravati reported in 2008-II-CLR-301. Their Lordship held that the best possible evidence with the appellant on the point of total service put in by the respondents not brought on record by the appellant. Appellant has to blame itself for this failure on its part. The order passed by Labour Court was upheld.

13. Shri M.P.Kapoor in support of his argument relies on ratio held in case of

Tapash Kumar Paul versus BSNL and another reported in 2014AIR-SCW 5816. In Para-14 of the judgment, their Lordship held it would be thus seen that by a catena of decisions in recent time, this Court has clearly laid down that an award of reinstatement should not however be automatically passed. The award of reinstatement with full back wages in a case where the workman completed 240 days of work in a year preceding the date of termination, particularly, daily wagers has not been found to be proper by this Court and instead compensation has been awarded. This court has distinguished between a daily wager who doesnot hold a post and a permanent employee.

Their Lordship further observed in the very nature of things, there cannot be a straitjacket formula for awarding relief of backwages. All relevant considerations will enter the verdict. More or less, it would be a motion addressed to the discretion of the Tribunal. Full backwages would be the normal rule and the party objecting to it must establish the circumstances necessitating departure. At that stage, the Tribunal will exercise its discretion keeping in view all the relevant circumstances. But the discretion must be exercised in a judicial and judicious manner.

Ist party in his cross-examination says the post was not advertised. His name was not sponsored through Employment Exchange. Written test was not conducted. Appointment letter was not issued to him. He was paid wages for his working days. Reinstatement with backwages would not be justified.

14. Considering the period of working, workman was engaged as casual employee, compensation Rs. One Lakh would be appropriate. Accordingly I record my finding in Point No.2.

15. In the result, award is passed as under:-

(1) Termination of services of workman is illegal for violation of Section 25-F of ID Act.

(2) 2nd party is directed to pay compensation Rs.One Lakh to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

16. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

R. B. PATLE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2015

का.आ. 2339.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूरसंचार विभाग, भोपाल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण एव श्रम न्यायालय, जबलपुर** के पंचाट (**संदर्भ Case No.CGIT/LC/R/332/99**) को प्रकाशित करती है जो केन्द्रीय सरकार को **15-12-2015** को प्राप्त हुआ था।

[सं. एल-40012/266/99-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 16th December, 2015

S.O. 2339.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**I.D Case No.CGIT/LC/R/332/99**) of the Central Government Industrial Tribunal Cum Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the **Department of Telecommunications, Bhopal** and their workman, which was received by the Central Government on **15-12-2015**.

[No.L-40012/266/99-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR**

NO. CGIT/LC/R/332/99

Shri Santosh Sharma
R/o Vohra Baakhal,
Hadiyali Mohalla,
Shajapur

.....Workman

Versus

Chief General Manager,
Deptt. of Telecommunication,
Hoshangabad Road,
MP circle,
Bhopal

...Management

AWARD

Passed on this 4th day of December 2015

1. As per letter dated 18-11-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No. L-40012/266/99/IR(DU). The dispute under reference relates to:

“Whether the action of the management of Chief General Manager, Telecom in terminating the services of Shri Santosh Sharma w.e.f. 26-3-99 is legal and justified? If not, to what relief the workman is entitled?”

2. After receiving reference, notices were issued to the parties. Workman submitted statement of claim at Page 2/1 to 2/4. The case of Ist party workman is that since January 1989, he is working under Sub Divisional Office of Telecom Shajapur 2nd party No.4. 2nd party No.3 is Competent authority. 2nd party No.2 is Administrative Authority. engagement of casual labours was approved by the Administration AGM. He was engaged as casual employees. The casual labours were not regularised. The Indian Postal Mazdoor Union filed petition before Hon'ble Apex Court. The judgment reported in AIR-1987-SC-342, department was directed to frame scheme for regularization of casual employees. That the scheme for regularization of casual employees was framed by Telecom Deptt. on 7-11-89. The employees working till 30-3-85 were to be regularised in Original application 1476/90 CAT Delhi declared cut off date illegal. Consequently all casual employees were entitled to regularisation.
3. That as per directions issued by 2nd party No. 2,3, services of Ist party workman were terminated from 31-3-99. The services were terminated without issuing chargesheet or conducting enquiry. Termination of his service is in violation of Section 25-F of ID Act. the casual employees engaged after workman are retained. Ist party workman further submits that he worked more than 240 days during each of the year. He was not paid retrenchment compensation. His services were not regularised. He was not paid pay scale of regular employee. He was paid Rs.1200/- per month. On such contentions, workman prays for regularization of his services.
4. 2nd party filed Written Statement at Page 4/1 to 4/2 opposing claim of workman. 2nd party contends that Ist party workman never worked with the Division. He was not appointed as casual labour from November 1989. There is no question of payment of allowances to the workman. Workman was not engaged in Sub Division. There is no question of his regularization. 2nd party denies that workman rendered satisfactory service. As workman did not work in Sub Division, there is no question of his termination. Violation of Section 25-F of ID Act doesnot arise. Workman not worked more than 240 days in a calendar year. There was no question of payment of retrenchment compensation to him. 2nd party denies claim of workman on ground that he was never engaged in the Sub Division. Workman was not terminated. 2nd party prays reference be answered in its favour. Workman is not entitled to any relief.
5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Chief General Manager, Telecom in terminating the services of Shri Santosh Sharma w.e.f. 26-3-99 is legal and justified?	In Negative
(ii) If not, what relief the workman is entitled to?”	As per final order.

REASONS

6. The term of reference pertains to illegality of the termination of services of Ist party workman. However in statement of claim, workman is claiming regularization in service. It is beyond the terms of reference.
7. Workman filed affidavit of his evidence supporting his claim that management framed scheme for giving temporary status to casual employees to persons engaged after 30-3-85 to 22-6-88. That he worked in the department since January 88 to 20-2-99 under JTO Shajapur. He completed more than 240 days in a year. He was not given temporary status as per the scheme instead he was terminated in February 1999. In his cross-examination, workman says he has passed HSc Exam. The scheme referred in his affidavit is known to him. the scheme was introduced in 1988. He had submitted application for the post advertised in newspaper. He was unable to tell name of newspaper. His name was sponsored through Employment Exchange. Any document about the same is not produced. Appointment letter was given to him. It is not produced on record. workman explains that officer had got back the appointment letter. He denies that he never worked in department. He denies that he has wrongly stated in affidavit that he worked more than 240 days.
8. Management's evidence was closed on 25-5-15. No evidence is adduced on behalf of management.
9. During course of argument, learned counsel for Ist party Shri R.C. Shrivastava pointed out my attention that the application for production of documents was given on 26-6-03. The application was opposed on the ground that workman was never engaged by the management. when management has failed to produce documents, no evidence is adduced by management, the dispute is referred after failure of conciliation proceeding. The evidence of workman cannot be rejected outright. The evidence of workman is clear that he was working with 2nd party continuously. The scheme rendered by workman in his statement of claim and evidence is not produced on record. as per his own pleadings and evidence, workman is working with the 2nd party after cut off date 30-3-85. Workman cannot be allowed benefit of scheme. Rather the terms of reference pertains to legality of termination and not denial of regularization of workman. the termination of services of workman is illegal for violation of section 25-F of ID Act. Therefore I record my finding in Pont No.1 in Negative.
10. Point No.2- In view of my finding in Point No.1 that services of workman were terminated illegally in violation of Section 25-F of ID Act. Shri R.C.Shrivastava Advocate for workman relies on ratio held in case between Tamil Nadu Terminated full time Temporary LIC employees Association versus LIC reported in 2015(145)FLR-761. The facts of above cited case are not available. The workman were appointed as badly and part time workman followed by awards passed by National Industrial Tribunal passed by Justice R.D.Tulpule dated 17-4-86 clarified by Justice S.M. Jamdar dated 26-8-88 affirming award passed by Justice R.D.Tulpule. Shri M.P.Kapoor for management produced copy of award in R/59/04. The evidence adduced in said reference is not comparable with evidence in present case. The workman has not produced appointment letter, there is no evidence that he was appointed following recruitment process. claim for reinstatement with backwages would not be justified. Considering the working period of Ist party workman, compensation Rs. One Lakh would be appropriate.
11. In the result, award is passed as under:-
 - (1) The action of the management of Chief General Manager, Telecom in terminating the services of Shri Santosh Sharma w.e.f. 26-3-99 is not proper and legal.
 - (2) 2nd party is directed to pay compensation Rs. One Lakh to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.
12. Let the copies of the award be sent to the Government of India, Ministry of Labour & Employment as per rules.

R. B. PATLE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2015

का.आ. 2340.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूरसंचार विभाग, रायगढ़, के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर** के पंचाट (संदर्भ **Case No. CGIT/LC/R/128/00**) को प्रकाशित करती है जो केन्द्रीय सरकार को **15/12/2015** को प्राप्त हुआ था।

[सं. एल-40012/145/2000-IR(DU)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 16th December, 2015

S.O. 2340.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**I.D Case No. CGIT/LC/R/128/00**) of the Central Government Industrial Tribunal Cum Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the **Department of Telecommunications, Bhopal** and their workman, which was received by the Central Government on **15/12/2015**.

[No. 40012/145/2000-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/128/00

Shri Bhim Bahadur Kshatriya,
C/o R.P. Choubey, Civil Lines,
Near Raigarh Sandesh,
Raigarh

....Workman

Versus

Telecom District Engineer,
Raigarh

....Management

AWARD

Passed on this 7th day of December, 2015

1. As per letter dated 30-6-00 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification No. L-40012/145/2000/IR(DU). The dispute under reference relates to:
 "Whether the action of the Telecom District engineer, Raigarh (MP) in terminating the services of Shri Bhim Bahadur Kshatriya, ex-worker w.e.f. 1-12-95 is justified? If not, to what relief the workman is entitled?"
2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 2/1 to 2/2. Case of Ist party workman is that he was engaged in service by 2nd party as casual mazdoor (typing work) in TDE Rajgarh on 12-9-89. He served with 2nd party. The details of his working days are given in para-2 of the statement of claim. 319 days during 12-9-89 to 24-12-90, 283 days during 1-1-91 to 28-12-91, 293 days during 1-1-1991 to 2-1-1993, 281 days during 1-1-1993 to 1-1-1994, 251 days during the period 3-1-94 to 20-11-94, 246 days during 2-1-95 to November 95- total 1673 days. He was employed for typing work in Rajgarh office. After November 1995, his services were terminated. However he was continued to be employed for same work through contractor. His work was controlled and directed by the officers. His attendance was controlled by the department. He was paid according to the Government rates of wages. He was terminated without notice. He was not paid compensation for services rendered by him. The Telecom department introduced scheme for regularisation of casual labour in 1989, he was not given its benefit. That termination of his service is illegal. On such ground, workman prays for according temporary status to him.
3. 2nd party filed Written Statement at Page 7/1 to 7/3 opposing claim of workman. 2nd party contents that claim of Ist party workman for according temporary status is not legal. That the department engaged casual workers for targeted works at various places in Rajgarh Telecom District on daily wages. The workers were not engaged on regular basis. the casual labours are automatically terminated on expiry of the time stipulated in the work order. For next month, such labour is again deployed if he desires to work under the officer. No question of termination arise. Telecom department framed policy for temporary status of casual worker as per regularisation scheme of 1989. The conditions required that the labour should have been engaged prior to 30-3-85 and continued as casual worker since 7-11-89. He must have completed 240 days continuous service in a year. The casual employee engaged in electrification work vide circular dated 25-6-93 and order dated 17-12-93. The conditions required for the engagement should be between 30-3-85 to 22-6-88 still continuing on the date of respective orders etc. 2nd party further submits that workman was engaged on daily wages as typist and not as casual labour on muster roll. Scheme introduced by department doesnot provide direct regularisation of casual workers. Workman himself failed to report for work. There was no question of termination of his service. The engagement of workman was subject to availability of work. Workman was engaged on daily wages intermittently for typing work. Workman never worked on muster roll as casual labour. Workman tried to mislead the court. The department is covered by rules. No regular appointment can be made de hors the rules. As workman himself left the work as per his will, he was not terminated, there is no question

of issuing notice of termination or payment of compensation to the workman. 2nd party prays for rejection of claim.

4. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the Telecom District engineer, Raigarh (MP) in terminating the services of Shri Bhim Bahadur Kshatriya, ex-worker w.e.f. 1-12-95 is justified?	In Negative
(ii) If not, what relief the workman is entitled to?"	As per final order.

REASONS

5. The term of reference pertains to legality of termination of services of Ist party workman from 1-12-95, the denial of temporary status is not included. The claim of workman w.r.t. temporary status is beyond terms of reference.
6. Workman filed affidavit of his evidence. Workman says he was engaged on daily wages from 12-9-89. He has given details of his working days as shown in his statement of claim. He worked for total 1673 days. His services were terminated in 1995. After termination of his services, he was engaged through contractor for same work. He was continuously working. Wages were paid at Government rate. He was not granted benefit of temporary status as per Government scheme. In his cross-examination, workman says appointment letter in writing was not given to him as daily wage labour. He was doing typing work. He was also required to work in the office. He produced copy of order Form SG-17. He denies that he himself left the job.
7. Management's witness Basant Xylo filed affidavit of his evidence supporting contentions of management. In his affidavit of evidence, management's witness says in 1982 Government of India sanction project for expansion of telephone network. The project work was available at TDM, Raipur in MP, CG. To meet targetted work, such as cable laying, erection of cable line, restoration of breakdown, there was necessity of employees, manpower on contract basis. Management employed regular manpower of workers on daily wages purely on contract nature. The required workers were taken from open market on daily need basis, that there was no relationship of master and servant as the employment was not on regular basis on sanctioned post. That Ist party workman Bhim Bahadur was not employed for any project on muster roll. He was engaged for typing work in office on daily wage basis. Management's witness has not disclosed working days of workman though he denied that workman had not completed 240 days continuous service. That his employment was not against project work. He was not employed prior to 1988. Therefore workman is not covered under regularisation scheme. In his cross-examination, management's witness claims ignorance whether workman was working in Rajgarh Telecom office from 12-9-89. He also claims ignorance about the working days during 1989 to 1992, 93, 94, suggested to him. He claims ignorance whether Attendance Register was maintained. Workman was not terminated. Workman was not on duty, typing work was obtained from him. The attendance registers of workman is not produced, the witness claims ignorance about the attendance register.
8. The evidence of workman about his working days is not challenged in his cross-examination. The working days shown in statement of claim are not specifically denied in the Written Statement and cross-examination of workman. Therefore I find no reason to disbelieve evidence of workman about his working days shown in Para-2 of statement of claim and para-2 of his affidavit of evidence. The evidence of workman is cogent that he completed more than 240 days continuous service during 12 calendar months prior to his termination in November 1995. His services are terminated without notice. The casual employees engaged by department cannot be denied protection of Section 25-F of ID Act on the reasons he was not appointed on sanctioned post. The evidence is clear that termination of workman is illegal for violation of section 25-F of ID Act. Therefore I record my finding in Point No.1 in Negative.
9. Point No.2- In view of my finding in Point No.1 termination of workman is illegal for violation of Section 25-F of ID Act, question arises whether workman is entitled for reinstatement with backwages. Shri M.P.Kapoor relies on ratio held in case of

Senior Supdt. Telegraph Traffic Bhopal versus Santosh Kumar Seal and others reported in 2010(6)SCC-773. Their Lordship considering facts as workman were engaged as daily wagers about 25 years back and they worked hardly for 2 or 3 years, relief of reinstatement with backwages would not be justified, compensation Rs.40,000 was awarded to each of the workmen.

In present case, workman was engaged from 12-9-89 to November 1995 for more than 5 years. Appointment order in writing was not given to him. Compensation Rs. One Lakh would be appropriate. Accordingly I record my finding in Point No. 2.

10. In the result, award is passed as under:-

- (1) The action of the Telecom District engineer, Raigarh (MP) in terminating the services of Shri Bhim Bahadur Kshatriya, ex-worker w.e.f. 1-12-95 is not proper and legal.
- (2) 2nd party is directed to pay compensation Rs. One Lakh to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2015

का.आ. 2341.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दूर संचार विभाग, भोपाल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर** के पंचाट (**संदर्भ Case No.CGIT/LC/R/67/96**) को प्रकाशित करती है जो केन्द्रीय सरकार को **15/12/2015** को प्राप्त हुआ था।

[सं. एल-40012/241/94-आई आर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 16th December, 2015

S.O. 2341.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**I.D Case No. CGIT/LC/R/67/96**) of the Central Government Industrial Tribunal Cum Labour Court, Jabalpur now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the **Department of Telecommunications, Bhopal** and their workman, which was received by the Central Government on **15/12/2015**.

[No. L-40012/241/94-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/67/96

Shri Ramdayal Rahangdale,

s/o Jeevan Lal,

C/o Bhim Chandr Patel,

Gangu Shahu Tej Chowk,

Telibandh, Raipur.

.....Workman

Versus

Director,

Telecom Project (West MP),

T.T.Nagar,

Bhopal (MP)

.....Management

AWARD

Passed on this 7th day of December 2015

1. As per letter dated 26-2-96 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-40012/241/94-IR(DU). The dispute under reference relates to:

“Whether the action of the management of Coaxial Cable Project of Department of Telecommunication through the Divisional Engineer, Coaxial Cable Project, Shankarnagar, Raipur in terminating the services of Shri Ramdayal Rahangdale is lawful and justified? If not, to what relief the workman concerned is entitled to?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 5/5 to 5/9. The case of Ist party workman is that he was appointed on 1-7-87 by 2nd party No.3 Divisional Engineer, Coaxial Project, Shanker Nagar, Raipur. He was continuously working from 1-7-87 to 31-12-90. He was done work of digging ditches, laying cables etc. on 1-1-1990, he was orally terminated without notice. He was not paid retrenchment compensation. When he repeatedly approached 2nd party, he was assured to continue in service after approval of his superior officers. That dispute was raised before ALC on behalf of 5 persons including Ist party workman Ramesh Awsare, bhimchand and others. 3 persons were not absorbed in employment, Daut Khan and Tej Ram were retained in service. His service record was excellent. Services were terminated without notice from 11-1990. That after termination of his service, he is unemployed. On such ground, workman prays for his reinstatement with backwages.
3. 2nd party filed Written Statement at Page 17 - 19 opposing claim of Ist party workman. 2nd party denied appointment of workman from 1-6-87. It is contented that workman was engaged purely on temporary basis by DOT Raipur. Workman was engaged on muster roll, he was paid for work done by him. 2nd party denies that workman was not paid retrenchment compensation. Workman was served with notice of retrenchment compensation was paid to workman. Management submits that absorption of two labours was as per order passed by CAT Jabalpur in Case No. OA.71/91 & OA.196/90. Workman had not approached CAT Jabalpur rather he approached ALC in 1996 after disposal of the original application before CAT, Jabalpur. 2nd party reiterates that workman was served with retrenchment notice and compensation was paid to him. It is prayed that reference be answered in favour of management.
4. Workman filed rejoinder at Page 39 - 41 reiterating his contentions in statement of claim. Workman denies retrenchment notice and payment for retrenchment compensation. He reiterates that he worked more than 240 days continuous service during each of the year.
5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Coaxial Cable Project of Department of Telecommunication through the Divisional Engineer, Coaxial Cable Project, Shankarnagar, Raipur in terminating the services of Shri Ramdayal Rahangdale is lawful and justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?”	Workman is not entitled to any relief.

REASONS

6. Ist party workman is challenging termination of his service for violation of Section 25-F of ID Act. His claim is denied by 2nd party. Workman filed affidavit of his evidence at Page 46/1 to 46/3. As per ordersheet dated 26-10-10, as workman remained absent for his cross-examination, his evidence was closed. His evidence would not be considered in the case. Management failed to adduce evidence. The evidence of management was closed on 10-6-14. The parties do not punctually participate in the proceeding. As workman failed to appear for cross-examination, his evidence could not be considered. There is no evidence to support claim of workman. Therefore I record my finding in Point No.1 in Affirmative.
7. In the result, award is passed as under:-
 - (1) The Whether the action of the management of Coaxial Cable Project of Department of Telecommunication through the Divisional Engineer, Coaxial Cable Project, Shankarnagar, Raipur in terminating the services of Shri Ramdayal Rahangdale is proper and legal.
 - (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2015

का.आ. 2342.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सुरक्षा प्रिंटिंग प्रेस, हैदराबाद के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण एव श्रम न्यायालय, हैदराबाद** के पंचाट (संदर्भ सं. 7/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को **11/12/2015** को प्राप्त हुआ था।

[सं. एल-16011/01/2011-आई आर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 16th December, 2015

S.O. 2342.—in pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**I.D. No.7/2012**) of the Central Government Industrial Tribunal Cum Labour Court, Hyderabad now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the **Security Printing Press, Hyderabad** and their workmen, which was received by the Central Government on **11/12/2015**.

[No. L-16011/01/2011-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT HYDERABAD

Present: - **Sri Kishori Ram**

Presiding Officer Incharge

(Authorized for adjudication)

Dated the 24th day of September, 2015

INDUSTRIAL DISPUTE No. 7/2012

Between:

Sri M.A. Wahid & 32 others,

Group 'C', Non-Gazetted Non Ministerial

(Industrial) shop floor Staff,

Security Printing Press, Mint Compound,

Saifabad, Hyderabad.

....Petitioner

AND

The General Manager,

Security Printing Press,

Mint Compound,

Saifabad,

Hyderabad.

....Respondents

Appearances:

For the Petitioner : M/s. Siva, Parvathi & Goda Ramalakshmi, Advocates

For the Respondent : Sri P. Bhakthavatsal, Advocate

AWARD

The Government of India, Ministry of Labour by its order No. L-16011/01/2011-IR(DU) dated 6.2.2012 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 requiring this forum to decide the question:

SCHEDULE

“Whether the action of the management of Security Printing Press, Hyderabad in denying the Over time Allowance under Section 59 of Factories Act to the workers defined under Section 2(1) of the Press and in lieu giving Special Allowance to them is justified? What relief these workmen are entitled to?”

On receipt of the reference this Tribunal has registered and numbered the reference as I.D. No.7/2012 and notices were issued to both the workman and the management.

2. Brief averments of the Claim Statement filed by the workmen/Petitioners are as follows:

The case of the petitioner Sri M.A. Wahid and 32 others as Group C, Non-Gazetted, non-Ministerial as represented in their claim statement in the industrial dispute is that the postal stationery (post cards, Inland letter cards, Embossed Envelopes etc.), non-judicial, stamp papers and Central Excise stamps which were formerly catered all over India through the India Security Press, Nasik Road, Maharashtra. As the demand for these products was on high increase, it led to the creation of the Security Printing Press at Hyderabad by the Government of India, Ministry of Finance. Like Ministry of the Coin Currency was handed by the three different mints one each at Bombay, Calcutta and Hyderabad. All these units are under the Administrative control of the Department of Economic Affairs, Ministry of Finance, Government of India.

3. The Respondent is a Factory under the Factories Act. All the benefits under the Act were extended to each workman. In view of the demand of various Presses for the products, workers were working in certain cases for 10 to 11 hours beyond their 8 hour shift duty in a day. Majority of the staff are connected with production, so their work was incidental to the production. Hence, they are “workmen” as defined under the Factories Act. Wherever a workman works beyond 54 hours a week and 9 hours a day, he is entitled to overtime allowance at double the normal rate under the provisions of the Factory Act in general and u/s 59 in particular. The Respondent is bound to pay it as long as the employees continue to work as workman.

4. Further alleged that the Petitioner holding various designations do not hold either managerial or supervisory duties. They were also paid overtime allowance in accordance with the provisions of the Factories Act. But the Government as the memorandum declare that the Petitioners on reaching a particular stage in the pay scale attached to the post held by them would cease to get the benefit of Sec.59 of the said Act. Accordingly, the management of the Security Printing Press issued the Petitioners individual orders as per the Ministry order dated 21.12.1968 that as they reached a particular stage in the pay scale, they would not get overtime allowance double the normal rate, rather instead, the benefit would be restricted to a special allowance. The order of the Ministry of Finance was communicated to the individuals who had crossed the said stage in their pay scale working as the employees in the other sister organizations i.e., Indian Security Press, Currency Note Press, Bank Note Press, India Government Mints and the Security Paper Mill, Hoshangabad. On the challenge of the workman to the action before the various Tribunals, Hon'ble High Court and even the Hon'ble Supreme Court, all the legal fora held that the workmen would have to be entitled to, and, paid double the normal rate of overtime allowance, by interfering with the orders of the Mints and presses based on the Memorandum of Ministry of Finance. The same has been implemented in the Mints and the Presses at the loss of the Management at the hands of the highest Judicial Authority.

5. Further stated is that when parity of treatment was not meted out to the Petitioners, the Petitioners filed their Original Application No.963/1994 before the Administrative Tribunal, but the same was dismissed for default as per order dt. 19.8.1996 with the remedy for the applicants to approach the Industrial Tribunal. When the Petitioners raised the dispute, the Central Government referred it under Sec.10 of the Industrial Disputes Act on 1.4.1994. But by proceeding on the wrong premise whether the Petitioners were workmen and whether they were discharging their duties as Supervisory, the Tribunal dismissed the ID No.35/1998 as per the order dt. 16.4.1998. The correctness and legality of the award passed on 28.12.1998 in the aforesaid ID was challenged in the Writ Petition No.18351/1999, wherein the Learned Single Judge as per order and judgement dt. 1.4.2003 upheld the award of the Tribunal. Against it, the Writ Appeal No.152/2004 was filed before the Division Bench, which was pleased to dismiss it as withdrawn, granting permission to approach the appropriate Authority under the Factories Act.

6. Lastly on failure of the conciliation, the Central Government as per the order dated 6.2.2012 referred for an adjudication over the issue as per the schedule to it. The Petitioners are entitled to the overtime allowance as per the Sec.59 of the Factories Act for the reasons mentioned in their claim statement.

7. As the award passed by the industrial Tribunal, Hyderabad in ID No.5/2001, the General Secretary, Hyderabad Mint Staff Association Vs. The G.M., India Govt. Mint, over the issue of the validity of the Ministry of Finance Office Memorandum, the base for denying the OTA of the Petitioners, was implemented by the India Government Mint as per the office Memo dt. 20.12.2004/ 1.1.2005, just as other awards of the CGIT, Jabalpur and of the CAT, Bombay in the O.A. No.761/1988 as also affirmed by the Hon'ble Supreme Court as per the order dt. 7.11.1993 in the SLP(Civil) 18444/1993.

8. Brief averments of the Respondent in their statement of Counter:-

Whereas categorically denying all the allegations of the Petitioners, the contra pleaded case of the Respondent as per the reply counter statement of Mr. N. Sidhan, the Dy. Manager (H.R.) is that the case relates to the restriction of Overtime Allowance for the Supervisors under Group C to their basic pay while the Security Printing Press (SPP for short) was functioning in the Government set up. This unit has got status of corporation of India Ltd., New Delhi, since the Corporatization of the SPP and other industrial units working under Ministry of Finance, Department of Economic Affairs w.e.f. 10.2.2006. Some Petitioners opted for the Corporation service and some for the Government service. All

the Group C employees are being paid overtime allowance for their working over and above their normal working of 44 hours per week, as some of them are attached to the Factory by virtue of their duty. The Group 'C' staff and the industrial workmen are though working in the same premises of the SPP, Hyderabad, yet having different set of rules for their service and leave. Hence, the Ministry of Finance, Economics Affairs, have time to time issued the orders mainly for stipulating the ceiling limit for the overtime allowance (OTA for short) as such:

“The prime object of imposition of ceiling limits for O. T. A. is that the supervisory cadre employees will have promotional avenues to the next higher cadres as per the notified recruitment rules. In case the supervisory category employees refuse promotions to the higher posts on the pretext that they will not get the benefit of overtime allowance in the elevated cadres, the purpose of avenues provided to the higher posts will be jeopardized and working of the organization will come to standstill without experienced manpower in higher grades.”

In such situation, the supervisors can not claim for their categorization as workman under Sec.59 of the Factories Act, and for overtime allowance without any ceiling restrictions.

9. The present industrial dispute is not tenable and liable to be rejected as neither it has espoused by any Registered Trade Union nor the Petitioners/employees can individually raise any industrial dispute, as they are not workmen under the Labour Laws, Industrial Disputes Act, 1947, and the Factories Act, 1948. Moreover, the SPP, Hyderabad, is carrying out the Sovereign functions of the State. So the unit can not be termed as an “Industry” under the Industrial Disputes Act, 1947.

10. The OTA ceiling restriction slabs stipulated by the Ministry of Finance, Department of Economics Affairs time to time are as under:

Central Pay Commission	The limit of pay stipulated for drawl of total overtime allowance during a month	The upper pay limit beyond which overtime allowance will not be admissible
3 rd CPC	Rs.650/- per month	Rs.750/- per month
4 th CPC	Rs.1900/- per month	Rs.2200/- per month
5 th CPC	Rs.5900/- per month	Rs.6800/- per month
6 th CPC	-----	Rs.16850/- per month including G.P.

The above ceiling slabs are in force in the SPP, Hyderabad since its inception in the year 1982. The employees who are not categorized as Supervisors as per their assigned duties are being paid overtime allowance. Whereas, the employees under the cadres of (A) Asst. Technical Officer, (b) Dy. Technical Officer, (c) Asstt. Works Engineer & (d) Dy. Inspector Control and Inspector Control, Sanitary Supervisor (L) Canteen and (e) Store Keeper and (h) Canteen & Sanitary Supervisor come under their band with G.P. in 6th CPP – Rs. 9300-34860 with the G.P. Rs. 4200/- except the G.R. of Rs.4600/- for (b) Dy. Technical Officer. Like-wise those rest employees under the cadres of (f) Dy. Stores Keeper and (g) Pharmacist come under their pay band of Rs.5200-20200 with G.P. of Rs. 2800/-. The employees under the said cadres are attached to the shop-floor as per their general duties, responsibilities and incumbents assigned to each of the cadres shown in the Annexure A. They are called as Supervisors (on Group 'C' and non-Gazetted establishment). The nature of their duties assigned to each of the said cadres denotes them their no categorization as workmen by virtue of discharging the duties of higher liabilities. All the above cadre practically fall under the Rule 81 (a)(b)(c) of the Factories Rule. All the incumbents holding their own cadres are being paid the Special Allowance of Rs.3000/- per month in lieu of the over time Allowance for their extended working hours on par with the industrial workmen just the Night Duty Allowance as per the without any ceiling restriction. Their special allowance has been enhanced by the Respondent/SPP and Minting Corporation of India Ltd., New Delhi as the order No. CHO/HR/IR/8/20/2011/4642 dt. 29.8.2011. Each supervisor gets his monthly emoluments of Rs. 8000-9000/- including Special Allowance in addition to his monthly salary of Rs.40 to 45 thousands.

11. Further alleged on behalf of the Respondent is that the same case as raised by Mr. M.A. Wahid and others in the ID No. 35/98 before the Industrial Tribunal, Hyderabad which was awarded therein on 28.12.1998 against the Petitioners (Annex.D). Its award was also published in the Gazettee of India as per its Notification dt. 14.1.1999 (Annex.E). The Writ Petition No.18351/1999 was filed by the Petitioners M.A. Wahid & ors., the Hon'ble High Court of A.P., Hyderabad in challenge to the aforesaid award. But the aforesaid award passed by this Tribunal was upheld by the Hon'ble High Court. Later on, the Petitioners filed the Writ Appeal No.152/2004 before the Hon'ble High Court, but the same appeal was withdrawn by them as per the order dt. 11.11.2009 of the Hon'ble High Court on their plea to approach the appropriate Authority under the Factories Act (Annex-G). Then Shri G. Ganesh & 21 others filed individual petitions (under the Payment of Wages Act, 1936) in Nos.01 to 27/2010 in the office of the Authority concerned ie., the R.L.C.(Central), Hyderabad. The Respondent upon the notice dt. 08.12.2010 (Annex.H) submitted its reply to it through the Asst. Manager (H.R.) of the Respondent as per his letter dt. 3.4.2010(Annex.I). Then the R.L.C.

held therein that the Petitioners are not entitled to seek overtime allowance without any ceiling restriction, as they being supervisors are not to be categorized as workman as per the award dt. 28.12.1998 passed by the C.G.I.T. When the protracted deliberated proceedings at the R.L.C. office ended in failure, it resulted in the reference as per the order dt. 6.2.2012 of the Central Government of India to the Tribunal for the adjudication in the terms of its reference.

12. The OP/Respondent simultaneously in its rejoinder categorically denied the allegations of the Petitioners, further stating as such:

The actual printing of the security products, maintenance of the machines and Central Operations (Viz., Checking, packing and dispatch) are performed by the Industrial workmen up to the level of the Foremen in the Printing & Maintenance Sections and Head Checker in Central Section under the supervision and guidance of the Group 'C' staff who are the applicants in the industrial dispute deployment of the work force for working on extended hours is in exigency of the production targets. The workman as defined under the Factories Act, 1948, means any person employed in an industry to do any manual, unskilled, skilled, technical, operational, electrical and supervisory work for hire or reward. But this does not apply to the persons just as the Petitioners employed mainly in managerial or administrative capacity or for the person in supervisory capacity drawing wages exceeding Rs.1600/- per month as provided under Sec.64(i) of the Factories Act, 1948 which makes the Sec. 59(1) of the said Act inapplicable to the supervisors. The Respondent office has been paying over time allowance to all the workmen and other Group 'C' supporter staff. But it is restricted to the basic pay of the employees between Rs.1900/- and Rs.2200/- as the OTA ceiling stipulated in the 4th CPC. Since the Petitioner had voluntarily applied for the government posts on their own in 1982/1983 while the SPP being established at Hyderabad and they joined the SPP, Hyderabad in various cadres. The service rules, orders and instructions issued by the employer i.e., Government of India are binding on them. The Government policy aims at compensating lower paid employees to a greater extent as entrusted with higher paid ones. In fact the Petitioners are being compensated by way of payment of special allowance of Rs.7-8 thousands.

13. Lastly alleged on behalf of the Respondent is that the Petitioners have cited and relied upon the judgement of the Hon'ble High Court of A.P. delivered in W.P.No. 7020/1985 in support of their claim for payment of over time allowance. The issue in the afore-said case is that the Group C employees had filed a case before the Hon'ble High Court for payment of overtime allowance for the work attended by them above the normal working hours. In view of the above said facts and circumstances, it is alleged that the instant case of the Petitioners being devoid of merits is liable to be dismissed, or an order as deemed fit be passed.

FINDING WITH REASONS

14. In the instant case, only the evidence affidavit of the WW1 Sri M.A. Wahid in lieu of Examination-in-Chief filed under his signature dated 2.12.13 on behalf of the workmen Sri Wahid but the same in lack of cross examination on behalf of the O.P./Respondent is not admissible in eye of law. It is an un-affidavited chief after the both the parties have filed as relied on their self marked documents/materials in support of their case which is perhaps the usual practice based on the implied consensus of both the parties in the region over their respective materials. In such state of affairs, it came up for an adjudication. Accordingly, both the parties have filed their own written arguments.

15. The adjudication in the terms of the schedule to the Reference needs determination of the two main points as under:

Point No.1: Whether these Sri M.A. Wahid and 32 others in the case are workmen under the Industrial Disputes Act, 1947 or the Factories Act.

The plea of the workmen is that the Respondent management is the Security Printing Press (SPP for short) working under the Department of Economic Affairs, Ministry of Finance. It primarily manufactures Post Cards, Inland Letter Cards, Envelopes and Non-Judicial Stamps—all are security material, as the Government of India had exclusive right of printing and distribution. Out of seven organizations, India Security Press, Nasik, caters the needs of the Northern States, the SPP meets the similar needs of the Southern States, the Currency Notes Press, Nasik, prints currency upto a certain denomination, the Bank Note Press prints notes of higher denomination, India Government Mints at Bombay, Kolkata and Hyderabad mint coins and Security Paper Mill supplies raw materials to all the Presses. All the sister organizations follow the same rules and regulations as applicable time to time. The Respondent like the said organizations indulge in manufacturing, so it is admittedly also a factory. The provisions of the Factories Act are applicable to the workmen. Section 59 of the Factories Act provides that a worker is allowed to work beyond 9 hours per day or 54 hours per week, he is entitled to double the normal wages as overtime allowances. It is also contended on behalf of the workman that when the Government introduced the financial plan that if a worker comes to a particular stage in a pay scale, he would be given only a consolidated remuneration initially restricted to one basic pay and subsequently a consolidated amount, but not overtime allowance. The subject matter of the challenge to it has been all along by the employees of the seven organizations initially before the Hon'ble Central Administrative Tribunal, then before the Tribunal, the ID No.35/1998. The reference was answered against the workers as confirmed by the Learned Single Bench in the Writ Petition concerned, against which the Writ Appeal and the Writ Petition were permitted to be withdrawn with a liberty to approach the Authorities under the Act for redressal of their grievance as per the writ appeal.

order (Ex.W6). Hence, the instant reference by the Central Government on 6.2.2012 (Ex.W9) following the failure of the conciliation on the applications of the workmen before the conciliation authorities.

16. Further, emphatic contention of the Petitioners is that their main claim is for their status as worker as defined under Sec.59 of the Factories Act, so their sustainable entitlement accordingly as workers can not be denied; and since it is an Industrial Dispute as defined u/s 2(k) of the Industrial Disputes Act, so the dispute referred by the Central Government under Sec.10 of the Act is sustainable. It is also further contended on their behalf that the theory of the management the Asst. Technical Officer (A.T.O. for short) having the tag of 'Officer' whose initial pay scale in the pre-revised scale of Rs.425 to 640 then on his pay scale till Rs.600/-, will be paid overtime allowance equal to the Basic Pay, but on his pay upto Rs.650/- after further increment, he as supervisor, not a workman, would be paid only a special allowance is totally absurd. The duty chart as alleged by the management, as contended by the Petitioners, shows the person after Rs.620/- as supervisor over 10 of his peer/subordinates as entrusted with a person of lesser than Rs.650/- basic has no use as distinguishing factor, for an attendar called as supervisor does not become supervisor for depriving him of the benefits due to the workman under the Labour Legislation. Further emphatically submitted on behalf of the Petitioners is that overtime payment is made to those employees whose basic pay is exceeding Rs.2200/- in the pre-revised scale as per the directions of the Ministry of Finance. In the ID No.5/2001 raised by the Hyderabad Mint Staff Association, following its reference under Sec.10 of the Industrial Disputes Act, 1947, the Tribunal passed an award dated 19.7.2004 declaring stoppage of OTA as illegal, and after examining it, the Ministry of Finance in consultation with the Ministry of Labour and Employment instructed to implement it in accordance with the advice of the Ministry of Labour and Employment. It is also alleged on their behalf that the similar relief granted by the Industrial Tribunal in an award in the case of Hoshagabad Paper Mill, as also affirmed by Bombay Central Administrative Tribunal and by the Hon'ble Supreme Court of India. Lastly, submitted on behalf of the Petitioners is that admitted by the SPP is a factory and Petitioners are workers under Sec. 2(m) and (l) of the Factories Act respectively, their duties are different from the industrial workers and they are not directly related to manufacturing process; a classified/Ministry and employee was also held to be a worker, though their duties are different from industrial workers and they are not directly connected with the manufacturing process; so both the facts had been admitted by the management of SPP in counter affidavit in the WP No.7020(Ex.W10), as such, the Petitioners are entitled to their overtime allowance under Sec.59 of the Factories Act on account of their being as workers under Sec.2(A) of the said Act.

17. Whereas the argument of the O.P./ Management is that the instant reference relates neither to the beneficiaries nor to their names in the case; the Respondent's office is a corporation established and entirely owned and controlled by the Government of India. It has industrial units and Security Printing Press throughout the country. The Respondent i.e., the Security Printing Press (SPP for short) at Hyderabad is a Factory as defined under Sec.2(m) of the Factories Act, 1948. The provisions of Factories Act are made applicable to the employees working in the factory and the rules framed under the A.P. Factories Rules, 1940, as well, for the Factory is situated at Hyderabad. It is submitted that Chapter VI of the Factories Act deals with the working hours of the adults and Sec.59 of the Act deals with extra wages for overtime. Sec.64(1) of the Act empowers the State Government to make exempting rules. Rules 81 to 84A of the A.P. Factories Rules, 1950 have been incorporated as per the G.O.Ms. No.26 dated 7.6.1999 related to Labour, Employment, Training and Factories. As per the said Rules, certain categories of employees are exempted from the provisions of Chapter-VI of the Act. But, I find these Rules of the A.P. State being neither pleaded nor filed, hence are unconsiderable.

18. Further submission of the Respondent is that the Petitioners who are supervisors in Group C are exempted under said provision of Sec.64 of the Factories Act; though they are attached to the Factory by virtue of their duties, they are not liable to be classified as workmen under Sec.59 of the said Act, as the Group C staff, Industrial workmen are governed by different service rules, leave rules etc.; they have been put under the stipulated ceiling limit over the overtime allowance (OTA) in view of their promotional avenues to the next higher cadres as per the orders issued by the Ministry of Finance; hence they are given the special allowance in lieu of it to the tune of Rs.3000/- now enhanced one between Rs.8000/- to 9000/- dependent upon their monthly working hours.

19. In view of the arguments as advanced by both the parties and on perusal of the materials brought on the record, I find that the Petitioners have represented themselves as workers in the case in order to claim for the over time allowance. It is an acknowledged fact that Sec.64(1) of the Factories Act, 1948 empowers the State to make exempting rules as such:

"The State Government may make rules defining the person who hold positions of supervisions ...and the provisions of this chapter, other than them the provisions of clause (b) of sub-section (1) of Sec.66 and of the proviso to that sub-section shall not apply to any person so defined (or declared):

[Provided that any person so defined or declared shall, where the ordinary rate of wages of such person (does not exceed the wage limit specified in sub-section (6) of Section 1 of the Payment of Wages Act, 1936 (4 of 1935), as amended from time to time), be entitled to extra wages in respect of overtime work under Section 59] as substituted by the Factories (Amendment) Act, 1987 w.e.f. 1987 for "does not exceed rupees seven hundred and fifty per month."

The proviso clearly but negatively implies that where the ordinary rate of wages of such person exceeds the wage limit as specified in sub-section (6) of Section 1 of the Payment of Wages Act, 1936, the person so defined or declared shall not be entitled to extra wages in respect of overtime work under Section 59 of the Act. The definition of the word 'Wages' is quite comprehensive and it takes within its ambit, the allowances as well [1993 (3) ALT 55 (NRC)].

20. In the instant case, it appears to be undisputed that though the Petitioners have not disclosed their status, it amounts to their admission that they are virtually employees of the Respondent. All the Petitioners as employees of the Respondents being under the cadres of the Asst. Technical Officer, Technical Officer, Asstt. Works Engineer, Dy. Inspector Central and Inspector Control, Store Keeper and Sanitary Supervisor, Canteen, under their specified Band with G.P. in the 6th CPC – Rs.9300-34860 with G.P. of Rs.4200/- except the G.P. of Rs.4600/- for(b) Dy. Technical Officer, just as the rest employees come under the cadres of Dy. Stores Keeper and Pharmascist under their Pay Band of Rs.5200-20200 with G.P. of Rs.2800/-. The employees under the said cadres are attached to the shop floor of the Management as per their general duties, responsibilities and incumbents assigned to each of the cadres (Annexure A). They are called as Supervisor (Group C and non-gazetted establishment). The very nature of their duties assigned to each of the said cadres as per the Annexure A indicates them their no categorization as workmen by virtue of discharging the duties of their higher liabilities. At present, the Petitioners are the employees of the Respondent Factory who have, after coming under the aforesaid cadres (Annexure A), got their status as Supervisor (Group C and non-gazetted Establishment), and the nature of their job attached to their post even incidentally to the manufacturing process of the factory of the SPP Respondent does not qualify them as workers, as it is hit by the proviso to the Sec.64(1) of the Factories Act, 1948. The Petitioners may not be called as workmen as defined under Sec.2(s) of the Industrial Disputes Act, 1947, as there is no industrial dispute as defined under Sec.2(k) of the Industrial Disputes Act, 1947, because the instant case related to the claim for the overtime allowance does not come under category of the industrial dispute mainly related to even any difference between the employer and the employees over the point of their employment.

21. **Point No. II:** Whether the Petitioner workers are entitled to any relief: At this point, it is observed that the Petitioners have represented themselves as workers in the sense and meaning of the term "workers" as defined u/s 2(1) of the Factories Act, 1948. The term of the word 'worker' at its plain reading denotes its meaning in context of manufacturing process, cleaning, any part of the machinery or premises used for a manufacturing process, or in any other kind of work incidental to, or connected with the manufacturing process or the subject of the manufacturing process. It is reasonable to note that none of the Petitioners or workers in that sense discloses their real status under the Respondent Management nor they specified their own extra working period for extra overtime, nor any cause of the reference. In such circumstances, it stands clear that the case of the Petitioners is too vague and unreasonable. Hence, the Petitioners are not entitled to any relief.

22. In result, it is in the terms of the reference, hereby responded and accordingly awarded that the action of the management of Security Printing Press, Hyderabad in denying the Over Time Allowance under Sec.59 of the Factories Act to the alleged workers as defined under Sec.2(1) of the Act in lieu of giving Special Allowance to them is quite justified. Therefore, these alleged workmen are not entitled to any relief.

Award is passed accordingly. Transmit.

Typed to my dictation by Smt. P. Phani Gowri, Personal Assistant transcribed by her and corrected by me on this the 24th day of September, 2015.

KISHORI RAM, Presiding Officer

Appendix of evidence

Witnesses examined for the

Petitioner

WW1: Sri M.A. Wahid

(eschewed)

Witnesses examined for the

Respondent

NIL

Documents marked for the Petitioner

Ex.W1: Photostat copy of Ir. from M/o Finance dt.8.3.1968

Ex.W2: Photostat copy of order in OA No.963/1994 dt. 19.8.1996

Ex.W3: Photostat copy of ID ref. Ir. dt. 1.4.1998

Ex.W4: Photostat copy of award of CGIT in ID No.35/1998 dt.28.12.1998

- Ex.W5: Photostat copy of order in WP NO.18351/1999 dt. 1.4.2003
- Ex.W6: Photostat copy of order in WA No.152/2004 dt. 11.11.09
- Ex.W7: Photostat copy of representation to RLC (C), by SPP workman dt. 14.12.1999
- Ex.W8: Photostat copy of failure report dt. 19.4.2011
- Ex.W9: Photostat copy of ID ref. lr. dt.6.2.2012
- Ex.W10: Photostat copy of order in WP 7020 of 1985 dt. 21.7.1988
- Ex.W11: Photostat copy of order in SLP No.15813/1988 dt. 24.1.1989
- Ex.W12: Photostat copy of office memo of Ministry of Labour dt. 20.12.04
- Ex.W13: Photostat copy of notice to MOF dt.31.12.2004
- Ex.W14: Photostat copy of lr. from M/o Finance to IG Mint The General Manager, dt. 11.3.2000
- Ex.W15: Photostat copy of memo and ID order dt. 24.9.2004
- Ex.W16: Photostat copy of order of Hon'ble High Court of M.P., in WP No.3089/1995 dt. 20.8.1996
- Ex.W17: Photostat copy of order in SLP dt. 15.11.1993
- Ex.W18: Photostat copy of office memo from Director to MOL dt. 20.12.2004
- Ex.W19: Photostat copy of organization chart dt. 5.7.1998

Documents marked for the Respondent

- Ex.M1: Recruitment Rules for Group C corrected up to 31.8.1997
- Ex.M2: Photostat copy of pay slip of WW1
- Ex.M3: Photostat copy of pay slip of Matta Nageswara Rao
- Ex.M4: Photostat copy of pay slip of Tetala Kamaraja Reddy
- Ex.M5: Photostat copy of pay slip of Perumalla Venu Gopal Setty
- Ex.M6: Photostat copy of orders issued by the Government of India, D/o Economic Affairs, New Delhi (5 pages)

नई दिल्ली, 16 दिसम्बर, 2015

का.आ. 2343.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार अन्द्रेव युले एण्ड कम्पनी लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण एव श्रम न्यायालय, चेन्नै** के पंचाट (**संदर्भ सं. 33/2014**) प्रकाशित करती है जो केन्द्रीय सरकार को **11/12/2015** को प्राप्त हुआ था।

[सं. एल-42025/03/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 16th December, 2015

S.O. 2343.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**I.D No. 33/2014**) of the Central Government Industrial Tribunal Cum Labour Court, No.1, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the **Andrew Yule and Company Ltd., Chennai**, and their workman, which was received by the Central Government on **11/12/2015**.

[No. L-42025/03/2015-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT
CHENNAI

Friday, the 27th November, 2015

Present : K.P. PRASANNA KUMARI
Presiding Officer

Industrial Dispute No. 33/2014

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Andrew Yule & Co. Ltd. and their workman)

BETWEEN

Sri K. Ramesh : 1st Party/Petitioner

AND

The General Manager (CO) : 2nd Party/Respondent
Andrew Yule and Company Ltd.
(Electrical Division), Chennai Operation
No. 5/346, Old Mahabalipuram Road
Perungudi
Chennai-600096

Appearance

For the 1st Party/Petitioner : M/s Ajoy Khose & S. Manoharan, Advocates
For the 2nd Party/Respondent : M/s T.S. Gopalan & Co., Advocates

AWARD

This is an Industrial Dispute taken on file under 2(A)(2)(1) of the Industrial Disputes Act, 1947 (as amended by Act-24 of 2010 w.e.f. 15.09.2010).

1. The averments in the Claim Statement filed by the petitioner in brief are these:

The petitioner joined the service of the Respondent as a Hammerman in 1990 and was made permanent in 1991. Originally the petitioner was a member of the Union affiliated to CITU. Later he became a member of Andrew Yule and Co. Staff Workers Union affiliated to LPF. At the time of the alleged incident, the petitioner was working in the Core Assembly Section as a Fitter. During March 2009 the workman including the petitioner had demanded payment of salary after merging the DA. The Management who did not like this issued Charge Memo to the petitioner and two other workmen and conducted an enquiry. However, the Enquiry Officer filed report holding that the charge against the petitioner is not proved. Since the Management was not able to punish the petitioner on the above allegation the petitioner was put under suspension by order dated 18.12.2010 alleging that the petitioner had manhandled the Security Supervisor on duty on 17.12.2010. Thereafter the Second Respondent issued a Charge Memo to the petitioner alleging that on 17.12.2010, by about 0245 PM, he intruded through the wicket gate and proceeded towards the shop floor without heeding to the instruction of the Assistant Security Officer and by 0315 PM he abused and assaulted the Company Security Supervisor, Ravikumar. The petitioner is alleged to have thus committed misconduct under Clauses-21(11)(12)&(26) of the Certified Standing Orders. Another Charge Memo was issued to the petitioner on 03.01.2011 alleging that though he was supposed to remain only in the security area he proceeded towards the dining hall in spite of instruction and efforts to prevent him failed and he has committed misconduct under Clauses-1, 8, 11, 12 and 26 of Clause-21 of Certified Standing Orders. The petitioner had submitted explanation to both Charge Memos and had denied charges leveled against him. The Respondent ordered an enquiry and appointed Enquiry Officer. The Enquiry Officer, after enquiry submitted his findings holding that the petitioner is guilty of the charges leveled against him under both Charge Memos. On the basis of the enquiry report the Respondent imposed punishment of dismissal from service on the petitioner. The entire disciplinary action against the petitioner lacks bonafides. It is a case of malafide action and victimization. The petitioner was not paid subsistence allowance in accordance with Tamil Nadu Payment of Subsistence Allowance Act. The report of the enquiry and dismissal order are liable to be set aside. The petitioner has raised Industrial Dispute before the Assistant Labour Commissioner (Central). He has not received any order of reference from the Government. The petitioner is filed accordingly. An order may be passed directing the Respondent to reinstate the petitioner in service with continuity of service and other attendant benefits.

2. The Respondent has filed Counter Statement contending as below:

In the year 1990 the petitioner was taken as Hammerman (Trainee) to work in the Fabrication Department in the Adyar Factory. After fabrication of tanks were discontinued the workman including the petitioner who were engaged in the fabrication of tanks were shifted to Perungudi factory. The petitioner was addicted to alcoholism and was always prone to indiscipline. He always exhibited a high handed behavior towards his superiors and defied their orders. Even after reporting for duty he would not remain in the work spot for allocation of work. Perungudi factory works in two shifts, one from 0600 AM to 0200 PM and another from 0200 PM to 1000 PM. The petitioner usually was seen moving about in an around the factory even before and after his shift hours because of alcoholism. On 17.04.1997 the petitioner had entered into an altercation with a co-workman and had abused and manhandled him. After enquiry he was awarded punishment of suspension for 4 days. On 17.12.2010 the petitioner had left the factory on completion of his shift. On the same day, by 0245 PM he unauthorizedly entered through the wicket gate and proceeded towards the shop floor without heeding to the instruction of the security agency not to enter. After 30 minutes he came to the main gate and abused the security supervisor Ravikumar, calling him Bhadu stating that he is responsible for creating a scene for the incident. He also hit him on his chin. On 18.12.2010 he was placed under suspension and a charge sheet was issued to him on 21.12.2010 asking him to show cause why disciplinary action shall not be taken against him. When he was under suspension, on 31.12.2010 by 1140 AM the petitioner came to the main gate security post and wanted to meet one Soundararajan. The Assistant Security Officer sent for Soundararajan and directed the petitioner to meet Soundararajan in the security area. The Security Officer also told him that he cannot be allowed to go in the factory. Soundararajan told the Security Officer that he had taken permission from the General Manager and took the petitioner inside the factory. They remained in the Dining Hall for half an hour and then the petitioner left the factory. A charge sheet was issued to the petitioner regarding the incident on 31.12.2010 also and his explanation was called for. A common enquiry was conducted in respect of the two charges. The Enquiry officer submitted report holding that both charges are proved. After considering the representation given by the petitioner to the Show Cause Notice the Disciplinary Authority passed orders dismissing the petitioner from service. It is denied that the action against the petitioner is a vindictive measure. The allegation that the petitioner was victimized also is denied. So also the allegation that the petitioner was not paid subsistence allowance as per the provisions of the Tamil Nadu Industrial Establishment (Payment of Subsistence Allowance) Act also is not correct. There is no necessity to interfere with the punishment awarded to the petitioner. The petitioner is not entitled to any relief.

3. The evidence in the case consists of oral evidence of WW1 and documents marked as Ext.W1 to Ext.W17 and Ext.M1 to Ext.M14.

4. **The points for consideration are:**

- (i) Whether the action of the Respondent in dismissing the petitioner from service is justified?
- (ii) What, if any is the relief to which the petitioner is entitled?

The Points

5. The petitioner who had entered services of the Respondent as Hammerman in 1990 was working as a Fitter in the Core Assembly Section of the Company at the time when proceedings was initiated against him alleging misconduct for two separate incidents.

6. The Respondent had put the petitioner under suspension consequent to the incident of misconduct that had allegedly taken place on 17.12.2010. This was followed by charge sheet regarding the incident of 21.12.2010. It is alleged in this that the petitioner who had already completed his shift on 17.12.2010 and had left the premises came back and got inside the factory premises defying the instruction given by the Security Officer, remained at the premises for half an hour and abused and assaulted Ravikumar, the Security Officer. By the second charge sheet it was alleged that while the petitioner was under suspension, in spite of instruction not to go beyond the security area he went inside the factory premises and remained at the dining hall for half an hour before he came out. In the enquiry conducted the Management had examined three witnesses and the petitioner, seven witnesses. After considering evidence, the Enquiry Officer found that both charges are established.

7. The counsel for the petitioner has raised some preliminary objection regarding the enquiry. He has referred to Ext.W1-the Suspension Order and has argued that even before charge sheet was issued and explanation of the petitioner was obtained, the Respondent has decided to conduct an enquiry. This argument is advanced based on the wording in the Suspension Order that the suspension of the petitioner is "*pending issue of Charge Sheet-cum-Show Cause Notice and enquiry to be conducted*". It could be seen from the subsequent act of the Respondent that after issuing charge memo opportunity was given to the petitioner to submit his explanation. So merely because Ext.W1 refers to an enquiry to be conducted the enquiry which was done in accordance with the procedure will not become vitiated.

8. The counsel for the petitioner has pointed out that punishment has been imposed on the petitioner taking into consideration his past conduct also. It could be seen from the Ext.W11-the Second Show Cause Notice issued to the petitioner that the Management has decided to impose the punishment of dismissal from service on the petitioner

considering the past record of the petitioner also. It is pointed out by the counsel for the petitioner that the Respondent had not given any notice to the petitioner regarding taking his past conduct into account for imposing punishment on him. During the enquiry proceedings, before issuing the Second Show Cause Notice which has already decided to take past record into account, notice regarding the same was not given to the petitioner. When the petitioner was examined before this Court, Ext.M9 to Ext.M14 was marked through the petitioner. These are the documents showing that the petitioner was given punishment of four days suspension on the charge that he had refused to carry out the instruction of his superior in his work. However, bringing out these facts at the time of examination of the petitioner before this Tribunal is not sufficient. The past incident was taken into account by the Disciplinary Authority without giving any notice to the petitioner regarding the same. The counsel for the petitioner has referred to the decision of the Madras High Court in *SRI BHARTI MILLS VS. N.S. MOHAN* reported in 1991 2 LLN 565 where it was held that if objectionable past conduct was not made a part of Charge Memo principles of natural justice will be violated. So the attempt of the Respondent before this Tribunal to prove the past conduct is not of any consequence. The petitioner was not allowed to meet the case regarding his past conduct in the enquiry proceedings. So the past conduct cannot be considered in the matter of imposing punishment on the petitioner even if the charges alleged against him are found proved.

9. Now it is to be considered whether the charges alleged are proved. The counsel for the petitioner has advanced an argument that two charge memos having been served on the petitioner, they are two independent proceedings and two separate enquiries should have been conducted. The two incidents referred to in the two charge memos had occurred on close-by dates and the Management has decided to conduct enquiry regarding the two charges by the same Enquiry Officer. I do not think this decision of the Managements has caused any prejudice to the petitioner. The conduct of the enquiry of both charges together could not be said to be to the detriment of the petitioner in any way.

10. Now the charges can be examined one by one. In the first charge which is marked as Ext.W2, it is alleged that on 17.12.2010, while the petitioner was not on duty, by 0245 PM he intruded through the wicket gate, adjacent to the main gate and proceeded towards the shop floor without heeding to the instructions of agency Assistant Security Officer on duty and the repeated attempts of the Assistant Security Officer to stop him was of no avail. It is further alleged that by around 0315 PM the petitioner came towards the main gate in an agitated manner and started abusing the Company Security Supervisor, Ravikumar in most vulgar and defamatory language and called him Bhadu and told him that all this has been caused because of him. It is further stated that the petitioner hit Ravikumar with his right elbow thrice on the chin and consequently Ravikumar was about to fall but was rescued by Pughazhendi, the Production Manager who was witnessing the incident.

11. Ext.W4 is the explanation submitted by the petitioner to Ext.W2-Charge Memo. A translation of the explanation which is in Tamil has been submitted. In the explanation the petitioner has stated that on 17.12.2010 he had completed his first shift and had got into the bus by about 0210 PM to return home but he realized from the bus that his money purse, pocket diary, etc. were left in the Canteen of the Company while changing his dress. He immediately went back and told the security that he had forgotten his things at the dining hall. However, the Security who was available there prevented him from going inside and held his hand. He told the security that he has no right to do this and also told him that it is the usual practice to collect the belongings, if any left after informing the Security and so he is going inside and he can inform his superior regarding the same. He also told the security that he will inform the Office Bearers of the Association regarding the same. He went inside and collected his belongings that were retained by a colleague and told them about the "disgrace" he had to meet at the hands of the security. Then he called the Office Bearers of the Union to the main gate. By then Ravikumar, the Security Officer came out of the Office and enquired the Office Bearers of the Union and while they were telling him about the incident they were told that it was wrong of the petitioner to come inside that he is to be caught hold off by the neck and is to be sent out. It is further stated that the Office Bearers had warned Ravikumar not to create any problem and had sent the petitioner from there. The petitioner has denied the case that he has beaten Ravikumar, the Security Officer.

12. Ravikumar was examined as Management witness in the enquiry proceedings. He has stated that the petitioner had entered the factory premises through the wicket gate even though he was prevented by the security guard from doing so. According to this witness, by 0315 PM the petitioner went to him and stated that this "*Bhadu*" is the cause for everything and then hit on his chin thrice with his elbow. He lost balance and was about to fall, but Pughazhendi, the Production Manager who was available there came running and saved him.

13. There is also the evidence by Pughazhendi that on the day in question by 0315 PM when he was going from the office to the shop floor, the petitioner had come from the shop floor shouting at Ravikumar and assaulted him. He had intervened and had separated them.

14. The petitioner had examined three witnesses, all his colleagues and Office Bearers of the Union, regarding the incident. The first witness Ashok Kumar had stated that a colleague of his had told him about the incident in which the petitioner was not permitted to come to the Dining Hall. According to him, on receiving this information, he took the Office Bearers of his Union Lingesan, Yesupadam, etc. and proceeded to the petitioner and the petitioner and others also joined him. The petitioner again told him of what had transpired. At that time they found Ravikumar coming from the Administrative Office to the place where they were talking. He informed Ravikumar of what had happened but Ravikumar was supporting the security and was telling that the petitioner had acted wrongly. According to Ashok

Kumar himself and others warned Ravikumar that such acts are wrong. They have decided to talk to the Management on the matter. There is also the evidence by Lingesan that while all of them were talking about the incident Ravikumar came out of the Administrative Office but he did not bother about it. This witness also has stated that they had warned Ravikumar. This is the evidence given by Yesupadam also. He has also stated that Ravikumar was supporting the Security and they have decided to discuss the same with the Secretary of the Union.

15. It is beyond doubt from the explanation given by the petitioner himself that he had gone inside the factory premises defying the instruction given by the Security Guard, not to enter without permission. Admittedly, the shift time of the petitioner was over and it was at the time of the second shift he was trying to enter the premises. The justification attempted on behalf of the petitioner is that he had left some of his belongings at the dining hall and wanted to collect them and that is why he had gone there. It is also attempted to be brought out that there is no practice of getting permission for such entry. The fact remains that the Security Officer who was on duty at the gate had prevented the petitioner from entering inside and it was in defiance to this he had gone inside. The petitioner seems to have been agitated over the fact that the security at the gate tried to prevent him at all. He had told the Security Officer that in spite of his being prevented he is going inside and he can inform the superior officers about it. The petitioner himself has stated that he told the Security that he has no right to prevent him as it is the usual practice to go in and collect the belongings, if any left inside. It is revealed from the explanation of the petitioner itself that he was very much agitated over the incident. He had told his colleagues that he was disgraced by the security. He had even informed the Union authorities about the incident and they have decided to discuss the matter with the Secretary of the Union and then talk to the Management. So it is clear that the petitioner made the incident an issue in spite of not heeding to the instruction of the Security Guard.

16. It is also not in dispute that while the petitioner and others were discussing the matter inside the premises, Ravikumar had reached there and he was told of the incident. Ravikumar seems to have tried to tell them that what the petitioner had done is not right. It is evident from what is stated by the witnesses on behalf of the petitioner that they even warned Ravikumar since he has taken a stand against the petitioner. Of course, none of the witnesses on behalf of the petitioner would state that the petitioner abused Ravikumar in filthy language and accused him as the one who is the cause for the incident. Ravikumar had only then reached the place and had come to know about the incident only then. The case is that apart from abusing Ravikumar in filthy language the petitioner also hit him thrice with the elbow on his chin. This is spoken to by Pughazhendi, the Production Manager who reached the spot at the time also. It is apparent that Pughazhendi had reached the place of the incident only at the last moment when the petitioner was allegedly hitting Ravikumar with his elbow. He does not seem to have witnessed what happened prior to that. What Pughazhendi has stated during his examination is not that he removed Ravikumar from the place of incident and saved him from further assault by the petitioner but that he separated petitioner and Ravikumar. This presupposes that it was not a unilateral action on the part of the petitioner. The allegation of Ravikumar is that he was hit at chin by the petitioner with his elbow thrice. If the petitioner had deliberately hit at Ravikumar with the intention to cause harm, he need not have used his elbow rather than his hand. So this also would show that it could not have been a unilateral act on the part of the petitioner. Probably, after the petitioner had abused Ravikumar some untoward incident might have occurred between the two resulting in the alleged incident of physical assault. There might have had some provocation from the other side also. In any case it is clear that the petitioner had got inside the factory premises in spite of his having been prevented from doing so and he has abused Ravikumar in filthy language and had even raised his elbow against Ravikumar.

17. The charge in Ext.W3-Charge Memo is that on 31.12.2010 by 1140 AM the petitioner came to the main gate security post and wanted to meet Soundararajan, Soundararajan came to the security area and wanted to take him to the dining hall and in spite of agency Assistant Security Officer telling the petitioner that he is not allowed to go in the area inside the factory, he did not heed to the instruction and proceeded towards the dining hall and the efforts of the Assistant Security Officer to prevent him from going to the dining hall was of no avail.

18. Ext.W8 is the explanation given by the petitioner regarding the Second Charge. What he has stated in this is that he had come to the factory as usual at 0955 AM. The Watch and Ward who was on duty had told him that there is a letter for the petitioner and he was asked to get the same. The petitioner told him that he wanted to get the advice of the Secretary of the Union before collecting the letter. In the meanwhile he met Kamaraj, a Co-Worker and they together went and received the letter. He had asked for Vijay Kumar and Soundararajan, two Office Bearers of the Union and they had come to the main gate. After some time Vijayakumar informed the Security on Duty and took him to the Dining Hall. He was sitting in the Dining Hall. By 1040 AM Vijaya Kumar took him to main gate and sent him out.

19. What could be seen from the above explanation of the petitioner is that he had entered inside the factory premises and had been in the Dining Hall on the particular day. However, according to him he had reached the main gate at 0955 AM, gone inside with the permission of the security alongwith Vijayakumar and had left the Dining Hall by 1040 AM itself. Thus the stand of the petitioner is that incident as referred to in the charge had not taken place at 1140 AM on 31.12.2010.

20. Venkatasubban, the Security Guard on Duty on 31.12.2010 had been examined by the Management. According to this witness, the petitioner reached the gate at 1140 AM and wanted to go to the Dining Hall and he was told that he has

no permission to go inside, Soundararajan who reached there told him that permission is not needed and the petitioner will be taken inside. During cross-examination this witness has stated the occurrence was at 1140 AM and the petitioner had reached the place even before that.

21. Kamaraj referred to in the explanation of the petitioner has been examined on his behalf. This witness has given evidence in tune with the explanation given by the petitioner. He has referred to receipt of two letters by the petitioner. However, this witness did not state at which time he found the petitioner at the premises. But he has stated that the petitioner did not come inside at 1140 AM. He has referred to the petitioner having been in the Dining Hall prior to that. There is also the evidence of Vijayakumar. He has also stated that it was before 1140 AM the petitioner has come to the place, had been at the Canteen, etc.

22. When the evidence regarding the incident is assessed it could be seen that the case of the Management that the petitioner had entered the Dining Hall inside the factory premises is admitted. The only difference is that according to the petitioner this was before 1140 AM which is the time given in the charge and it was with the permission of the Security Guard. However, Venkatasubban the Security Guard has categorically stated that the petitioner went inside the factory premises by 1140 AM. It is clear from Ext.W4, the explanation given by the petitioner that even on 17.12.2010 when the petitioner was still working his attempt to enter the factory premises after his duty time was objected to by the Security Guard. It was after the incident of 17.12.2010 that he was suspended and a charge memo was issued to him for the misconduct including entering the factory premises without permission while he was not on duty. So there could be no doubt that he would not have obtained permission from the Security Guard for entering the factory premises, even if it is the Dining Hall, after he was suspended. What the Security Guard has stated is that when he objected to the petitioner going inside Vijayakumar who is a leader of the Union took the petitioner inside defying the objection raised by the Security Guard. When the fact that the petitioner had entered the factory premises is taken into account, it is only to be deciphered that this was without the permission of the Security Guard. The case that the petitioner was not in the premises at all at 1140 AM could not be believed. What seems probable is that he entered the Security Gate as usual and when he was told about the letters awaiting him, he contacted the Union Leaders and with their support, he went inside the premises defying the objection raised by the Security Guard. The Enquiry Officer had all justification in entering a finding against the petitioner.

23. Now the question is whether the punishment that has been awarded to the petitioner is in proportion to the gravity of the offences charged against him. The counsel for the Respondent has referred to a catena of decisions to advance his argument that the punishment that is imposed on the petitioner is in proportion to the offences proved. In the decision of the Apex Court in *NEW SHORROCK MILLS VS. MAHESHBHAI RAO* reported in 1996 6 SCC 590 referred to by the counsel, it has been held that abusing the Deputy Manager and threatening the Officers of the management that they would not be safe outside the institution is a misconduct which calls for discharge from service. The punishment was found to be not disproportionate. In the decision in *DEVENDRA SWAMI VS. KARNATAKA STATE ROAD TRANSPORT CORPORATION* reported in 2002 9 SCC 644 it has been held that the discharge from service is a proper punishment for the bus conductor who failed to issue tickets to some passengers in spite of collecting fare from them. In the decision in *BHARAT HEAVY ELECTRICALS LTD. VS. M. CHANDRASEKARA REDDY AND OTHERS* reported in 2005 2 SCC 481 it has been held that illegal removal of mortgaged documents and trying to justify the removal by producing fabricated documents is a serious misconduct and the punishment of termination from service is a proper one. In the decision in *DIVISIONAL CONTROLLER, KSRTC VS. A.P. MANE* reported in 2005 3 SCC 254 it has been held that the punishment of dismissal is proper in a case of misappropriation of funds. In the decision in *MAHINDRA AND MAHINDRA LTD. VS. N.B. NARAWADE* reported in 2005 3 SCC 134 it has been held that use of abusive language on several occasions is sufficient to invite punishment of dismissal from service. In the case *M.P. ELECTRICITY BOARD VS. JAGDISH CHANDRA SHARMA* reported in 2005 3 SCC 401 it was held that blow on the nose of an engineer and causing fracture is an offence which invites the punishment of termination from service. Unauthorized withdrawal of money by the Branch Manager even though the amount was subsequently deposited and there was no loss to the Bank was found to be an offence inviting removal from service in the decision in *DAMOH PANNA SAGAR RURAL REGIONAL BANK AND ANOTHER VS. MUNNA LAL JAIN* reported in 2005 10 SCC 84.

24. On going through the punishment in the above cases it could be seen that the workmen in all those cases were involved in major offences like misappropriation, previous physical assault, etc. In one case where use of abusive language invited punishment of termination from service, it was a case where the delinquent was continuously resorting to such practice.

25. Can a misconduct proved against the petitioner be compared to those offences referred to earlier? The counsel for the petitioner has referred to two decisions of the Apex Court in which punishment other dismissal or discharge from service had been given considering the lesser gravity of the act. In the decision in *ANIL KUMAR VS. PRESIDING OFFICER AND OTHERS* reported in 1985 1 LLJ 101 the punishment of termination from service was found unsustainable for the offence of neglect from duty and refusal of local orders. In the decision in *NICHOLAS PIRAMAL INDIA LTD. VS. HARI SINGH* reported in 2015 2 LLJ 20 (SC) the misconduct of go slow work was found to be not an offence inviting dismissal from service.

26. When the circumstances are considered, it could be seen that the petitioner does not deserve the punishment of termination from service. Even according to the Management, the only punishment he had met earlier was a suspension for 4 days. So far as the first charge is concerned, I have found that even though there was assault of the Security

Supervisor it could not have been done with any intention to cause harm or hurt to him. The second charge is only that he entered the premises without permission. When the entire circumstances are taken into account I do not think the offences proved are too grave as to invite punishment of dismissal from service. The petitioner in fact deserves a better treatment by way of punishment. Because of the order of dismissal the petitioner had to remain without job for 4 years. The petitioner is entitled to be reinstated in service with some lesser punishment.

27. On going through the Certified Standing Orders of the Respondent it is seen that the punishments provided are Warning or Censure, Suspension for a period not exceeding 4 days, action as permitted in the Payment of Wages Act and Dismissal without Notice. The punishment that can be imposed is Warning or Censure but this would be too lenient a punishment when the nature of offences are taken into account. So the petitioner can be brought down to the next lower scale of pay.

Accordingly, the Respondent is directed to reinstate the petitioner in service without backwages and impose the punishment referred to above. The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 27th November, 2015)

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : WW1, Sri K. Ramesh
For the 2nd Party/Management : None

Documents Marked :

On the petitioner's side

Ex.No.	Date	Description
Ext.W1	18.12.2010	Suspension Order issued by the 2 nd Party to 1 st Party
Ext.W2	21.12.2010	Charge Memo issued to the 1 st Party
Ext.W3	30.12.2010	Letter of the 1 st Party
Ext.W4	03.01.2011	Charge Memo issued by the 2 nd Party to the 1 st Party
Ext.W5	12.01.2011	Explanation submitted by the 1 st Party to the Charge Memo dated 21.12.2010
Ext.W6	12.01.2011	Explanation submitted by the 1 st Party to the Charge Memo dated 03.01.2011
Ext.W7	19.01.2011	Enquiry Notice
Ext.W8	20.04.2011	Enquiry Findings
Ext.W9	26.04.2011	Memo given by the 2 nd Party to the 1 st Party
Ext.W10	30.04.2011	Letter given by the 1 st Party
Ext.W11	04.05.2011	Second Show Cause Notice
Ext.W12	06.05.2011	Explanation submitted by the 1 st Party to the Enquiry Officer's Report
Ext.W13	10.05.2011	Explanation submitted by the 1 st Party to the Second Show Cause
Ext.W14	10.10.2011	Dismissal Order
Ext.W15	20.02.2012	2(A)(1) Petition
Ext.W16	10.06.2012	Remarks filed by the 2 nd Party
Ext.W17	24.01.2013	Failure Report

On the Management's side

Ex.No.	Date	Description
Ext.M1	27.04.1990	Application of K. Ramesh for Employment
Ext.M2	14.06.1990	Appointment Order Hammerman Trainee
Ext.M3	01.10.1994	Order transferring the petitioner from Adayar to Perungudi factory, Insulation Section – w.e.f. 24.10.1994
Ext.M4	28.01.2011	Proceedings of Enquiry – in respect of charge sheet
	04.02.2011	dated 21.12.2010 and 03.01.2011
	12.02.2011	
	02.03.2011	
	19.03.2011	
	02.04.2011	
	&	
	09.04.2011	
Ext.M5	17.12.2010	Complaint of Mr. Ravikumar
Ext.M6	31.12.2010	Complaint of Mr. T. Venkatesubramani
Ext.M7	20.02.2012	2A filed before ALC (C)
Ext.M8	11.06.2012	Reply filed by Respondent Management to ALC (C)
Ext.M9	21.05.1996	Letter informing, “Not Earned Wages for the Period Not Worked” between 10.45 and 12.15 Hrs. on 18.03.1996 for deserting the place of work and indulged in shouting slogans in D.G.M's Office
Ext.M10	17.05.1996	Letter from Petitioner to General Manager
Ext.M11	21.04.1997	Charge Sheet – cum – Show Cause Notice for attempting to attack Harry Devapriyan with Iron Roll, etc.
Ext.M12	21.11.1997	Suspension for four days as punishment from 24.11.1997 to 27.11.1997 in respect of proven charges as stated in charge sheet dated 21.04.1997
Ext.M13	14.07.1997	Charge Sheet dated 14.07.2007 in respect of the complaint dated 13.07.2007 for disobedience/acts subversive of discipline and notified that he will not earn wages for the period not worked between 10.30 to 14.00 hrs.
Ext.M14	25.07.2007	Explanation of Mr. K. Ramesh for the charge sheet dated 14.07.2007

नई दिल्ली, 16 दिसम्बर, 2015

का.आ. 2344.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एससीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, हैदराबाद** के पंचाट संदर्भ संख्या 136/2007 को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/12/2015 को प्राप्त हुआ था।

[सं. एल.—22013/1/2015—आईआर (सी-2)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 16th December, 2015

S.O. 2344.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref.136/2007 of the *Cent.Govt.Indus.Tribunal-cum-Labour Court, Hyderabad* as shown in the Annexure, in the industrial dispute between the management of SCCL and their workmen, received by the Central Government on 16/12/2015.

[No. L-22013/1/2015- IR(C-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT AT HYDERABAD****Present:** - Sri Kishori Ram,

Presiding Officer Incharge

(Authorized for adjudication)

Dated the 21st day of July, 2015**INDUSTRIAL DISPUTE L.C. No. 136/2007****Between:**

Sri Jeedula Bhaskar

S/o Ramulu,

C/o A. Sarojana,

Flat No.G7,

Rajeshwari Gayatri Sadan,

Opp: Badruka Jr. College for Girls,

Kachiguda, Hyderabad.

.....Petitioner

AND

1. The General Manager,

M/s. Singareni Collieries Company Ltd.,

Srirampur area, Srirampur,

Adilabad district.

2. The Colliery Manager/Superintendent of Mines,

M/s. Singareni Collieries Company Ltd.,

SRP-2 incline, Srirampur Area, Srirampur.

Adilabad district.

....Respondents

Appearances:

For the Petitioner: M/s. A. Sarojana & K. Vasudeva Reddy, Advocates

For the Respondent: Sri M.V. Hanumanth Rao, Advocate

AWARD

This is a case taken under Sec. 2 A (2) of the I.D. Act, by the Petitioner Sri Jeedula Bhaskar against the management of M/s. Singareni Collieries Company Ltd., and numbered in this Court as L.C.I.D.No. 136/2007 and notices were issued to the parties concerned.

2. Petitioner Sri Jeedula Bhaskar with his Learned Counsel Sri K. Vasudeva Reddy is present but none of the Respondent present. By filing a petition on behalf of Petitioner and its copy of duly received by the Learned Counsel for the Respondent, the Learned Counsel for the Petitioner submits that the instant L.C. case was filed against the action of the Respondent for the dismissal of the Petitioner from the service. It is also submitted that during the pendency of the case, the Respondent/management has offered an employment to the Petitioner but subject to the withdrawal of this case, only then the employment of the Petitioner could be considerable. Therefore, the case may be withdrawn with a liberty to raise a fresh dispute, if any arises. Heard the Learned Counsel for the Petitioner. The petition is allowed to withdraw the case and the same is accordingly disposed as no ID existing.

Award is passed accordingly. Transmit.

Dictated to LDC, transcribed by him and corrected by me on this the 21st day of July, 2015.

KISHORI RAM, Presiding Officer

Appendix of evidence

Witnesses examined for the

Petitioner

NIL

Witnesses examined for the

Respondent

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 16 दिसम्बर, 2015

का.आ. 2345.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफसीआई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 06/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/12/2015 को प्राप्त हुआ था।

[सं. एल.-22011/65/2008—आई आर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 16th December, 2015

S.O.2345.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No.06/2009) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Lucknow as shown in the Annexure, in the industrial dispute between the management of FCI Regional Office, UP Khadya Sadan Vibhuti FCI, Distt. Office Chhatra Sangh Chauraha and their workmen, received by the Central Government on 16/12/2015.

[No. L-22011/65/2008 - IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW
PRESENT
RAKESH KUMAR,
Presiding Officer

I.D. No. 06/2009

Ref.No. L-22011/65/2008-IR(CM-II) dated 06.04.2009

BETWEEN

The President

FCI(Handling) Workers Union
8654 Arakashan Road, Pahar Ganj
New Delhi-110055

AND

1. The Area Manager
FCI, Distt. Office Chhatra Sangh Chauraha
87A, Kalenpur Gorakhpur-273001
Lucknow
2. The General Manager (Region)
FCI Regional Office, UP Khadya Sadan
Vibhuti TC/37, Gomti Nagar, Lucknow

AWARD

1. By order No. L-22011/65/2008-IR(CM-II) dated 06.04.2009 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between the President, FCI (Handling) Workers Union 8654 Arakashan Road, Pahar Ganj, New Delhi and the Area Manager, FCI, Distt. Office, Chhatra Sangh Chauraha Gorakhpur-273001 and the General Manager (Region) FCI Regional Office, UP Khadya Sadan Vibhuti TC/37, Gomti Nagar, Lucknow for adjudication.
2. The reference under adjudication is:
“WHETHER THE ACTION OF THE GENERAL MANAGER, FOOD CORPORATION OF INDIA, LUCKNOW IN PENALIZING AND RECOVERY OF DEMURRAGE CHARGES FROM S/SRI YOGENDRA PRASAD, SARDAR GANG NO.2 AND DILIP RAM PRASAD, SARDAR GANG NO.2 OF FCI BASTI DEPOT IS LEGAL AND JUSTIFIED? IF NOT, TO WHAT RELIEF ARE THE WORKMEN IS ENTITLED TO?”
3. The union as per the claim statement, has stated in brief that it is trade union duly registered under the Trade Union Act; and it has stated therein that CERTIFIED STANDING ORDERS are provided for the industrial establishment, and it has been certified vide order dated 27.02.1996 and further modified vide order dated 31.08.00. Different clauses of the standing orders have been mentioned in the claim statement.
4. The workman union has further stated that the management of FCI in cases of demurrage imposed by the Railway authorities deal in the matter with Railway authorities and in the event the case is not settled in favour of the management of FCI, the demurrage amount is paid by them to the concerned authority of the Railway. The Area Manager, FCI District Office, Gorakhpur vide his letters No. 09/17.01.2006 arbitrarily ordered for recovery of Rs.18,387.50 from the wages of Sri Yogendra Prasad, Sardar, Gang No. 6 and Sri Dilip Ram Prasad, Sardar Gang No. 2 of FCI, Basti Depot from each worker as penalty (Total amount of Rs. 36,775.00).
5. The workmen have emphasized that the management of FCI further imposed the financial penalty and ordered to recover an amount of Rs.18387.50 from the wages of Sri Yogendra Prasad, Sardar, Gang No. 6 and Sri Dilip Ram Prasad, Sardar, Gang No. 2 from each worker; that is total amount of Rs. 36775. The above financial penalty was imposed on the above named worker through the separate office order. The party No. 2 ordered the financial

- penalty for recovery of the demurrage amount from the above named worker on 9/17.01.2006 and 20.01.2007 respectively but before issue the above orders the party No.2 called the explanation through memo dated 5/6.12.2006 separately from the above named workers which was received to them on 26.12.2006.
6. The management of FCI further imposed the financial penalty and ordered to recover an amount of Rs.19500 from the wages of Sri Yogendra Prasad, Sardar, Gang No. 6 and Sri Dilip Ram Prasad, Sardar, Gang no.2 each workers that is total amount of Rs.39,000. The party No.2 before above recovery had also called earlier explanation for recovery from the above named workers vide memo dated 21.11.2006 separately. The workmen named above submitted their explanation, which was called for separately by the party No.2 and denied the allegations for causing the demurrage because of them.
 7. The union has stated that the FCI Area Manager was well aware with the instructions communicated in January 1984 by the Movement Commercial Department of the FCI vide their circular dated Jan.1984, the relevant clause has been written therein.
 8. The workmen union further pleaded that the above named workers are the departmental workers of the party No.2 therefore, in accordance with the instructions issued by the Movement Commercial Department of Party No.2 mentioned at para No.15; opposite party was supposed to have taken necessary disciplinary action as provided under Rules and the disciplinary procedure is elaborately laid down in the Certified Standing Orders which are applicable to the establishment as explained above. The explanation of the above named workers were called on 06.12.2006 (received to the workmen on 26.12.2006) and explained by them on 04.01.2007; will show that while imposing the financial punishment as penalty to recover the demurrage amount vide order dated 17.01.2006 and 20.01.2007 respectively for both the recovery from each worker, no Principle of Natural Justice was followed; the workers have not accepted the allegations, therefore in the circumstances the comprehensive disciplinary proceeding was mandatory. The party No. 2 otherwise could not impose financial punishment, and to recover the amount as penalty is otherwise out of their power to impose; as the Certified Standing Orders as well as the instructions of Movement Commercial Department of party No. 2 mentioned above do not at all permit so.
 9. The workmen have emphasized that the recovery of demurrage amount from the workmen's wages can not be effected on part of the workers, if provided in the form of misconduct in the domestic enquiry which have not been held by the management, consequently the workmen have been totally deprived from availing genuine opportunity. The act of the management has been alleged to be illegal, unjustified and against the principle of natural justice. The worker's union has prayed to quash the order of the management for recovery of demurrage amount of wages of workers of the mentioned Depot; and has requested for repayment of the amount recovered to the concerned workmen.
 10. Applicant has filed certain documents (photo copies etc.) alongwith with the claim statement.
 11. The management has filed written statement M-9 stating therein that the management has got right to recover the demurrage from those persons responsible for loss as mentioned in the relevant certified standing orders. It has further been stated in the written statement that in regards to recovery of Rs.18,387/50 and Rs.19,500/- each from the wages of Sri Yogendra Prasad, Sardar, Gang No. 6 and Sri Dilip Ram Prasad, Sardar, Gang No. 2; orders have been correctly passed by Area Manager, Food Corporation of India, Gorakhpur within the preview of his powers as disciplinary authority as mentioned in the Certified Standing Order framed under Industrial Employment Standing Order Act, 1946 under which departmental workers are governed. The Food Corporation of India has legally and justifiably passed both the recovery orders of demurrage amount from the concerned workmen. An officer holding the charge of District/Area Manager is supposed to be a custodian of all the properties moveable or immovable of his area in his jurisdiction and in case of any loss in the terms of goods or cash, has a right to take appropriate action to protect the interest of corporation in each and every manner for which District/Area Manager is deployed for. The management has prayed to dismiss the claim statement along with cost.
 12. The relevant clauses of the standing order have been filed by the management. The workers union thereafter filed rejoinder W-10 with strong denial of the allegations levelled in the written statement.
 13. Affidavit of Sri Hari Kant Sharma was filed by the workman along with annexures. The witness was dully cross-examined on behalf of the management.
 14. The opposite party filed affidavit of Sri Ram Agya Satpati, Manager as M-20 alongwith annexures; he was duly cross-examined on behalf of the workmen. Later on another affidavit of Sri Om Prakash was filed by the management as ME-28 alongwith annexures. The union duly cross examined this witness as well.
 15. Arguments of both the learned A/R of the parties have been heard at length and the record has been perused thoroughly.

16. The learned authorized representative of the workman has submitted that the action of the management of the FCI had been arbitrary and violative of principles of natural justice as it did not serve any notice before imposing alleged recoveries upon the workmen. It is also the case of the workman that the management did not follow Rules and Regulations given in the Certified Standing Orders.
17. In rebuttal, the authorized representative of the management has contended that with regard to payment of demurrage charges by FCI to Railways in case of non settlements in favour of FCI, the FCI management has right to recover from those person responsible for losses as mentioned in the Certified Standing Order in Clause 15 (i) & (ii). He has further argued that the recoveries have correctly been passed by the Disciplinary Authority under Rules as the workmen have been given notice of demurrages and the penalty was imposed after considering their respective replies; hence there stands no violation of the principles of natural justice, more so as the penalty imposed comes within the purview of minor penalty.
19. I have given my thoughtful consideration to the rival submissions of the learned authorized representatives of the parties and scanned documentary evidence available on record.
20. The case of the workman is that the management of FCI imposed the alleged recoveries without issuing any notice to them; whereas the management has specifically pleaded that the workmen had been issued show cause notice and recoveries have been imposed after considering their respective replies. The workman have filed order dated 17.01.2006, 20.01.2007, paper No. 4/44 to 4/49, which clearly reveals that the workmen have been issued separate memorandums and were imposed above noted orders of recoveries after taking into consideration their respective replies, thus, the stand of the workman's union falls that the management did not inform them before imposing penalty. Moreover, it is also the stand of the FCI that the penalty imposed is minor one and the disciplinary authority after considering all the facts and circumstances of the case decided not to take formal disciplinary action. Also, it is not the case of the workman's union that the demurrages were not casued.
21. Now it comes to the question whether court can exercise its powers under Section 11-A of the Industrial Disputes Act, 1947, which empower the Labour Court to interfere with the punishment imposed upon the workman. Hon'ble Apex Court in *B.C. Chayurvedi v. Union of India*, (1995) 6 SCC 749 while discussing about the scope of judicial review, in disciplinary matters, has observed as under:

“The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, imposed appropriate punishment with cogent reasons in support thereof.”

In *DG, RPF vs. Sai Babu* (2003) 4 SCC 331, Hon'ble Apex Court has observed that:

“6..... Normally, the punishment imposed by a disciplinary authority should not be disturbed by the High Court or a tribunal except in appropriate cases that too only after reaching a conclusion that the punishment imposed is grossly or shockingly disproportionate, after examining all the relevant factors including the nature of charges proved against, the past conduct, penalty imposed earlier, the nature of duties assigned having due regard to their sensitiveness, exactness expected of an discipline required to be maintained, and the department/establishment which the delinquent person concerned works.”

22. Section 11 A of the Industrial Disputes Act, 1947 reads as under:

“11A. Powers of Labour Courts, Tribunal and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen. – Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, be its award, set aside the order of discharge or dismissal and direct re-instatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require:

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter.”

A bare reading of the section makes it clear that Section 11-A of the Industrial Disputes Act has been enacted to empower the Labour Court to interfere with that management's decision to dismiss, discharge or terminate the services of a workman in such cases. In respect of other punishments, it has been observed and consistently held by the Courts that the tribunal does not have power to substitute its own judgment for that of the management. Hon'ble Apex Court in *South Indian Cashew Factories Workers' Union vs. Kerala State Cashew Development Corpn. Ltd* (2006) 5 SCC 201 made the following observations:

“Section 11-A of the Act gives ample power to the Labour Court to re-appraise the evidence adduced in the enquiry and also sit in appeal over the decision of the employer in imposing punishment. Section 11-A of the Industrial Disputes Act is only applicable in the case of dismissal or discharge of a workman as clearly mentioned in the section itself.”

23. Whether similar power can be exercised by the Labour Court where the punishment award is neither dismissal, punishment nor retrenchment? This issue has been considered by Hon'ble Allahabad High Court in *Allahabad Bank vs. Presiding Officer, Central Govt. Industrial Tribunal-cum- Labour Court, Kanpur & Others 2012 (133) FLR 1098*; where it has been observed that:

“Section 11-A empowers the Labour Court to re-appreciate the evidence and correct the judgment, in case of discharge, dismissal and termination, while in case of other punishments, no such power is vested with the Labour Court”.

24. In the instant case the workmen have been issued separate memorandums for alleged demurrages; and after considering their respective replies, the order for recoveries were issued by the Competent Authority which amounted to minor penalty. There is no reliable material for recording findings that the alleged action of the management of FCI in recovering of demurrage charges from workmen, was excessively harsh or disproportionate one.
25. Accordingly, in view of the facts and circumstances of the case and decision of Hon'ble Supreme Court, I am of opinion that the recovery orders need not to be interfered by this Tribunal. Hence, the reference is adjudicated against the workman's union; and as such, I come to the conclusion that the workmen viz. Sri Yogendra Prasad and Dilip Ram Prasad are not entitled to the relief claimed.
26. Award as above.

LUCKNOW.

RAKESH KUMAR, Presiding Officer

30th October, 2015.

नई दिल्ली, 16 दिसम्बर, 2015

का.आ. 2346.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार एफसीआई के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, लखनऊ के पंचाट (संदर्भ संख्या 07/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/12/2015 को प्राप्त हुआ था।

[सं. एल.-22011/76/2008—आई आर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 16th December, 2015

S.O.2346.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 07/2009) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court, Lucknow* as shown in the Annexure, in the industrial dispute between the management of *Food Corporation of India*, and their workmen, received by the Central Government on 16/12/2015

[No. L-22011/76/2008 - IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, LUCKNOW

PRESENT: RAKESH KUMAR, Presiding Officer

I.D. No. 07/2009

Ref.No. L-22011/76/2008-IR(CM-II) dated 08.04.20009

BETWEEN

The State Secretary,

Bharatiya Khadya Nigam Karamchari Sangh

TC/3V, Vibhuti Khand

Gomti Nagar,

Lucknow(U.P.)

AND

The Regional Manager,
Food Corpn. Of India,
Elite Building, Civil Lines,
Jhansi (U.P.)
The Executive Director (North),
Food Corporation of India
Plot No. 2A, 2B
Sector 24, Gautam Budh Nagar
Noida (U.P.)

AWARD

1. By order No. L-22011/76/2008-IR(CM-II) dated 08.04.2009 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between State Secretary, Bharatiya Khadya Nigam Karmchhari Sangh, Gomti Nagar, Lucknow and the Executive Director (North) FCI Noida, Regional Manager, FCI, Jhansi for adjudication.
2. The reference under adjudication is:
“WHETHER THE ACTION OF THE MANAGEMENT OF FCI IMPOSING PENALTIES ON SHRI SHAMBHU DAYAL VIDE THEIR ORDERS DATED 12.05.2008, 30.05.2008, 09.04.2008, 31.05.2008 AND 23.05.2007 IS LEGAL AND JUSTIFIED? TO WHAT RELIEF IS THE CLAIMANT WORKMAN ENTITLED FOR?”
3. As per the claim statement, the workman through union has stated in brief that 5 identical charge sheets dated 05.05.05, 11.06.2006, 02.06.2007, 13.08.2007 and 26.03.2008 have been issued by the opposite party under Regulation 60 of Staff Regulations 1971. The list of minor penalties has been given in the claim statement; the charge sheets were regarding alleged unjustified storage losses. The workman stated that there was no list of documents on the basis of which the alleged chargesheets framed, nor any document have been mentioned therein, nor any documents have been provided to the workman for effective reply. Detailed reply of the aforesaid charge have been submitted by the workman.
4. The workman has further stated that the Disciplinary Authority has been casted two responsibilities by Regulation 60(1)(C) and 60 (1) (d) of Regulations which have been reproduced as under:
 - a. “.....
 - b.
 - c. Taking the representation of any submitted by the employee under clause (a) and the record of enquiry, if any, held under clause (b) into consideration.
 - d. Recording a finding on each imputation or misbehavior.”
5. It has been pleaded in the claim statement that the opposite party no.1 and 2 have passed the following penalties upon workman illegally, arbitrarily and without compliance of regulation 60 (1) (C) and regulation 60 (1) (d) of the Regulations:

<u>Sl. No.</u>	<u>Penalty order dated</u>	<u>Passed by</u>	<u>Penalty of recovery Imposed</u>
1.	12.05.2008	OP No.2	Rs. 3,495.63
2.	30.05.2008	OP No.1	Rs. 25,312.00
3.	09.04.2008	OP No.1	Rs.4,244.00
4.	23.05.2007	OP No.1	Rs.88,365.00
5.	31.05.2008	OP No.1	Rs.3,780.00

6. The claim statement further points out that documents not mentioned in the charge cannot be referred by the disciplinary authority in the penalty order but valid action was not taken by the opposite party is against the principle of natural justice. Penalty for recovery of Rs.1, 25,196.63 was imposed, no reason to disagree with the reply of the workman was provided by the authority.

7. The workman further stated that opposite party no.2 has stated in impugned order dated 12.5.2008 that he had examined other records and documents including DSLC report dated 21.2.2008 and found workman guilty of charge leveled and imposed recovery of unjustified losses amounting to Rs.3495.63. The impugned order is illegal and violative of principles of natural justice as it has failed to disclose which document was considered and how such document was relevant and against workman. The opposite party no.2 has neither given any reason to disagree with the reply of workman nor given any finding on each imputation or misbehavior as such impugned order is violative of regulation 60(1) (C) and 60 (1) (d) of Regulations. There was alleged storage loss of Rs.14,983.30 and penalty has been imposed for unjustified losses of Rs.3493.63 and balance loss was found to be justified. The opposite party no.2 has failed to give any reason as to how it has found part of the loss justified and part as unjustified. The charge sheet dated 5.5.07 issued by the opposite party no.1 is in respect of alleged unjustified storage losses for the period 1/06, 2/06 and 3/06. It has been mentioned in the charge sheet that 7-9 officials were responsible alleged losses.
8. The workman further stated that opposite party no.1 has failed to specify the role of each official including workman and also failed to quantify the alleged loss attributed with the workman and as such the charge is vague and no finding of guilt can be fixed on that basis. The opposite party no.2 has failed to consider this legal position. There were two wings in depots, that is, QC wing and depot wing and both are separate and independent. The depot staff acts under the supervision and control of Manager (Depot) while QC Staff under Manager (QC). The staff of QC wing checks the moisture by moisture meter provided by the Food Corporation of India. The moisture of food grains varies from time to time. Hence, there is no basis of allegation that moisture recorded at the time of receipt/issue of stock was not correct/reasonable. There is no allegation that moisture was re-checked by higher authority just after checked by QC Staff and found the moisture as incorrect. The charge sheet is basically based upon no evidence. The workman has specifically stated in reply dated 23.05.2007 that alleged quantity of loss is for whole depot while the workman was in charge of one unit. There was only 30.31.835 qlts of storage loss in his unit which is below 0.5% in wheat while there was no loss in rice and almost similar is the position of 21/06 and 3/06. These aspects have not been considered by opposite party no.1 in impugned order dated 30.5.2008. Similarly none of the issue raised by the workman in his reply has been considered nor referred in the impugned order. The opposite party no.1 has also failed to give any finding on the imputation of misconduct.
9. The workman has stated that the findings of the opposite party is based on assumption, presumption and suspicious without any concrete evidence. Regulations were not followed by the management and reply given by the workman is also not considered. The workman has prayed to set aside the impugned 5 penalty order and Appellate order dated 30.10.2007 and 12.09.2008 and review order dated 19.2.2008. Request for refund of the amount recovered along with interest has also been made in the claim statement.
10. The management has filed written statement M-7 wherein the main allegation has been denied. The management has stated that all the charge sheets are based on the Depot record prepared by the workman and his co-workers, and were available with the applicant. The management has further stated that opportunity was granted to workman, his representation was given a careful dispassionate examination, but no convincing fact was provided by the workman. It has been emphasized in the written statement that sufficient advantage of driage, period of storage and other connected factors was given even then the unjustified loss persisted in the unit; consequently the penalty was imposed by the disciplinary authority and appellate authority. The management has stated that very clear, lawful, reasoned and speaking order in accordance with the rules regulations of FCI (Staff) was passed after consideration of the representation given by the workman. All the relevant facts and documents were considered by the appellate authority. Thereafter just and fair order was passed.
11. The management has further stated that the workman/applicant was entrusted with the work of receipt/storage maintenance/preservation and issue/dispatch of food grains at FSD Jhansi where abnormal/unrealistic storage losses in wheat/rice has been reported, as shown in 29.10 statement, as the applicant failed to maintain absolute integrity, devotion to duty, discharge his duties effectively, sincerely & honestly. Had he discharged his duties effectively, there would not have been abnormal/unjustified storage losses for which he was charge sheeted, which is quite legal and is based on documentary evidences. All the charge sheets have been issued for storage losses, which are unjustified losses and for which applicant is responsible, as he failed to maintain absolute integrity, devotion to duty and committed irregularities and apparent manipulation of record to justify the shortages and shown it is storage loss to hid his misconduct, misappropriation of the stocks in connivance with others. The driage which has taken place does not justify these losses. There is no report of bird/rat trouble and also no down gradation of the stocks has taken place due to insect/pest. An opportunity was granted to the applicant and after careful and dispassionate examination of the representation submitted by the applicant, contents of charge sheet, documents related to the cases including DSLC report disciplinary authority/appellate authority, Review Authority finds that points of representation submitted by applicant about storage loss are not found convincing satisfactory. The sufficient advantage of driage, period of storage and other connected factors has already been given even then the unjustified loss persists in applicants unit as a result of which penalty was imposed by the disciplinary authority/appellate authority to applicant.
12. The opposite party has emphasized that the applicant has approached this Tribunal without exhausting alternate remedy of filing appeal and review under FCI (Staff) Regulations. The management has prayed to dismiss this claim statement, as the workman is not entitled for any relief.

13. The workman thereafter has filed rejoinder while reiterating the pleas taken in the claim statement and with strong denial of the facts mentioned in the written statement. The workman has also emphasized that the concerned AGM is not authorized to sign the written statement and it is not a legal document in the eyes of law.
14. The workman along with list W-5 has filed certain documents. The opposite party has filed documents as per list M-12. Workman evidence W-10 has been filed as a affidavit of Sri Shambu Dayal. He was duly cross examined by the management. The management has filed affidavit M-12 of Sri Promod Kumar Awasthi. Sufficient opportunity was provided to the workman but the management witness was not cross examined. Therefore, the case was fixed by my learned predecessor for hearing arguments.
15. Arguments of both the parties have been heard at length. Record available before this court have been scanned thoroughly.
16. The learned authorized representative of the workman has submitted that the action of the management of the FCI had been arbitrary and violative of principles of natural justice as no list of documents, on the basis of which the alleged charge sheets have been framed, has been enclosed with nor the workman had been provided with any documents for effective reply. Further, it has also been contended that the issues raised by the workman in his reply have neither been considered, nor referred in the impugned orders.
17. In rebuttal, the authorized representative of the management has contended that all the charge sheets, issued to the workman, related to unjustified storage losses and the workman was given sufficient opportunity to represent against charge sheet. It is argued by the representative of the management that after careful examination of the representation submitted by the workman, contents of charge sheet and documents related to the case including DSLC report, the disciplinary authority/appellate authority did not find the points raised by the workman convincing; hence, the penalty imposed by the management is just and fair, therefore, there stands no violation of the principles of natural justice, more so as the penalty imposed comes within the purview of minor penalty.
18. I have given my thoughtful consideration to the rival submissions of the learned authorized representatives of the parties and scanned documentary evidence available on record.
19. The case of the workman is that the management of FCI imposed the alleged impugned orders by issuing charge sheets, which were not supported by the list of documents. Also the workman was not given any document to frame effective reply. It is also the case of the workman that the Disciplinary Authority issued impugned orders without considering reply/representation of the workman.
20. From perusal of the documentary evidence relied upon by the parties, it is evident that the workman had been issued detailed charge sheet, duly supported with the imputations of charges to facilitate the workman to submit its reply/representation. There is no iota of evidence to show that the workman ever demanded from the opposite party any document to help him to file his reply. Then now taking the plea that the workman was not supplied with documents seems to be after thought. Hence, I find no force in contention of the workman that he was denied proper defence.

The management defended its domestic inquiry with pleadings that there is no anomaly with the procedure adopted by it; as the workman had been issued charge sheets and was afforded sufficient opportunity to submit a representation in reply thereof. Further, the management has also come up with a case that the representations of the workman were duly considered while delivering the punishment orders. Also, the workman has not disputed the validity of the inquiry; however it has alleged that the impugned order of punishment is illegal and required this Tribunal to interfere with the same.

21. Now it comes to the question as to whether court can exercise its powers under Section 11-A of the Industrial Disputes Act, 1947, which empower the Labour Court to interfere with the punishment imposed upon the workman. Hon'ble Apex Court in *B.C. Chayurvedi v. Union of India*, (1995) 6 SCC 749 while discussing about the scope of judicial review, in disciplinary matters, has observed as under:

“The High Court/Tribunal, while exercising the power of judicial review, cannot normally substitute its own conclusion on penalty and impose some other penalty. If the punishment imposed by the disciplinary authority or the appellate authority shocks the conscience of the High Court/Tribunal, it would appropriately mould the relief, either directing the disciplinary/appellate authority to reconsider the penalty imposed, or to shorten the litigation, it may itself, in exceptional and rare cases, imposed appropriate punishment with cogent reasons in support thereof.”

In *DG, RPF vs. Sai Babu* (2003) 4 SCC 331, Hon'ble Apex Court has observed that:

“6..... Normally, the punishment imposed by a disciplinary authority should not be disturbed by the High Court or a tribunal except in appropriate cases that too only after reaching a conclusion that the punishment imposed is grossly or shockingly disproportionate, after examining all the relevant factors including the nature of charges proved against, the past conduct, penalty imposed earlier, the nature of duties assigned having due

regard to their sensitiveness, exactness expected of a discipline required to be maintained, and the department/establishment which the delinquent person concerned works.”

22. Section 11 A of the Industrial Disputes Act, 1947 reads as under:

“11A. Powers of Labour Courts, Tribunal and National Tribunals to give appropriate relief in case of discharge or dismissal of workmen. – Where an industrial dispute relating to the discharge or dismissal of a workman has been referred to a Labour Court, Tribunal or National Tribunal for adjudication and, in the course of the adjudication proceedings, the Labour Court, Tribunal or National Tribunal, as the case may be, is satisfied that the order of discharge or dismissal was not justified, it may, be its award, set aside the order of discharge or dismissal and direct re-instatement of the workman on such terms and conditions, if any, as it thinks fit, or give such other relief to the workman including the award of any lesser punishment in lieu of discharge or dismissal as the circumstances of the case may require:

Provided that in any proceeding under this section the Labour Court, Tribunal or National Tribunal, as the case may be, shall rely only on the materials on record and shall not take any fresh evidence in relation to the matter.”

A bare reading of the section makes it clear that Section 11 A of the Industrial Disputes Act has been enacted to empower the Labour Court to interfere with that management’s decision to dismiss, discharge or terminate the services of a workman in such cases. In respect of other punishments, it has been observed and consistently held by the Courts that the tribunal does not have power to substitute its own judgment for that of the management. Hon’ble Apex Court in *South Indian Cashew Factories Workers’ Union vs. Kerala State Cashew Development Corpn. Ltd* (2006) 5 SCC 201 made the following observations:

“Section 11-A of the Act gives ample power to the Labour Court to re-appraise the evidence adduced in the enquiry and also sit in appeal over the decision of the employer in imposing punishment. Section 11-A of the Industrial Disputes Act is only applicable in the case of dismissal or discharge of a workman as clearly mentioned in the section itself.”

23. Whether similar power can be exercised by the Labour Court where the punishment award is neither dismissal, punishment nor retrenchment? This issue has been considered by Hon’ble Allahabad High Court in *Allahabad Bank vs. Presiding Officer, Central Govt. Industrial Tribunal-cum- Labour Court, Kanpur & others* 2012 (133) FLR 1098; where it has been observed that:

“Section 11-A empowers the Labour Court to re-appreciate the evidence and correct the judgment, in case of discharge, dismissal and termination, while in case of other punishments, no such power is vested with the Labour Court”.

24. In the instant case the workman has been issued separate memorandums for alleged storage loss; and after considering his respective replies the order or recoveries were issued by the Competent Authority which amounted to minor penalty. There is no reliable material for recording findings that the alleged action of the management of FCI in recovering of in justified storage loss from workman was excessively harsh or disproportionate one.
25. Accordingly, in view of the facts and circumstances of the case and decision of Hon’ble Supreme Court, I am of opinion that the recovery orders dated 12.05.2008, 30.05.2008, 09.04.2008, 31.05.2008 and 23.05.2007 need not to be interfered by this Tribunal. Hence, the reference is adjudicated against the workman’s union; and as such, I come to the conclusion that the workman viz. Sri Shambhu Dayal is not entitled to the relief.
26. Award as above.

LUCKNOW.

RAKESH KUMAR, Presiding Officer

30th October, 2015.

नई दिल्ली, 16 दिसम्बर, 2015

का.आ.2347.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ संख्या 19/1997) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/12/2015 को प्राप्त हुआ था।

[सं. एल-22012/91/1996-आई आर (सी-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 16th December, 2015

S.O.2347.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 19/1997) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the

management of *M/s. Eastern Coalfields Limited*, and their workmen, received by the Central Government on 16/12/2015.

[No. L-22012/91/1996 - IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 19 OF 1997

PARTIES: The Management of Damagoria Colliery, E.C.L.

Vs

Late Shyama Bouri.

REPRESENTATIVES:

For the management: Shri P. K. Das, Ld. Advocate (ECL)

For the union (Workman): Shri G.P. Mal, Ld. Advocate

INDUSTRY: COAL STATE: WEST BENGAL

AWARD

Dated : 10.11.2015

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter **NO. L-22012/91/96-IR(C-II)** dated 14.03.1997 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Damagoria Colliery of M/s. BCCL in not providing employment on compassionate grounds to Smt. Gita Bouri w/o Late Shyama Bouri, is legal and justified? If not, to what relief is the dependent of the workman entitled? ”

Having received the Order **NO. L-22012/91/96-IR(C-II)** dated 14.03.1997 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. **19 of 1997** was registered on 26.03.1997 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned. The workman appeared through his representatives.

Smt. Gita Bouri dependent wife of Late Shyama Bouri has stated in her written statement, that Late Shyama Bouri, her husband was engaged at Damagoria Colliery of M/s. B.C.C.L. in the transportation of coal from the pit mouth to the siding and from one siding to another and loading of coal into the Wagon with Pay Loader. Late Shyama Bouri had been working as permanent workman at Damagoria Colliery of M/s. B.C.C.L. in permanent nature of job under the direct control and supervision of management. All the implements for execution of job were being supplied by the management. For all purposes, the concerned workman was a permanent employee of the management. Unfortunately on 21.12.1991 Late Shyama Bouri had met with an accident during the course of employment at working place. Management has implemented the National Coal Wages Agreement and accordingly the dependent wife of Late Shyama Bouri namely Smt. Gita Bouri represented before the management for providing her employment and for compensation of her husband. The then Agent of Damagoria Colliery addressed a letter to Smt. Gita Bouri expressing his grief over the death of her husband and assured that her case for employment will be favourably and sympathetically considered. The concerned lady represented before the management several times for providing her employment, but without any effect. The said dispute was raised before the A.L.C.(C) with a hope for amicable settlement. But during the course of conciliation proceeding the management took the plea that the concerned workman was allegedly an employee of the Contractor though admitting the fact that the concerned workman namely Late Shyama Bouri died due to an accident during the course of his employment. Conciliation proceeding ended in failure due to adamant attitude of the management. Government of India, Ministry of Labour has been pleased to refer the dispute for adjudication. The action of management of Damagoria Colliery of M/s. B.C.C.L., in not providing employment on compassionate ground to Smt. Gita Bouri is neither legal nor justified. The action of management is illegal, arbitrary, unjustified and against the principle of natural justice as well as provision of N.C.W.A. Smt. Gita Bouri has prayed that the management of M/s. B.C.C.L. be directed to provide employment to Smt. Gita Bouri with retrospective effect with all arrear of wages and consequential benefits.

The management of M/s. B.C.C.L. has denied the contention of Smt. Gita Bouri as stated in her written statement. Management has stated that Late Shyama Bouri was not an employee of Damagoria Colliery of M/s. B.C.C.L. and there was no employer and employee relationship between Late Shyama Bouri and the management of Damagoria colliery of M/s. B.C.C.L. Late Shyama Bouri was engaged by M/s. United Unemployed Educated Co-operative Society Limited, who had undertaken the job of loading and transportation of coals from the stockyard to the siding at Damagoria Colliery of M/s. B.C.C.L. Late Shyama Bouri met with an accident on 21.12.1991 by a Pay-loader engaged by the said Contractor for the above purpose. He later succumbed to his injuries on his way to hospital. Late Shyama Bouri stated to be an employee of United Unemployed Educated Co-operative Society Limited, Barmasia, Purana Bazar, Dhanbad. The Society has its registration No.30 DHAN (ANCHAL) '89 as per documents submitted by the Secretary of the said Society. Being an employee of the said Society he was guided by the Bye-laws of the Society and thus is entitled to get the benefits of the Society as per terms and conditions depicted in the Bye laws of the said Society. The employment on compassionate ground in Coal Industry is guided by National Coal Wages Agreement and it is binding to the management and the employees of the Coal Industry. In the said agreement there is no provision for providing employment to the dependent of any contractor's labourer who dies in harness. The instant reference is therefore, infructuous. The dependent of Late Shyama Bouri is not entitled to any relief as per terms of reference. M/s B.C.C.L. has prayed that Tribunal may kindly close the reference as No Dispute Award.

Smt Gita Bouri has stated in her rejoinder written statement that statement of management in para-1,2,3,4,5 and 6 are false, frivolous and motivated and hence denied. Late Shyama Bouri has been working as permanent workman at Damagoria Colliery of M/s. B.C.C.L. in permanent nature of job under direct control and supervision of the management and all implements for execution of the job were being supplied by the management and for all purposes the concerned workman was a permanent employee of the management. Late Shyama Bouri met with an accident during the course of his employment at the working place at Damagoria Colliery of M/s. B.C.C.L. The management has implemented the National Coal Wage Agreement and accordingly the dependent wife of Late Shyama Bouri represented before the management for providing her employment and for compensation of her husband.

Smt. Gita Bouri, dependant wife of Late Shyama Bouri has filed documents in her support namely:

01. Letter written by the Agent / Dy.CME dated 23.12.1991.
02. Office Order dated 03.11.1993.
03. Letter dated 03.11.1993.
04. Office order dated 25.07.1990
05. Office order dated 01.08.1990
06. Office Order dated 07.03.1994.
07. Office Order dated 08.09.1995.
08. Office Order dated 17.05.1995.
09. Death Certificate dated 07.03.1994.
10. Letter dated 24/27.06.1994.
11. Post Mortem Report of Soma Bouri.
12. Certificate issued by Chairman, Municipal Office.
13. Certificate and attested photographs of the family of Late Soma/Shoma Bouri Duly attested by MLA, Disergarh.
14. Certificate by Medical Officer dated 22.12.1991.
15. FIR Report.

Smt. Gita Bouri has filed affidavit dated 24.06.1998. Learned Advocate has filed Written Argument on behalf of Smt. Gita Bouri. I have heard the argument of Sri Samir Kumar Bandyopadhyay and Sri G. P. Mall on behalf of Gita Bouri & Sri P.K. Das on behalf of management.

The Advocate on behalf of Gita Bouri, dependent wife of Late Shyama Bouri, has filed following case Laws :-

1. **HUSSAINBHAI, CALICUT v/s THE ALATH FACTORY THEZHILALI UNION KOZHIKODE & others**, reported in S.C.L.J., Vol.-15, Page-112
2. **National Insurance Co. Ltd., Kanpur v/s Yogendra Nath Verma**, reported in A.I.R., 1982, Allahabad High Court, Page-385
3. **SARASPUR MILLS CO. LTD. v/s RAMANLAL CHAMANLAL & others**, reported in S.C.L.J., Vol.-X, Page-21

4. **DENA NATH & others v/s NATIONAL FERTILIZERS LTD. & others** reported in 1992(64) F.L.R., Page-39

5. **J. P. Gupta & Another v/s Union of India & others**

Management of M/s. B.C.C.L. has filed case Laws between :-

Durgapur Projects Ltd. v/s Kumari Purnima Bhui, reported in 2013(2)CHN (CAL), Page-576 .

Learned Advocate on behalf of Smt. Gita Bouri has stated in her written argument that Late Shyama Bouri had been working at Damagoria Colliery of M/s. B.C.C.L. in the transportation which was permanent and perennial nature of job. Late Shyama Bouri has been under the control and supervision of management. Implements for execution of job were being supplied by the management. However, to camouflage the real issue the management had been disbursing his wages through intermediaries. Late Sri Shyama Bouri met with an accident on 21.12.1991 during the course of employment and died. The dependent wife of Late Shyama Bouri represented several times for her employment as per provision of National Coal Wages Agreement. But the management refused the employment on the ground that Late Shyama Bouri was an employee of M/s. United Unemployed Educated Co-operative Society Limited. The dependents of other persons were provided employment on similar ground. The photo copy of such documents have been submitted, but the management never examined any witness nor adduced evidence. In view of the judgment of the Hon'ble Allahabad High Court reported in A.I.R., 1982, Page-385;

"The averments contained in the written statement cannot take place on proof unless evidence is produced by the interested party."

Late Shyama Bouri shall be deemed to be an employee of Damagoria Colliery of M/s. B.C.C.L. In view of the judgment of Hon'ble Supreme Court reported in S.C.L.J., Vol.-X, Page-21, **SARASPUR MILLS CO. LTD. v/s RAMANLAL CHAMANLAL & others**, judgment reported in S.C.L.J., Vol.-15, Page-112 between **HUSSAINBHAI, CALICUT v/s THE ALATH FACTORY THEZHILALI UNION KOZHICODE & others** and as per N.C.W.A settlement the dependent of deceased employee, who expired during the course of employment is entitled for employment.

Learned Advocate of M/s. B.C.C.L. has argued that Late Shyama Bouri had never been in employment of M/s B.C.C.L., rather Late Shyama Bouri was an employee of United Unemployed Educated Co-operative Society Limited, Barmasia, Purana Bazar, Dhanbad, which was registered one. Therefore, bye-laws of the United Unemployed Educated Co-operative Society Limited will be applicable, though Late Shyama Bouri was working at Damagoria colliery, but he was an employee of United Unemployed Educated Co-operative Society Limited. The payment of wages was made to Late Shyama Bouri by United Unemployed Educated Co-operative Society Limited and not by M/s B.C.C.L.

The basis of claim of Smt. Gita Bouri, the dependent wife of deceased Sri Shyama Bouri for employment is that, deceased Shyama Bouri was ex-permanent workman of Damagoria Colliery of M/s. B.C.C.L. As per terms of National Coal Wages Agreement, the management of M/s B.C.C.L. is bound to provide employment to the dependent of deceased workman of B.C.C.L., who expired during the course of employment. Late Shyama Bouri expired during the course of employment, therefore terms of National Coal Wage Agreement is applicable. Whereas management of M/s. B.C.C.L. has denied that deceased Shyama Bouri was an employee of Damagoria Colliery of M/s. B.C.C.L. Late Shyama Bouri was engaged by M/s. United Unemployed Educated Co-operative Society Limited, who has undertaken the job of loading and transportation of coal from stockyard to the siding of Damagoria colliery of M/s. B.C.C.L. Therefore terms of National Coal Wages Agreement are not applicable at all.

The vital question arises for consideration is whether deceased Shyama Bouri was in employment of Damagoria Colliery of M/s. B.C.C.L. at the time of his death? If any work is performed by a contractor labour, whether contract labour will be deemed to be in employment of the principal employer, as in present case, Damagoria colliery of M/s B.C.C.L., whether employer-employee relationship was in existence before the death of Late Shyama Bouri.

Before proceeding further it will be pertinent to peruse the definition contained in Industrial Dispute Act, 1947. Industrial Disputes Act, 1947 defines industrial dispute as follows :

"Industrial Dispute" means any dispute or difference between employers and employees, or between employers and workman, or between workman and workman, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person. "

The workman has been defined as such :

"WORKMAN" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be expressed or implied, and for the purposes of any proceeding under this act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute."

On perusal of above definition it appears that any person including an apprentice employed in any industry means before commencement of any manual, unskilled, skilled, technical, operational, clerical or supervisory work workman should be employed. Employment requires formal procedure for appointment whether be permanent or temporary. Any job performed for hire or reward will not come into the category of 'employment'. If there is employment, there must be a

formal letter of appointment. The name of workman will always appear on the Master Roll of company or industry as well as on the records of company. After appointment there will be statutory obligation on employer as well as on employee. Smt. Gita Bouri has not submitted any letter of appointment, copy of pay-slip or other service records maintained by M/s. B.C.C.L. She has not even mentioned in her written statement regarding the date and procedure of appointment. Mere functioning as contract labour will not create any right in favour of Late Shyama Bouri. If labour is hired or contract labour is engaged for the purpose of a particular task, even for a larger period, there will be no statutory obligation, but only a contractual obligation between the Management of Damagoria colliery of M/s B.C.C.L. and firm supplying the labour.

M/s B.C.C.L. has stated in Para-5 of their written statement :

“ That, Shyama Bouri stated to be an employee of United Unemployed Educated Co-operative Society Ltd, Barmasia, Purana Bazar, Dhanbad. The Society has its Registration no. as 30 DHAN(Anchal) '89 as per document submitted by the Secretary of the said Society. Being an employee of the said Society he was guided by the Bye-laws of the society and thus, is entitled to get the benefits of the Society as per the Terms & conditions contained in the Bye-laws of the said Society.”

But it is surprising enough that Smt. Gita Bouri, wife of deceased Sri Shyama Bouri has not replied even a single word in her rejoinder written statement. If fact of written statement of one party is not specifically denied by another party in his/her written statement it will be deemed to be correct.

From these circumstances it is clear that Late Shyama Bouri was a contract labour under the control of United Unemployed Educated Co-operative Society Ltd. and he was not under employment of Damagoria Colliery of M/s. B.C.C.L. As stated by M/s. B.C.C.L. in their written statement, that United Unemployed Educated Co-operative Society Ltd. is registered one, therefore Bye-laws of Society will be applicable on deceased Sri Shyama Bouri. Late Shyama Bouri will never be treated as an ex-employee of M/s. B.C.C.L. Therefore the terms of National Coal Wages Agreement will not be applicable and as per terms of National Coal Wages Agreement Smt. Gita Bouri will not be entitled for employment as dependant wife of Late Shyama Bouri.

So far as the copy of appointment letter of Smt. Laxmi Uragin and Smt. Kanti Devi, the dependant wives of Late contract labours are concerned, their appointment by M/s. B.C.C.L., will not create any right in favour of Smt. Gita Bouri.

Hon'ble Apex Court in **DENA NATH & others v/s NATIONAL FERTILIZERS LTD. & others**, reported in 1992 (64) F.L.R., Page-39 has held :

“ It is not for the High Court to inquire into the question and decide whether the employment of contract labour in any process, operation, or in any other work in any establishment should be abolished or not. It is a matter for the decision of the Government after considering the matter, as required to be considered under Section 10 of the Act. The only consequences provided in the Act where either the principal employer or the labour contractor violates the provision of Sections 9 and 12 respectively is the penal provision, as envisaged under the Act for which reference may be made to Sections 23 and 25 of the Act. We are thus of the firm view that in proceedings under Article 226 of the Constitution merely because contractor or the employer had violated any provision of the Act or the rules, the Court could not issue any mandamus for deeming the contract labour as having become the employees of the principal employer.”

I am in respectful agreement with the view propounded by Hon'ble Apex Court. As per view of Hon'ble Apex Court, Smt. Gita Bouri is not entitled for employment. Ld. Advocate of Smt. Gita Bouri has relied on a decision reported in S.C.L.J., Vol.-X, Page-21 between **SARASPUR MILLS CO. LTD. v/s RAMANLAL CHAMANLAL & others**. I am in respectful agreement with Hon'ble Bombay High Court. But the facts of present reference are different from above judgment. Hon'ble Bombay High Court has observed in Bombay Industrial Relations Act, 1946, whereas the present reference is concerned with Industrial Disputes Act, 1947. Ld. Advocate of Smt. Gita Bouri has relied on a decision reported in S.C.L.J. between **HUSSAINBHAI, CALICUT v/s THE ALATH FACTORY THEZHILALI UNION KOZHICODE & others**. I am in respectful agreement with Hon'ble High Court. But the fact of present reference is different.

Learned counsel of Smt. Gita Bouri has relied on another citation of **National Insurance Co. Ltd., Kanpur v/s Yogendra Nath Verma**, reported in A.I.R., 1982, Allahabad High Court, Page-385. I am in respectful agreement with the view expressed by Hon'ble Allahabad High Court, but the fact of present reference is quite different.

Management of M/s B.C.C.Ltd has relied on a citation of **Durgapur Projects Ltd. v/s Kumari Purnima Bhui** reported in 2013(2) CHN (CAL), Page-576 . The Hon'ble High court has held as follows :

“ A child born out of void marriage is legitimate only for purpose of entitling him to claim right in property of his parent only not any other thing - Compassionate appointment to public post not heritable property –Provision of section 16 of Act, 1955 cannot be pressed into service to expand privilege of compassionate appointment – Compassionate appointment being extended to general rule of recruitment deserves a strict construction – “Son” in category of “dependant” not include illegitimate son born out of second marriage of deceased employee.”

In view of the decision above since Late Shyama Bouri had never been in employment of management of Damagoria colliery under M/s. B.C.C.L., therefore, there was no employer-employee relationship between Damagoria Colliery of M/s. B.C.C.L. and Late Sri Shyama Bouri, before his death. **Smt. Gita Bouri, the dependent wife of Late Shyama Bouri is not entitled for employment** as per National Coal Wages Agreement.

ORDER

Let an "Award" be and the same is passed as per above discussion. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2015

का.आ. 2348.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **ईसीएल** के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल** के पंचाट (संदर्भ संख्या 10/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/12/2015 को प्राप्त हुआ था।

[सं. एल. 22012/251/2006—आई आर (सी एम—II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 16th December, 2015

S.O.2348.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 10/2007) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the management of *Pandaveshwar Area of M/s. ECL*, and their workmen, received by the Central Government on 16/12/2015.

[No.L-22012/251/2006 - IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra, Presiding Officer

REFERENCE NO. 10 OF 2007

PARTIES: The management of Pandaveshwar Colliery of M/s. ECL

Vs.

Sri Govind Turi

REPRESENTATIVES:

For the management: Sri P. K. Das, Ld. Adv. (ECL)

For the union (Workman): Sri S. K. Pandey, Gen. Secy.

INDUSTRY: COAL STATE: WEST BENGAL

Dated : 03.12.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/251/2006-IR(CM-II) dated 18.01.2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Pandveshwar Colliery under Pandveshwar Area of M/s. Eastern Coalfields Limited in dismissing Shri Govind Turi from services w.e.f. 04.07.2005 is legal and justified? If not, to what relief is the workman entitled? ”

Having received the Order No. L-22012/251/2006-IR(CM-II) dated 18.01.2007 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. **10** of **2007** was registered on 19.02.2007 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out. Both of the parties are absent.

On perusal of the record I find that the case was fixed for filing evidence of the claimant on 08.08.2013. Thereafter more than 2 years and 7 dates have been passed but to no effect. On 18.05.2015, Sri S. K. Pandey, representative of the workman appeared before the court and submitted that the case might be closed if he would fail to file evidence of the claimant on the next date. Thereafter two dates have been passed. The workman was granted 3 last opportunities on 12.03.2015, 18.05.2015 and 30.07.2015. In spite of all the workman has not filed evidence. It seems that the workman/union is now not interested to proceed with the case further. As such the case is closed and accordingly a ‘**No Dispute Award**’ is hereby passed

ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2015

का.आ.2349.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **ईसीएल** के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, आसनसोल** के पंचाट (संदर्भ संख्या 15/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/12/2015 को प्राप्त हुआ था।

[सं. एल.—22012/76/2006—आई आर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 16th December, 2015

S.O.2349.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.15/2007) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court, Asansol* as shown in the Annexure, in the industrial dispute between the management of *Satgram Area of M/s. ECL*, and their workmen, received by the Central Government on 16-12-2015.

[No. L-22012/76/2006-IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL**

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 15 OF 2007

PARTIES: The management of Nimcha Colliery of M/s. ECL

Vs.

Sri Charu Majhi

REPRESENTATIVES:

For the management: Sri P. K. Goswami, Ld. Adv. (ECL)

For the union (Workman): Sri S. K. Pandey, Gen. Secy.

INDUSTRY: COAL STATE: WEST BENGAL

Dated : 01.12.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section (1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter No. L-22012/76/2006-IR(CM-II) dated 02.03.2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Nimcha Colliery of M/s. ECL in dismissing Sri Charu Majhi, U.G. Loader from service w.e.f. 08.01.2005 is legal and justified? If not to what relief is the workman entitled? ”

Having received the Order No. L-22012/76/2006-IR(CM-II) dated 02.03.2007 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. 15 of 2007 was registered on 03.05.2007 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

On perusal of the case record I find that my predecessor (Late Jayanta Kumar Sen, the then P.O.) had reserved an award in this case because Sri S. K. Pandey, representative of the workman submitted that the case may be closed and a ‘No Dispute Award’ may be passed as the workman is not found. The workman is also not appearing before the tribunal since long. Several opportunities were given but to no effect. It appears that workman was not at all interested to proceed with the case. As such the case is closed and accordingly a ‘No Dispute Award’ is hereby passed.

ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2015

का.आ.2350.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **डब्ल्यूसीएल** के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर** के पंचाट संदर्भ संख्या 62/2011 को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/12/2015 को प्राप्त हुआ था।

[सं. एल.-22012/38/2011-आई आर (सीएम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 16th December, 2015

S.O.2350.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 62/2011) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court, Jabalpur* as shown in the Annexure, in the industrial dispute between the management of *Pench Area, WCL.* and their workmen, received by the Central Government on 16/12/2015.

[No. L-22012/38/2011-IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR****NO. CGIT/LC/R/62/2011**

Shri Suryakant Chourasia,

Near Old Bus Stand, Parasia,

Distt Chhindwara (MP)

.....Workman

Versus

The CGM, WCL,

Pench Area, Parasia,

Distt. Chhindwara (MP)

.....Management

AWARDPassed on this 2nd day of November 2015

1. As per letter dated 20-6-11 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section 10 of I.D.Act, 1947 as per Notification No.L-22012/38/2011-IR(CM-II) The dispute under reference relates to:

“Whether the action of the management of Pench Area of WCL in denying the legitimate dues to Shri Suryakant Chourasia is justified? To what relief the concerned workman is entitled?”

2. After receiving reference, notices were issued to the parties. Workman submitted statement of claim on 28-2-2012. Case of Ist party workman is that he had filed Writ petition 4916/98 before MP High Court, Jabalpur. The ALC was directed to investigate into grievance of workman and pass appropriate order within two months. The workman raised dispute relating to various demands. Workman submits that management of 2nd party treated him with discrimination. Management was engaged in unfair labour practice. In IR meeting dated 17-9-85 between BKKMS Parasia and management, demand No.1 was that workman would be deployed in general shift was accepted. Workman was continued in general shift from 24-10-94. Workman was then asked to work as rest reliever as per order dated 25-10-94. That he was not in a position to work in night shift as he was suffering from Insomania. Management did not follow agreement dated 17-9-85. Management started marking workman absent though he was attending duty. He was deprived of wages. That directions were given by Sub Area Manager, Newton Sub Area to Manager EDC Colliery. Manager disobeyed order of his superior and deprived legal rights of the workman. Dy. Chief Personnel Manager had written letter dated 25-3-95 to Manager. No action for payment was taken by Manager. Workman was transferred vide order dated 7-11-95. He was transferred back to the original place as workman was not paid wages.
3. Ist party workman further submits that he was denying right of natural justice of promotion. As per seniority cum merit, juniors were promoted, workman was superseded over 20 junior overman. Workman has claimed amount of Rs.2,41,088/- towards Idle Wages, Rs.11,357/- - overtime wages, Rs.13,795/- towards Loss due to supersession in promotion, Rs.5211/- towards loss of wages due to illegal transfer, Rs.21,259/- charge allowance, Rs.30,288/- underground allowance, Rs.23,190 nonpayment of rest days and Rs.1,41,522/- towards deduction of wages difference/ bonus. Workman prays recovery of above amount from 2nd party.
4. 2nd party filed Written Statement on 19-6-12 opposing claim of workman. 2nd party submits that terms of reference are vague, it is not specifically mentioned, the particulars of name and date from which the claim has been made. In absence of specific dispute between parties, it is not possible to adjudicate the same. The vague reference is not tenable. It is further contented that workman claims certain remunerations i.e. Idle wages, overtime wages, the dispute is misconceived. Workman is not entitled to any relief. That workman was working as overman since 1979. He claims idle wages on ground that he was transferred from EDC colliery to Rawanwara colliery, Pench Area. On transfer, workman did not report to Rawanwara colliery. He continued making representations for cancellation of his transfer. Ultimately he was allowed to rejoin at EDC. Pench Area has several units namely EDC Colliery, Rawanwara Khas colliery, Gajanando colliery, Shivpuri, Newton etc. All units are situated within radius of 10 kms. If an employee is asked to work in a particular unit within the area, it cannot be termed as transfer. The service conditions are not changed, pay scale is not changed. Nature of duties are not changed. Such arrangement is not made for administrative requirements. If a particular employees services are required in a particular unit for the time being, he is asked to work at a particular unit in the interest of the company. Workman claims wages for the period he did not perform duty either at EDC or Rawanwara colliery. The claim of workman relates to the

period he was making efforts for cancellation of his transfer, when his transfer was cancelled, he joined duty at EDC colliery. Workman has no right to claim idle wages.

5. Workman has refused to perform his normal duty as overman, the calculations by workman himself is not maintainable. Any person cannot claim overtime allowance without performing overtime duties. No one is expected to work beyond normal hours. Some times workman has refused to perform his normal duties as overman. He was not asked to perform overtime duties at any time. workman is not entitled to overtime allowance. Workman insisted that management should give him duty in particular sheet as per his convenience. The post of overman is responsible post and for safety of mines. It is for the Manager to allow shift to the workman. in case workman insisted management should allow him in general shift only, he refused to perform job in other shifts, workman claimed general shift on medical ground. Medical certificates submitted by workman shows he is not fit to perform job therefore he was deployed in general shift. When workman is not fit to perform normal duty, there is question of his performing about overtime wages. All adverse contentions of workman are denied. It is denied that workman was transferred with malafide intention. It is denied that workman was not paid his dues. It is denied that his juniors are promoted superseding the workman. 2nd party submits that promotions are given on recommendation of DPC based on merit cum seniority and not seniority cum merit. On all such contentions, 2nd party submits that claim of workman cannot be allowed.
6. Workman submitted rejoinder reiterating his contentions. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of PENCH Area of WCL in denying the legitimate dues to Shri Suryakant Chourasia is justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

REASONS

7. Terms of reference pertains to denial of legitimate claim of workman, particulars of claim are not shown in order of reference. Management has contented that reference is vague. Such vague reference is not tenable. In his statement of claim, workman has claimed recovery of idle wages, loss due to supersession in promotion, overtime wages, loss of wages due to illegal transfer, charge allowance, underground allowance, non-payment of rest days, deduction of wages difference/ bonus. Claim of workman is denied by management of 2nd party.
8. Workman filed affidavit of his evidence. In his affidavit of evidence, workman says he was working as overman. He retired on 31-7-12 as per demand No.1 in meeting dated 17-9-85. He was allowed to work in general shift from 1985 to 24-10-94. As per order dated 24-10-94, he was directed to work as rest reliever. That he was suffering from Insomania. He was unable to work in night shift. His request for idle wages were not accepted. That as per order in November 95, he was transferred from EDC Mine to Rawanwara Mine. His transfer was stayed. He was not paid idle wages and other claims were not allowed to him. he was superseded by his juniors. He was not given promotion as per seniority. In Para-9 of his affidavit, he has claimed recovery of amount on different parts. In his cross-examination, workman says letter Exhibit W-1 to W-4 were given by him in office to Shri Dutta Clerk. He claims ignorance what steps Mr. Dutta had taken on those letters. He had not received any reply on those letters. He prepared chart Exhibit W-5, W-6 alongwith his affidavit of evidence. No order for deduction of wages was passed but he was not allowed to work. He retired on 31-7-12. He was in service for 46 years six months. He received salary for the period except for the period shown in Exhibit W-5, W-6. Distance between EDC and Rawanwara is about 3-4 kms. He was transferred from EDC to Rawanwara after 30 years of his service. He was working on post of Sr. overman. Said post was sanctioned as per rules. Overman Mining Sirdar are working under Sr. Overman. In his further cross-examination, workman says that Sr. overman is responsible for safety of the unit. That he was protected workman therefore he did not join at Rawanwara colliery. Workman admits that order of his transfer was not cancelled. He did not work after his transfer. He denies that Union had pressurized management for cancellation of his transfer. After order of his transfer, he did not work. He did not claim salary for the intervening period. He denies that he had refused to work on the post held by him. for overtime work, management gives oral directions. Workman admits he did not work overtime, he has claimed overtime wages in Exhibit W-5, W-6. He had received warning for disobeying order of superior. Chargesheet was also issued to him. management had given documents Exhibit M-2 to M-19.
9. Workman in his further cross-examination says that he was working underground mine as overman. Overman were working in all 3 shifts. The shifts were changed. He admits that he was always requesting work in general shift. That Dy. Chief Personnel Manager had given letter in writing for payment to him. As he was suffering from illness, he was insisting to work in general shift. He admits that he was insisting overtime duty on paid holidays, Sundays. He denies that as he was ill, overtime work was not given to him. In Exhibit W-5,6 he claimed overtime wages double, triple of the normal wages.

10. Management's witness Dinesh Kumar Chourey filed affidavit supporting claim of the management. that management has issued letters chargesheets to the workman shown in Para 3 of his affidavit. In his cross-examination, management's witness says workman had not given reply to Exhibit M-1 to M-19. Workman was transferred from EDC to Rawanwara mines. Management's witness in his cross-examination admitted documents Exhibit W-8 to W-19. Any of those documents donot pertain to cancellation of transfer of workman or his working at Rawanwara Mines after his transfer. When workman had not worked at place of his transfer in Rawanwara mines, his claim for idle wages, overtime allowance cannot be accepted. Workman claims supersession and denial of promotion as per seniority. Management's witness stated that promotions are given on recommendation of DPC. Workman was not recommended. Order of transfer of workman was not cancelled neither the order of transfer was challenged in present reference. Management had cancelled order of his transfer in 1998 and workman was allowed to rejoin at EDC mines. The order of transfer of workman cannot be said illegal. Workman himself not obeyed to order of his transfer and did not work at Rawanwara Mine. Without working at Rawanwara mine or working overtime, claim of workman for idle wages , overtime wages, difference of wages etc. is not established. Therefore I record my finding in Point No. 1 in Affirmative.

11. In the result, award is passed as under:-

- (1) The action of the management of PENCH Area of WCL in denying the legitimate dues to Shri Suryakant Chourasia is proper and legal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2015

का.आ.2351.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार **ईसीएल** के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण/ श्रम न्यायालय, आसनसोल** के पंचाट संदर्भ संख्या 43/2007 को प्रकाशित करती है, जो केन्द्रीय सरकार को 16/12/2015 को प्राप्त हुआ था।

[सं. एल-22012/54/2007-आई आर (सी एम-II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 16th December, 2015

S.O.2351.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award Ref. 43/2007 of the *Cent.Govt.Indus.Tribunal-cum-Labour Court, ASANSOL* as shown in the Annexure, in the industrial dispute between the management of *M/s. Eastern Coalfields Limited*, and their workmen, received by the Central Government on 16/12/2015.

[No. L-22012/54/2007 - IR(CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVT. INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, ASANSOL

PRESENT: Sri Pramod Kumar Mishra,
Presiding Officer

REFERENCE NO. 43 OF 2007

PARTIES: The management of Dabor Colliery of M/s. ECL

Vs.

Sri Biswanath Bouri

REPRESENTATIVES:

For the management: Sri P. K. Goswami, Ld. Adv. (ECL)
 For the union (Workman): Sri S. K. Pandey, Gen. Secy.
 INDUSTRY: COAL STATE: WEST BENGAL

Dated : 07.12.2015

AWARD

In exercise of powers conferred by clause (d) of Sub-section(1) and Sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), Govt. of India through the Ministry of Labour vide its letter **NO. L-22012/54/2007-IR(CM-II)** dated 05.07.2007 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of M/s. ECL in dismissing Shri Biswanath Bouri w.e.f. 12.04.2004 is legal and justified? If not, to what relief is the workman entitled? ”

Having received the Order **NO. L-22012/54/2007-IR(CM-II)** dated 05.07.2007 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference Case No. **43** of **2007** was registered on 05.07.2007 and accordingly an order to that effect was passed to issue notices through the registered post to the parties concerned directing them to appear in the court on the date fixed and to file their written statements along with the relevant documents and a list of witnesses in support of their claims. In pursuance of the said order notices by the registered post were sent to the parties concerned.

Case called out. Sri S. K. Pandey, representative of the union/workman and Sri P. K. Goswami, Ld. Advocate, representative of the management are present.

Sri S. K. Pandey submits that the case may be closed as the workman, so far his knowledge is concerned, has joined the service and he has endorsed his remarks on the order sheet. Since the workman has already joined in the service no dispute exist between the parties. As such the case is closed and accordingly a ‘No Dispute Award’ is hereby passed.

ORDER

Let an “Award” be and same is passed as no dispute existing. Send the copies of the order to the Govt. of India, Ministry of Labour, New Delhi, for information and needful. The reference is accordingly disposed of.

PRAMOD KUMAR MISHRA, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2015

का.आ.2352.—औद्योगिक विवाद अधिनियम, (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **मेसर्स हिरी माइन्स ऑफ भिलाई स्टील प्लांट** के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर** पंचाट (**संदर्भ संख्या 148/2002**) प्रकाशित करती है, जो केन्द्रीय सरकार को 15/12/2015 को प्राप्त हुआ था।

[सं. एल-29012/13/2002-आईआर(एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 16th December, 2015

S.O.2352.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. 148/2002**) of the **Central Government Industrial Tribunal/Labour Court, Jabalpur** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of **M/s Hirri Mines of Bhilai Steel Plant** and their workman, which was received by the Central Government on 15/12/2015.

[No. L-29012/13/2002-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR**

NO. CGIT/LC/R/148/02

Shri S.K.Banerjee,

PO 879796, C/o Shri Devewndra Warade,

Drilling Camp No.1,

Konde Road, Near Shaheed Garage,

PO Dalli Rajhara,

Durg (CG)

...Workman

Versus

Mines Manager,

M/S Hirri Mines of Bhilai Steel Plant,

PO Hirri Mines, Chhattisgarh,

Bilaspur

General Manager (Mines),

Bhilai Steel Plant,

Durg (CG).

...Management

AWARD

Passed on this 24th day of November, 2015

1. As per letter dated 18-10-15 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No.L-29012/13/2002-IR(M). The dispute under reference relates to:
 “Whether the action of the management of Hirri Mines of Bhilai Steel Plant (Under Steel Authority of India Ltd.) Hirri Dt. Bilaspur (CG) in terminating of the services of Shri S.K.Banerjee, Ex.Office Assistant w.e.f. 26-3-01 is justified? If not, to what relief the said workman is entitled?”
2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 2/2 to 2/5. The case of Ist party workman is that he was transferred from Rajhara Mines to Hirri Mines as per order dated 16-6-99. He joined Hirri on 22-7-99. On 11-7-00, chargesheet was issued to him alleging unauthorized absence from duty. Misconduct covered under Clause 29(1) (5) of standing orders. That workman submitted detailed explanation to the chargesheet denying the charges. Shri B.P. Sahu, Manager Personnel was appointed as Enquiry Officer. Enquiry proceeded exparte on 15-1-01. No oral evidence was recorded in the enquiry. Certain documents were exhibited illegally. Unless documents are proved by its authors, the documents cannot be exhibited. Enquiry Officer illegally exhibited the documents and closed enquiry. The findings of Enquiry Officer holding workman guilty is based on documents PB-1 to PB-21 is illegal as documents were not legally proved. The findings of Enquiry Officer are perverse. Previous service record of workman was not supplied to him. The punishment of dismissal imposed against him is illegal. On such contentions, workman prays for his reinstatement with backwages.
3. 2nd party filed Written Statement at Page 8/1 to 8/8 opposing claim of workman. Workman was terminated from service on 26-3-01 for proved misconduct of unauthorized absence. Principles of natural justice were followed. Workman was allowed opportunity for his defence. In Para 4 of the Written Statement, the charges alleged against workman are reproduced. The misconduct pertains to habitual late attendance and willful or habitual absence from duty without leave or without sufficient cause, leaving station without permission by such employees as may be notified by the management. That workman was working in the Hirri Mines as Office Assistant from 27-9-91. The details of his unauthorized absence are given for total 8 months 2 days. That after chargesheet issued to workman, enquiry was conducted on various dates shown in para-7 of the Written Statement. Workman remained absent even after service of notice. Enquiry Officer given opportunity to the workman but he remained absent. It is denied that enquiry conducted in violation of principles of natural justice. 2nd party prays for rejection of claim.

4. Ist party workman filed rejoinder at Page 10/1 to 10/3 reiterating his contentions in statement of claim.
5. As per order dated 16-2-2015, enquiry is held proper and legal.
6. Considering pleadings on record and orders on preliminary issue, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the misconduct alleged against workman is proved from evidence in Enquiry proceedings?	In Negative
(ii) Whether the punishment of dismissal imposed against workman is proper and legal?	In Negative
(iii) If not, what relief the workman is entitled to?"	As per final order.

REASONS

7. Enquiry conducted against workman is found legal and proper as per order dated 16-2-02. Question whether misconduct alleged against workman is proved needs to be decided from evidence in Enquiry Proceedings? 2nd party has produced record of enquiry conducted against workman at Exhibit M-16(1) to 20. That the Enquiry Proceedings at Exhibit M-1/12 shows that enquiry was closed on 15-1-01. Workman remained absent, enquiry was not adjourned to further date. Enquiry was closed. Documents produced by management were marked PD-1 to PD-21 without recording evidence of any witness of the management. Exhibit PD-1 to 21 without examining any witness by Enquiry Officer cannot be said legal. Enquiry Officer has illegally exhibited documents produced by management. The documents exhibited without valid evidence cannot be considered as legal evidence. Exhibit M-1/16 in Enquiry Proceedings on the basis of document PD-14, 20 produced by management. Ist party workman is found continuously absent on 27-9-99, 28-9-99, 29-10-99 to 31-10-99, 19-11-99 to 11-12-99 onwards. Above documents were not proved by management examining in witnesses without any valid evidence, the documents were exhibited by Enquiry Officer is illegal. On the basis of documents exhibited without valid evidence, unauthorized absence cannot be established. Therefore I record my finding in Point No.1 in Negative.
8. Point No.2- The punishment of dismissal is imposed against workman for the charges of unauthorized absence. The charges are not proved against workman as per my finding in Point No.1. Therefore punishment of dismissal against workman cannot be suspended. It is illegal. Therefore I record my finding in Point No.2 in Negative.
9. Point No.3- In view of my finding in Point No.1,2 punishment of dismissal against workman cannot be suspended, question remains whether workman is entitled for reinstatement with backwages. The affidavit of evidence of workman doesnot disclosed age of workman how much service period remained after order of dismissal dated 26-3-01 could not be known from evidence in the case therefore the reinstatement of workman with backwages would not be appropriate. Considering the order of dismissal of workman is illegal and charges of unauthorized absence are not proved. Workman had filed affidavit of his evidence in 2007, workman was cross examined on 4-3-08. Compensation Rs. 2 Lakh would be appropriate. Accordingly I record my finding in Point No.2.
10. In the result, award is passed as under:-
 - (1) The action of the management is not proper and legal.
 - (2) 2nd party is directed to pay compensation Rs. 2 Lakh to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2015

का.आ.2353.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स ओ.एन.जी.सी. लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ संख्या 107/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 15/12/2015 को प्राप्त हुआ था।

[सं. एल-30011/24/2012-आईआर(एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 16th December, 2015

S.O. 2353.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. 107/2012**) of the **Central Government Industrial Tribunal/Labour Court, Ahmedabad** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of **M/s. O.N.G.C. Ltd.** and their workman, which was received by the Central Government on 15/12/2015.

[No. L-30011/24/2012-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
AHMEDABAD**

PRESENT....

Pramod Kumar Chaturvedi,
Presiding Officer, CGIT-cum-Labour Court,
Ahmedabad,

Dated: 30th November, 2015

Reference: (CGITA) No-107 of 2012

1. The Executive Director,
ONGC Ltd.,
Ahmedabad Asset,
Avani Bhavan, Chandkheda,
Ahmedabad
2. The Incharge (Security)
ONGC Ltd.,
Avani Bhavan, Chandkheda,
Ahmedabad
3. The Operation Manager,
M/s. Max Vigil Security Pvt. Ltd.,
A/2012, Sukan Complex, Near Visat Petrol Pump, Sabarmati,
Ahmedabad
4. The Director,
M/s. Max Vigil Security Pvt. Ltd.
42, Astha Avenue, Near RTO, Subhas Bridge Circle
Ahmedabad

...First Party

Vs.

Their Workman,
Through, The Secretary,
Shoshit Kamdar Sangh (Gujarat),
521/3372, Jayshree Lalima Niwas,
Ambika Nagar,
Gujarat Housing Board,
Chandkheda, Ahmedabad

...Second Party

For the First Party : Shri K.V. Gadhia, Advocate
For the Second Party : None

AWARD

As per order No. L-30011/24/2012-IR(M), New Delhi dated 26.06.2012, the Government of India, Ministry of Labour, considering an industrial dispute existing between the employer in relation to the management of ONGC Ltd. and Shoshit Kamdar Sangh, Ahmedabad in exercise of the power conferred by clause (D) of Sub Section (1) of the Industrial Dispute Act, 1947, referred the dispute for adjudication to the C.G.I.T.-cum-Labour Court, Ahmedabad under the Schedule as follows:

SCHEDULE

“Whether the demand of the Union (i) for re-employment of 2 workers Shri Jitendra B. Parmar & Shri Manish N. Shah by the management of M/s Max Vigil; Security Pvt. Ltd. On their original post and (ii) for payment of back wages to 6 workers S/Shri Bhimabhai Punjabhai Dabhi, Bhupendra Khodabhai Dabhi, Ratilal P. Chauhan, Jayendra Nanji Chauhan, Hiraji Shakraji Zhala & Govindbhai B. Dabhi from the date of their termination to the date of re-employment is legal and justified? What relief the workmen are entitled to?”

2. Even on issuance of notices the second party (Shoshit Kamdar Sangh) did not appear for contesting the reference by filing statement of claim, whereas the first party No. 1 (ONGC Ltd.) on notice appeared and filed vakalatnama in favour of Shri K.V. Gadhia, Advocate on 08.01.2013 vide Ext. 7. But even after pendency case from 19.07.2012 during which several dozen adjournments granted, the second party/union failed to appear. So it appears that second party/union who raise this industrial dispute appears to have no interest to contest.

So this reference is dismissed for non-prosecution by the second party.

The terms of reference under the schedule is answered in negative, holding that the second party/union is not entitled to any relief.

PRAMOD KUMAR CHATURVEDI, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2015

का.आ.2354.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स ओ.एन.जी.सी.के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद पंचाट (संदर्भ संख्या 1/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/12/2015 को प्राप्त हुआ था।

[सं. एल-30025/2/2015-आईआर(एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 16th December, 2015

S.O.2354.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 1/2006) of the **Central Government Industrial Tribunal/Labour Court, Ahmedabad** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. O.N.G.C. and their workman, which was received by the Central Government on 15/12/2015.

[No. L-30025/2/2015-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT,
AHMEDABAD**

Present....

Shri Pramod Kumar Chaturvedi,

Presiding Officer,

Ahmedabad,

Dated: 5th November, 2015

Complaint (CGITA) No. 1 of 2006

In

Reference (ITC) No. 20 of 2000

Reference (C.G.I.T.) No. 271 of 2004

Under Section 33A of Industrial Dispute Act.

Shri Piyushkumar B. Barot,
12/c Shiv Shakti Apartment,
Near V.K. Vadi,
Mehsana

.....Complainant

Versus

1. The General Manager (Project)
O.N.G.C., Avni Bhavan,
Chandkheda
Ahmedabad (Gujarat)

.....Opponent

For the Opponent: Shri K.V. Gadhia, Advocate
Shri M.K. Patel, Advocate
For the Applicant: Sh. S.G. Vaghela

ORDER/AWARD

The case is fixed on 9th November, 2015 but Sh. S.G. Vaghela, learned Advocate for the complainant and Sh. M.K. Patel learned counsel for O.N.G.C., opponent have moved joint application Ext. 9 for pre-poning and taking up the matter today it self i.e. 06.11.2015.

2. Consequent upon notice issued to the both parties, they appeared and filed Vakildatra of Sh. M.K. Patel on behalf of the opponent and on behalf of the complainant Sh. S.G. Vaghela appeared and moved an application Ext. 9 and 10 respectively with withdrawal of claims made in the complaint to which first parties and their counsel expressed no objection.

Hence, the complaint is dismissed as withdrawn.

PRAMOD KUMAR CHATURVEDI, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2015

का.आ. 2355.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स बजाज आलियांज लाइफ इंश्योरेंस कं. लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, चैन्नई पंचाट (संदर्भ संख्या 43/2014) प्रकाशित करती है जो केन्द्रीय सरकार को 15/12/2015 को प्राप्त हुआ था।

[सं. एल-17012/24/2013-आईआर (एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 16th December, 2015

S.O. 2355.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Ref. No. 43/2014) of the Central Government Industrial Tribunal/Labour Court, Chennai now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s Bajaj Allianz Life Insurance Co. Ltd. and their workman, which was received by the Central Government on 15/12/2015.

[No. L-17012/24/2013-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT
CHENNAI

Thursday, the 5th November, 2015

Present : K.P. PRASANNA KUMARI

Presiding Officer

Industrial Dispute No. 43/2014

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Bajaj Allianz Life Insurance Co. Ltd. & Three Others and their workman)

BETWEEN

Sri M. Antony Dhas : 1st Party/Petitioner

AND

1. The Branch Manager : 2nd Party/1st Respondent

M/s Bajaj Allianz Life Insurance Co. Ltd.

1st Floor, KaluveetalTeenu Centre

Court Road, Nagercoil

Kanyakumari Distt. -629001

2. The Operation Head : 2nd Party/2nd Respondent

M/s Bajaj Allianz Life Insurance Co. Ltd.

G.E. Plaza, Airport Road

Yerawada

Pune-411606

3. The State Operation Manager (TN-2) : 2nd Party/3rd Respondent

HR South

M/s Bajaj Allianz Life insurance Co. Ltd.

ATV Colony

R.V. Centre, VOC Park

Coimbatore

4. The State H.R. Manager : 2nd Party/4th Respondent

M/s Bajaj Allianz Life Insurance Co. Ltd.

Plot 3631, 4th Floor, 3rd Avenue

Anna Nagar

Chennai-600040

Appearance:

For the 1st Party/Petitioner : M/s. Arunachalam Associates,
Advocates

For the 2nd Party/1st Respondent : M/s. S. Namasivayam, J. Ravindranath
Singh, Advocates

For the 2nd Party/2nd to 4th Respondent : M/s. S. Namasivayam, S. Rajkumar,
Advocates

A W A R D

The Central Government, Ministry of Labour & Employment vide its Order No. L-17012/24/2013-IR (M) dated 31.03.2014 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the management of M/s Bajaj Allianz Life Insurance Co. Ltd., Nagercoil in terminating the services of Sri M. Antony Dhas w.e.f. 12.10.2010 is legal and justified? What relief the workman is entitled to?”

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 43/2014 and issued notices to both sides. Both sides have entered appearance through their counsel and filed claim and counter statement respectively. The petitioner has filed rejoinder in answer to the counter statement.

3. The averments in the Claim Statement filed by the petitioner in brief are as below:

The petitioner joined the services of the First Respondent on 07.02.2005 as Customer Support Representative. Subsequently, after passing the examination prescribed by the management the petitioner was appointed on regular basis w.e.f. 01.06.2006. The petitioner was posted in Nagercoil Branch under the immediate control of the First Respondent. After completing the period of probation, the petitioner was issued Employment Confirmation Order in the post of Customer Support Executive w.e.f. 01.12.2006. The duties of the Customer Support Executive are to work in the office, guide and support the customers who approach the branch and to answer the queries of the customers by e-mail and over phone. The petitioner had been doing the duties assigned to him to the satisfaction of the First Respondent. At times, he worked beyond the office hours. During February 2010, the Third Respondent assigned the additional duty of telecalling in respect of lapsed policy holders, to the petitioner. A target of calling 20 persons per day was fixed. In the office in which the petitioner was working two persons were available to do the work of telecalling. The petitioner being a Customer Support Executive, the additional work of telecalling with a target of calling 20 persons was impossible to be accomplished. The petitioner refused to do the additional job of telecalling. Even to complete the works already allotted to the petitioner, he had to work almost upto 12'O clock at night. In spite of petitioner's explanation on the issue the Third Respondent instructed the petitioner to follow his order of telecalling or to resign and quit the office. The petitioner informed the unfair trade activities of the Respondents to the State Convener of the Trade Union to which he belong. This infuriated the Second Respondent and he issued a “*Stern Warning Letter*” to the petitioner. The Respondents also reduced the petitioner's payment of incentives from 111% to 88% and also withheld bonus and refused to pay increment. The Second Respondent sent a warning letter to the petitioner on 01.06.2010 for his failure and negligence in not making telephone calls to the policy holders. The petitioner sent an explanation to the Third Respondent. In spite of this, the Second Respondent, as a measure of victimization, issued a transfer order to the petitioner transferring him from Nagercoil to Trichy TLC Offsite. The TLC Office is only a multi-marketing company and has no connection with the insurance company. It is a commission agent involved in procuring business deals. The TLC is not a branch office of the Respondent. It is not a subsidiary of the Respondent also. Since the petitioner was resisting his transfer to Trichy to a non-existent company, the second Respondent terminated the petitioner from service by order dated 12.10.2010 by giving him notice pay of three months. The notice pay does not include the DA and other allowances. The termination is retrenchment without complying with the legal provisions. The claim of the petitioner for bonus for the year 2009-2010 and for incremental arrears for 2010-2011 and holiday and overtime wages from the date of employment to termination have not been settled. The petitioner had sent representation to the Fourth respondent against the termination order. But there was no response. The Industrial Dispute is raised accordingly. The petitioner is entitled to an award declaring that his termination is illegal and also directing the Respondents to reinstate him in service with backwages, continuity of service and all other attendant benefits.

4. The Respondents have filed Counter Statement contending as below:

The petitioner was appointed in the Respondent's Company by letter dated 22.04.2006. The petitioner has accepted the order of appointment and have agreed to abide by the terms and conditions of the Company, before joining duty. As per the terms and conditions he had accepted, his services were liable to be transferred to any of the offices of the Company. Though the petitioner's normal work consists of the duties assigned to him from time to time, he may at any time be called upon to discharge any other duties which in the opinion of the Company are within the capacity of the petitioner. By letter dated 01.06.2010 the petitioner was given a stern warning for his repeated failure to undertake telecalling and his practice of forwarding official e-mails and communications to external e-mail IDs in violation of the policies and administrative procedures of the Company. By letter dated 02.09.2010 the service of the petitioner was transferred from Nagercoil to Trichy Office. The petitioner refused to accept the transfer. On his refusal the services have been terminated with immediate effect by letter dated 12.10.2010 giving him notice pay of three months basic salary in lieu of notice. The allegations made in the Claim Statement are all incorrect. It is incorrect to state that the duty of telecalling does not come under the purview of the work of the petitioner. The petitioner is not entitled to any relief.

5. The petitioner has filed rejoinder denying the contentions in the Counter Statement and reiterating his case in the Claim Statement.

6. The evidence in the case consists of oral evidence of WW1 and MW1 and documents marked as Ext.W1 to Ext.W28. No documentary evidence was adduced on the side of the Respondents.

7. **The points for consideration are:**

- (i) Whether the action of the Management in terminating the services of the petitioner is legal and justified?
- (ii) What is the relief to which the petitioner is entitled?

The Points

8. The petitioner was admittedly employed with Bajaj Allianz Life Insurance Co. Ltd. at its office of the First Respondent. Ext.W1 is the letter of the concerned agency deputing the petitioner for work. By Ext.W2 the contract of employment of the petitioner was extended for one year w.e.f. 07.02.2006. By Ext.W3 the Human Resources Department of the Company offered the post of Customer Support Executive to the petitioner. There is Ext.W4 by which the petitioner's employment as Customer Support Executive w.e.f. 01.12.2006 was confirmed.

9. The relationship between the petitioner and the Management seems to have become strained after the petitioner was asked to do telecalling work fixing a target of 20 calls by which he was supposed to call 20 customers asking them to renew their policies. The stand of the petitioner seems to that telecalling is not a work within his purview as he was posted as Customer Support Executive. According to him he was expected to do the work of guiding and supporting the customers who come to the office, to answer them by written and e-mail communication and also by phone. He was also asked to update and regulate the policies and feed them in the server. Though previously seven days time was allowed for such updating this has subsequently been reduced to one day which according to the petitioner resulted in his working even beyond 12'O Clock at night. There are few e-mail communications between the petitioner and Second and Third Respondents regarding the telecalling which the petitioner was supposed to do. In Ext.W5 an email communication the petitioner has stated that renewal calling by operational staff is not to be done according to the operation profile and so it is not his duty to call. In the same document there is a communication from the immediate superior of the petitioner to his superior that the petitioner has not been making any calls as directed. There are some more communications in this respect which shows that the petitioner refused to do the telecalling. It is the stand of the petitioner in his Claim Statement as well as in his affidavit of examination that telecalling is not his duty and he has not done it even if he was asked to.

10. The case that is advanced on behalf of the Respondent is that even as per Ext.W3 -the offer of job, the normal work of Customer Support Executive will consist of the duties assigned from time to time and he will also be called upon to discharge any other duty which in the opinion of the Company are within the capacity of the petitioner to discharge. According to the petitioner, two persons in the office were assigned the work of telecalling and they were doing the work. He himself was assigned sufficient other works and was not at all expected to do the telecalling work. According to him, telecalling is not the part of the job of Customer Support Executive at all. MW1 the Deputy General of the Respondent Management has stated during his examination that telecalling is not specified in the Appointment order as the duty of the petitioner. According to her, the petitioner is liable to do any job that is assigned to him. This admission implies that telecalling was not part of the duty that was assigned to the petitioner and he was not doing such kind of work until he was asked to do the work by the superior officer. The respondents were certainly harping on the terms and conditions in Ext.W3 which states that the petitioner is bound to do other duties also. However, such duty should have some connection to the job to which he was appointed. The fact remains that the petitioner has refused to do the job stating that it is not part of his duty and he was overburdened even otherwise. In fact it is seen from the admission of MW1 that at times the petitioner had been working at odd hours also.

11. Consequent to the refusal of the petitioner to do the telecalling work a "Stern Warning Letter" is seen issued to him. In the warning letter marked as Ext.W6 it is stated that the petitioner has failed to make calls to the policy holders for renewal of their insurance policies. It is further stated that the petitioner has forwarded the official e-mails and communications which had been classified as internal to external e-mail IDs which is in direct violation of the Appointment Order. These are the reasons given for the warning. According to the petitioner, the Company had been retaliating with other measures like reducing payment of weightage of incentives, withholding of bonus, refusal to pay increments, etc. also. Assuming that the petitioner had refused to carry out his duties and misbehaved by way of refusal the Management did not issue take any action against the petitioner. On the other hand, the Management resorted to the shortcut method of giving a transfer order to the petitioner. By Ext.W8 order the petitioner is transferred from Nagercoil to Trichy TLC Offsite effective from 01.09.2010. The petitioner stated that he is not willing to accept the transfer. On 12.10.2010, by Ext.W12 order, the Company terminated services of the petitioner. In Para-2 of the termination order it is stated that the petitioner have been transferred from Nagercoil to Trichy but he has refused to accept the transfer or join at the place to which he was transferred. In Para-32 of the Termination Order it is stated that the Company had decided to terminate his service with immediate effect by giving notice pay of three months basic salary.

12. The counsel for the petitioner has referred to the decision of the Apex Court in DELHI TRANSPORT CORPORATION VS. DTC MAZDOOR CONGRESS AND OTHERS reported in 1991 Suppl. 1600 where it was held that the Court can lift the veil of the order of termination and that if it finds that the order in substance is punitive in

nature it would be bad. On analyzing the facts and circumstances of the present case it is beyond doubt that the order of termination served on the petitioner is punitive in nature. When the petitioner refused to do the work of telecalling assigned to him the Management wanted to send him away on the pretext of transfer. Since he did not leave, the Management resorted to put an end to his service itself, certainly, by way of punishment. MW1 has stated that refusal of the petitioner is a misconduct. In that case proceedings should have been initiated against the petitioner, explanation should have been obtained and an enquiry should have been held. Without doing any of these, the Management resorted to do away with the petitioner by an order of termination.

13. There was sufficient reason for the petitioner not to oblige the order of transfer, in any case. The petitioner seems to have been transferred to an establishment which does not belong to the Respondents at all. The justification for the transfer given by the Respondents was that it is provided in the Appointment Order that the job is transferable at short notice to any department or to any office, branch or division of the Company or any subsidiary of the Company. The petitioner has contended in his Claim Statement that TLC Office to which he was transferred has no connection with the Bajaj Insurance Co. at all. Though the Respondents have disputed this in the Counter Statement, no documents are produced to show that the TLC Office to which the petitioner was transferred has got anything to do with the Respondents. The admission from MW1 would show that it is a separate establishment. MW1 has stated that TLC is one of Bajaj Allianz Corporate Agent. She further stated that TLC itself is paying its employees. There is also the admission on her part that the Respondents are not having any branch in TLC. Thus it could be seen that the petitioner was transferred to an establishment over which the Respondents have no authority. So even assuming that the transfer was on account of work exigency as claimed by the Respondents, it was only a camouflage to send away the petitioner.

14. The termination in any case is not in compliance with Section-25F of ID Act also. Though the petitioner was given some amount describing it as notice pay for three months, the entire amount has not been paid. The reason for retrenchment has not been stated in the termination order. The petitioner has not been paid compensation as per Section-25F(b) of the Industrial Disputes Act also.

15. Even assuming that the petitioner had committed some misconduct there is no justification for the termination which is not in compliance with the provisions and against the principles of natural justice. The petitioner is entitled to an order of reinstatement as claimed by him. The backwages payable to him will be limited to 50%. Accordingly, an award is passed as follows:

The Respondents are directed to reinstate the petitioner in service with 50% backwages and other attendant benefits within a month of the publication of the award. In default of payment of backwages within time, it would carry interest @ 7.5% per annum from the date of the award.

The reference is answered accordingly.

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1 st Party/Petitioner	:	WW1, Sri M. Antony Dhas
For the 2 nd Party/1 st , 2 nd , 3 rd & 4 th Management	:	None

Documents Marked:

On the petitioner's side

Ex.No.	Date	Description
Ext.W1	21.02.2005	Deputation order of the petitioner
Ext.W2	20.03.2006	Extension of contract period of the petitioner
Ext.W3	22.04.2006	Appointment letter of the petitioner
Ext.W4	26.04.2007	Confirmation order of the petitioner
Ext.W5	22.05.2010	E-mail letter of the petitioner to the Respondent
Ext.W6	01.06.2010	Stern warning letter issued to the petitioner by the Respondent Management
Ext.W7	26.06.2010	Letter from the Respondent Management to the petitioner

Ext.W8	02.09.2010	Transfer order issued to the petitioner by the Management
Ext.W9	03.09.2010	Letter from the Respondent to the petitioner regarding transfer
Ext.W10	03.09.2010	Letter from the petitioner to the Respondent regarding transfer
Ext.W11	03.09.2010	Reply from the Management regarding transfer
Ext.W12	12.10.2010	Termination order of the petitioner issued by the Management
Ext.W13	27.02.2011	Representation from the petitioner to the 4 th Respondent
Ext.W14	04.04.2011	E-mail request by the petitioner for reinstatement
Ext.W15	14.05.2012	Industrial Dispute raised by the petitioner before the Conciliation Officer
Ext.W16	19.07.2012	Reply given by the Respondent Management
Ext.W17	13.08.2012	Rejoinder filed by the petitioner before the Conciliation Officer
Ext.W18	01.05.2007	Letter from the Respondent to the petitioner for review
Ext.W19	01.06.2007	Performance bonus given to the petitioner by the Respondents
Ext.W20	19.11.2007	Letter of revision of compensation
Ext.W21	20.06.2008	Letter of Compensation Review – 2008
Ext.W22	20.06.2008	Letter of performance bonus
Ext.W23	26.06.2009	E-mail instructions of the Respondent
Ext.W24	27.06.2009	Letter of compensation review-2009
Ext.W25	10.09.2009	E-mail instructions of the Respondent
Ext.W26	2010	Pay-slips of the petitioner March, 2010 and September, 2010
Ext.W27	22.08.2011	E-mail correspondences of the petitioner
Ext.W28	12.08.2010	E-mail correspondences of the petitioner

On the Management's side

Ex.No.	Date	Description
	Nil	

नई दिल्ली, 16 दिसम्बर, 2015

का.आ.2356.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स एन.एम.टी.सी. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ संख्या 97/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/12/2015 को प्राप्त हुआ था।

[सं. एल-29012/1/2003-आईआर(एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 16th December, 2015

S.O. 2356.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. 97/2003**) of the **Central Government Industrial Tribunal/Labour Court, Jabalpur** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of **M/s NMTC Ltd.** and their workman, which was received by the Central Government on 15/12/2015.

[No. L-29012/1/2003-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/97/03

Shri Anil Kumar Ukey,

S/o Amarlal Ji Ukey,

E-1/G-3, Arania Nagar,

Christian Colony, Ward No. 78,

Vijay Nagar,

Indore

.....Workman

Versus

Deputy General Manager,

NMTC Ltd., 29, Kailash Park,

Near Geeta Bhavan,

Indore

.....Management

AWARD

Passed on this 3rd day of December, 2015

1. As per letter dated 19-5-03 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D. Act, 1947 as per Notification No.L-29012/1/2003-IR(M). The dispute under reference relates to:

“Whether the action of the management of Dy. General Manager, Minerals and Metals Trading Corporation Ltd. Indore in terminating the services of Shri Anil Kumar Ukey w.e.f. 1-12-2000 is justified? If not, to what relief the workman is entitled?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 2/2 to 2/6. Case of Ist party workman is that he was appointed on daily wages as Driver from November 1995 by 2nd party. He was continuously working till 1-12-2001. As per fax message dated 25-7-96, it is clear that he was working on clear vacant post in Indore office of 2nd party. As per correspondence dated 2-1-97 to Shri Rajiv Jaydeva, General Manager by Dy. General Manager, it is mentioned that all workers whose names have been stipulated have been rendering services to the maximum satisfaction of superiors, sincerely and honestly working. Dy. General Manager, Indore office informed Competent Authority that 2 casual workers including workman were satisfactorily working. Their presence in office is of utmost necessity. General Manager vide his correspondence dated 30-1-00 terminated services of employees including workman without approval of Competent Authority.

3. Ist party workman contents that he was continuously working as Driver since 1994. He claims to be eligible for regularization, his services are terminated arbitrarily in violation of Section 25-F of ID Act. He was not paid retrenchment compensation. On such ground, Ist party workman prays for setting aside order of his termination and reinstatement with backwages.

4. 2nd party filed Written Statement opposing claim of workman on 15-11-2007. 2nd party denied that workman was appointed against clear vacancy in November 1995. That NMTC has its recruitment rules. Ist party workman was not sponsored through Employment Exchange. As per the eligible criteria, selection procedure was not followed while engaged by Ist party workman. That workman was initially engaged through M/S Ana Consultants which is private placement concern. Agreement with M/s Ana Consultants is produced. As no clear post of Driver was vacant, workman was not appointed following selection process. Workman was engaged temporarily. His employment is of adhoc nature. 2nd party had started business of Soya DOC and domestic trade of Oil. It had hired units at Sehore and Ujjain. The work

of those units was of seasonal nature. Engagement of workman was temporary. Workman was not continuously working. Workman was not appointed as Driver. Office of 2nd party at Indore was closed in the year 2002. On such contentions, 2nd party prays for rejection of claim of workman.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Dy. General Manager, Minerals and Metals Trading Corporation Ltd. Indore in terminating the services of Shri Anil Kumar Ukey w.e.f. 1-12-2000 is justified?	In Negative
(ii) If not, what relief the workman is entitled to?"	As per final order.

REASONS

6. Ist party workman is challenging termination of his service for violation of Section 25-F of ID Act. While terminating his service, retrenchment compensation was not paid to him. He was continuously working as Driver from November 1995 with 2nd party. His services were illegally terminated. The claim of workman is denied.

7. Workman filed affidavit of evidence supporting his contentions in statement of claim that he was working as Driver at Indore Office of 2nd party from November 1995. He also referred to Correspondence dated 2-11-97 issued by Dy. General Manager, correspondence dated 20-11-00 that he was working honestly. His services were terminated from 1-11-01 without informing reasons. He was not served with notice of termination. Wages in lieu of notice were not paid to him. Retrenchment compensation was not paid to him.

8. Workman in his cross-examination says his name was not sponsored through Employment Exchange. He was directly appointed. 2nd party carries trading activities. He submitted application for service. The appointment letter was issued to him. order of appointment is not produced. He denies that 2nd party carries business of Soya. He denies that said business is carried during six months of the year. Workman further says that he was not given appointment letter. He denies that he was appointed by Ana consultant and wages were paid to him by M/S Ana consultant. He denies that he did not complete more than 240 days continuous service during any of the year.

9. Management's witness Shri Praveen Jain filed affidavit of his evidence supporting contentions in Written Statement filed by 2nd party that there was no clear vacancy. Workman was engaged temporarily. The Indore unit was closed in the year 2002. Workman not completed 240 days continuous service. The services of workman and other employees were terminated as the Indore unit was in loss.

10. The documents produced by workman are admitted by 2nd party. Exhibit W-1 is fax message dated 25-7-96 refers to the approval sought for direct appointment locally one Steno Typist, one Junior Assistant, one Staff Car Driver and One Grade I post. In Exhibit W-2, message dated 2-1-97, name of Ist party workman Anil Ukey is shown as Driver working from November 1995 alongwith 3 other employees working honestly and sincerely at Indore office. Exhibit W-3 correspondence dated 20-11-00 clearly mentioned that workman joined office in November 1995 alongwith 3 other employees working honestly and sincerely at Indore office. Exhibit W-3 correspondence dated 20-11-00 clearly mentioned that workman joined office in November 1995. As per directions of Chief Officer (P) Division, the services of deployment agency along with service of casual workers who had joined after December 1995 were discontinued as per the message referred. Clause (4) of Exhibit W-3 clearly reads Shri Anil Ukey, Driver and Arvind Nardeo Jr. Assistant and Homnath Pandey. Grade-I had been redeployed w.e.f. 1-1-1997 with an understanding that their salaries will be paid directly by MMTC/Indore. Exhibit W-4 clearly shows that the Driver Anil Ukey daily wages was working continuously without approval. Exhibit w-5 is certificate dated 14-2-97. The employees engaged on daily wages includes post of Driver. Above documents corroborates evidence of workman. Though 2nd party as contented that Ist party workman was engaged through M/S Ana Consultants, management's witness in his cross-examination says he is not personally acquainted with the workman. He was not posted at Indore office. His affidavit was prepared as per the record. Attendance Register is not with him. Attendance Register is with the contractor. He is not conversant with facts of this case. He claims ignorance whether agreement related to workman is produced. He had not seen Attendance Register with the contractor. No document is produced about workman engaged by the contractor. If evidence of workman and witness of management is carefully appreciated, management's witness has no personal knowledge about the service rendered by workman. The contract between management and Ana Consultant, attendance of Ist party workman is not produced whereas evidence of workman about engagement on daily wages from November 1995 is corroborated by the document. Exhibit W-1 to W-5. I find no reason to disbelieve evidence of workman that he was continuously working from November 1995 as no evidence to the contrary is produced by management. workman had completed more than 240 days continuous service 12 months preceding his termination. His services were terminated without notice, retrenchment compensation was not paid to him. wages in lieu of notice were not paid to workman. Therefore termination of service of Ist party workman is illegal for violation of Section 25-F of ID Act. For above reasons, I record my finding in Point No.1 in Negative.

12. Point No.2- In view of my finding in Point No1 that termination of services of workman is illegal, question remains for consideration whether workman is entitled for reinstatement with backwages. The contention of 2nd party that Indore office of 2nd party is closed in 2002 is not challenged. The evidence on record shows that workman was engaged on daily wages. However he completed more than 240 days continuous service. Workman was continuously working from November 1995 till 1-12-2001 for more than 5 years. As workman was engaged on daily wages without following procedure for recruitment, reinstatement of workman with backwages would not be justified. Considering period of working of workman for more than 5 years, his services are terminated in violation of Section 25-F of ID Act, compensation Rs. One Lakh would be reasonable. Accordingly I record my finding in Point No.2.

13. In the result, award is passed as under:-

- (1) The action of the management of Dy.General Manager, Minerals and Metals Trading Corporation Ltd. Indore in terminating the services of Shri Anil Kumar Ukeyw.e.f. 1-12-2000 is not proper and legal.
- (2) 2nd party management is directed to pay compensation Rs. One Lakh to the workman.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 16 दिसम्बर, 2015

का.आ.2357.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स ओ.एन.जी.सी. लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, अहमदाबाद, पंचाट (संदर्भ संख्या 61/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 15/12/2015 को प्राप्त हुआ था।

[सं. एल-30011/34/2011-आईआर(एम)]

नवीन कपूर, अवर सचिव

New Delhi, the 16th December, 2015

S.O. 2357.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Ref. No. 61/2012**) of the **Central Government Industrial Tribunal/Labour Court, Ahmedabad** now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of **M/s O.N.G.C. Ltd.** and their workman, which was received by the Central Government on 15/12/2015.

[No. L-30011/34/2011-IR (M)]

NAVEEN KAPOOR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present: ShriPramod Kumar Chatuvedi,
Presiding Officer,
Ahmedabad,

Dated: 8th October, 2015

Reference (CGITA) No. 61/2012

Reference Order No. L-30011/34/2011-IR(M)

1. The Asset Manager,
O.N.G.C. Ltd.,
Hazira, Surat

2. M/s. Maher Copy Centre,
C/o. Asset Manager,
O.N.G.C. Ltd., Hazira,
Surat

.....1st party

And

The Secretary,
Surat Jilla Bhartiya Mazdoor Sangh,
B/206, Capital Complex,
Beside Pratik Row Hose,
Hany Park Road,
Adajan, Surat

.....2nd party

For the 1st Party: Shri K.V. Gadhia, Advocate
Shri M.K. Patel, Advocate
For the 2nd party: Sh. D.M. Patel, General Secretary,
Surat Jilla Bhartiya Mazdoor
Sangh

AWARD

The Government of India/Ministry of Labour, New Delhi, vide its order No. L-30011/34/2011-IR(M), dated 23.02.2012, referred the dispute between the employers in relation to the management O.N.G.C. Ltd. and their workmen for adjudication to the C.G.I.T.-cum-Labour Court, Ahmedabad (Gujarat) in respect of the matters specified in the schedule:-

SCHEDULE

“Whether the demand of the Union for regularisation of Services of S/Sh. (1) Naresh M. Patel (2) Sanjay T. Patel (3) Yogesh A. Patel (4) Navin G. Patel (5) Pravin N. Patel (6) Virendra R. Patel and (7) Pares J. Patel in the establishment of ONGC is legal and justified? What relief the workmen are entitled to?”

2. Consequent upon notice issued to the both parties, they appeared and filed Vakilpatra of Sh. K.V. Gadhia on behalf of the first party and on behalf of the second party Sh. D.M. Patel, General Secretary, Surat Jilla Bhartiya Mazdoor Sangh appeared and moved an application Ext. 7 with withdrawal of claims made in the reference to which first parties and their counsel expressed no objection.

Hence, the reference is dismissed as withdrawn.

PRAMOD KUMAR CHATURVEDI, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2358.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **उत्तर रेलवे** को प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट संदर्भ संख्या **(01/2012)** को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.12.2015 को प्राप्त हुआ था।

[सं. एल -41011/67/2011-आई आर-(बी.1)]

विनय कुमार, अनुभाग अधिकारी

New Delhi, the 17th December, 2015

S.O. 2358.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 01/2012**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow*, as shown in the Annexure, in the industrial dispute between the management of **Northern Railway** and their workman, received by the Central Government on 17/12/2015.

[No. L-41011/67/2011- IR(B-I)]
VINAY KUMAR, Section Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, LUCKNOW****PRESENT****RAKESH KUMAR,**

Presiding Officer

I.D. No. 01/2012

Ref.No. L-44011/67/2011-IR (B-I) dated 08.12.2011

BETWEEN

Mandal Sangthan Mantri

Uttar Railway Karamchari Union

283/63 Kh, Garhi Kanaura (Premwati Nagar)

Post: Manak Nagar

Lucknow-11

AND

1. The Divisional Railway Manager

DRM Office

Hazratganj

Lucknow

2. Sr. Divisional Personnel Officer

Northern Railway

Hazratganj

Lucknow

AWARD

2. By order No. L-41011/67/2011-IR (B-I) dated 08.12.2011 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Mandal Sangthan Mantri, URKU, Lucknow and the DRM/Sr.DPO, NR, Lucknow for adjudication.

2. The reference under adjudication is:

“WHETHER THE DEMAND OF UTTAR RAILWAY KARAMCHARI UNION TO CHANGE THE CATEGORY OF SRI J.C. JOSHI FROM RUNNING ROOM WAITER TO LOCO CLEANER AND GRANTING HIM BENEFIT OF PAY ETC. ABOVE HIS JUNIORS, IS LEGAL AND JUSTIFIED? TO WHAT RELIEF THE WORKMEN/UNION IS ENTITLED?”

3. As per the claim statement in brief the applicant has stated that he has been employed as running room waiter under the subordination of SSE (Loco), NR, Alambagh, Lucknow, he had moved application for change of category to the post of Loco Cleaner on 27.11.1991, thereafter as per the approval of competent authority vide letter dated 14.07.1992 he was sent for medical examination and was found fit in A-I category as per Memo No. 759510 dated 07.08.1992. The workman has further stated that he has cleared High School Examination, moreover he has been found medically fit, post of Loco Cleaner post was also vacant, therefore as per the Railway Rules his category should have been changed to the post of Loco Cleaner in 1992 but his request has not been accepted so far which is violative of fair labour practice under the I.D. Act. 1947. The workman has pleaded that other employees junior to him, had been given the benefit of change of category but workman was neither regularized nor was his category changed. Accordingly, the workman has prayed for his regularization/change of category since 1992 with all consequential benefits etc.

4. The management in its written statement M-6 has denied the main allegation of the claim statement, with assertion that the post of Loco Cleaner had been abolished, therefore the request of the workman for change of category would not be acceptable, moreover the pay scale of both the posts are same. The management has further stated that it is

prerogative of the railway management to change the category of worker after considering the suitability and other necessary qualifications as well as the availability of the post.

5. The opposite party has further pleaded that the change of category depends upon the circumstances of the case as per availability of the post, it is not right of any employee, medical fitness of the employee can not compel the management to change his category/cadre. The management has also emphasized that its officers are law abiding, they have never violated any provision of Railway Rules or Industrial Disputes Act, 1947 they have always acted in accordance with law. The management has prayed to adjudicate the matter in favour of the Railway with special cost.

6. Rejoinder W-7 has been filed by the workman wherein assertion of the written statement has been denied, while reiterating the pleas taken in the claim statement.

7. Certain photocopies of the document have been filed by the workman along with application W-8, which is supported by an affidavit W-9. Affidavit of Sri J.C.Joshi has been filed as W-9, and he has been duly cross examined on behalf of the management. The opposite party/Northern Railway has filed affidavit of Sri Prashant Rai, DPO, Northern Railway M-11, he has been cross examined on behalf of the workman. The parties learned representatives have been afforded opportunity to forward oral arguments in support of their respective case.

8. Arguments of both the parties have been heard at length. Record available before the Court has been perused thoroughly.

9. The workman's union has submitted that the workman was working as Running Room Bearer with the opposite parties and he applied for category change. On his application the workman was required to undergo the medical examination of A-1 class, which he successfully passed; but in spite of his successful clearing of medical examination, the management of the railways did not change the category of the workman; leading into pecuniary loss to the workman as the juniors to him, viz. Shri Ram Laut and Karmdev Shukla were promoted to higher scale.

10. In rebuttal, the management of the railway has contended that the request of the workman for category change could not be accepted for the reasons that the post of loco cleaner has been abolished. It has also been argued that it is the prerogative of the management to change the category of the worker after considering his suitability and other necessary qualifications as well as the availability of the post; and since the post of cleaner itself was abolished therefore, there was no occasion for the management to change the category of the workman. Moreover, the management has also added that mere medical fitness cannot compel the management to change the category of the workman. It has also been asserted by the authorized representative of the management that both the posts i.e. Running Room Bearer and Cleaner bear same pay scale, therefore, no pecuniary loss was caused to the workman.

11. The authorized representative of the workman added that although both the posts i.e. Running Room Bearer and Cleaner bear same pay scale; but the promotion avenues to the posts are different leading into ultimate pecuniary loss to the workman as junior to the workman viz. Ram Laut and Karm Dev Shukla have got promoted to higher pay scales who were allowed category change.

12. I have given my thoughtful consideration to the rival contentions of the learned authorized representatives of the parties and scanned the pleadings of the respective parties as well as evidence available on record, documentary and oral.

13. The management of the railways has pleaded that that it is the prerogative of the railway management to change the category of the workman after considering his suitability and other necessary qualifications as well as the availability of the post and since the post of cleaner was abolished, the workman's category could not be changed. It has also been pleaded that mere being fit medically, any employee cannot force the management for his category change; but the documentary evidence relied upon by the workman, which are photocopies of letter and noting of the files, reveal that the workman was sent for medical examination of A-I class for the purposes of category change. The noting at page No. 8/7-8/7 shows that the workman cleared his medical examination for A-I class and there was availability of cleaner in Varanasi Shed; but even then the category of the workman was not changed for the reasons best known to the management of the railway.

The submission of the management that it is prerogative of the management to change the category of the workman does not seem to be logical, particularly when the management itself directed him to go through the medical examinations etc. and also the post of cleaner was available with the management, then the pleading that the post of cleaner got abolished is not feasible.

Also, it is evident from the records available on file both the posts i.e. Running Room Bearer and Cleaner bear same pay scale; but the workman's union has come up with the case that the promotional avenue of both the post is different leading into pecuniary loss to the workman. The workman in his cross-examination, has categorically stated that two of his juniors viz. Shri Ram Laut and Karm Dev Shukla have been promoted to the higher post. He has also stated that when applied for category change the post of cleaner was there, which is well corroborated by the noting of the files.

14. The management of the railways has pleaded vide para 5 of their written statement that it is the prerogative of the management to change the category of the worker after considering suitability and other necessary qualifications as well as the availability of the post. The management in para 4 of the written statement has pleaded that since the post of

cleaner had been abolished therefore, the request of the workman could not be accepted. But on the contrary, in the instant case, it is evident from the documentary evidence relied upon by the workman, which are correspondences and noting/orders of the administrative files, that the workman successfully cleared medical examination of A-1 class, he possessed education qualification of High School, required for the post and also there was availability of the post on the date of application for change of category. This goes to falsify the stand taken by the management that the category of the workman could not be changed for the reasons that the post of cleaner has been abolished.

15. Therefore, in view of the fact and circumstances of the case and discussions made hereinabove, I am of considered opinion that there was existence of post of cleaner on the date of application by the workman for category change and he possessed all requisite qualifications too; and accordingly, I come to the conclusion that the demand of the Uttar Railway Karamchari Union to change the category of Shri J.C. Joshi from Running Room Waiter to Loco Cleaner and granting him benefit of pay etc. above his juniors viz. Shri Ram Laut and Karm Dev Shukla is legal and justified. Also, it is established that the post of cleaner has been abolished; therefore the management is directed to grant the workman, Shri J.C. Joshi the benefit of pay etc. above his juniors viz. Shri Ram Laut and Karm Dev Shukla accordingly.

16. The reference under adjudication is answered accordingly.

17. Award as above.

LUCKNOW.

16th November, 2015.

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ.2359.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स इरकॉन इंटरनेशनल लि. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या **18/2010**) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2015 को प्राप्त हुआ था।

[सं. एल-41012/81/2010-आई आर (बी.1)]

विनय कुमार, अनुभाग अधिकारी

New Delhi, the 17th December, 2015

S.O. 2359.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref.18/2010**) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court, Lucknow* as shown in the Annexure, in the industrial dispute between the management of M/s. IRCON International Ltd. and their workman, received by the Central Government on 17/12/2015.

[No. L-41012/81/2010- IR(B-I)]
VINAY KUMAR, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

RAKESH KUMAR

Presiding Officer

I.D. No 18/2010

Ref. No. L-41012/81/2010-IR(B-I) dated 17.09.2010

BETWEEN

Sri Kamta Prasad, Khalasi
Village Sheikhpur,

Post: Saiyed Pur
Distt.Gazipur (U.P.)

AND

The Managing Director
M/s IRCON International Ltd.,
C-4, District Centre, Saket,
New Delhi-110017

ORDER

By order No. L-41012/81/2010-IR(B-I) dated 17.09.2010 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Sri Kamta Prasad Khalasi, Village Sheikhpur, Gazipur Managing Director, M/s IRCON International Ltd., New Delhi for adjudication.

2. The reference under adjudication is:

“WHETHER THE ACTION OF THE MANAGEMENT OF M/S IRCON IN TERMINATING THE SERVICES OF SRI KAMTA PRASAD W.E.F. 31.05.1998 IS LEGAL AND JUSTIFIED? IF NOT, WHAT RELIEF THE WORKMAN IS ENTITLED TO?”

3. Today is the date fixed for orders on the application M-7 dated 27.05.2011 and M-16 dated 13.07.2012 moved by the management, requesting therein that the preliminary objections moved earlier be decided, before adjudicating the claim on merit. Preliminary objection/written statement in the form of an affidavit alongwith annexures in support there of, have been filed.

4. The workman has submitted reply W-9 dated 07.09.2012 and affidavit W-15 dated 12.07.2013 requesting thereby to dismiss the preliminary objection with cost. Another reply W-19 dated 22.05.2014 has also been filed by the claimant.

5. Arguments of learned AR of both the parties have been heard at length. The court file has been perused thoroughly.

6. The workman in his claim statement W-3 has stated in brief that Indian Railway Construction Company Limited is a Company wholly owned and controlled by the Government of India, it carries on various projects and requires the services of workmen; it is as such, ‘State’ within the meanings of Article 12 of Constitution of India, hence, the opposite party should act like a model employer. The Indian Railway Construction Company is constructing Railway Line Bridge, Road, Air Port etc. It is carrying on various construction project throughout the country and abroad. The Company is having construction Project of electrification of Rail Track from Mughal Sarai to Lucknow and some project is going on in State of Bihar, M.P. and other parts of India. The Company had appointed large number of employees as Clerk, Store Clerk, Store Cashier, non technical Supervisor, Peon, Khalashi, Driver etc. The Staff was more than hundred as such project come within ambit of the definition of Factory as defined in Section 2(M) of the Factory Act, hence, the Company is Industrial Establishment as contemplated by Section 25 (L) of the Industrial Dispute Act, 1947.

7. The workman has further stated that he was initially selected and appointed as Casual Khalasi vide order dated 08.05.1982 by the opposite party, and was designated as Messenger w.e.f. 01.01.1984 @ 12/- per day by IRCON, on completion of one year of continuous employment on 19.01.1984, he was brought on monthly rate wages, he was treated monthly rate worker on consolidated wages of minimum pay scale i.e. 196/ + DA etc, vide another order dated 23.07.1986 in accordance instruction dated 14.08.1985, he was granted pay scale of Rs. 196 to Rs. 232, he was posted to work under P.M., Vindya Nagar. The applicant has further stated that vide notice dated 29.05.1998 the applicant along with 16 others was informed that their services will come to an end w.e.f. 31st May, 1998 and accordingly they shall stand released from the service of the Project from afternoon of 31st May 1998 upon closure of the project on payment of salary in lieu of notice and compensation as admissible in accordance with the Sec. 25(F) read in conjunction with sub-section (2) of sec. 25 (FFF) of the I.D. Act. 1947. It is noteworthy that the appointment of applicant was not against any particular project and was transferable throughout the country to any of the project or office being run by IRCON, opposite party and applicant has worked for more than 240 days continuously, in fact he has working on the above post from the very first day of appointment continuously.

8. It has been stated by the workman that opposite party had numerous projects in its hand and in the year 1998, it has obtained contracts of 317 crores in value in various parts of the country. The workman has alleged that the notice dated 29.5.98 is absolutely, illegal, malafide, violative of provision of I.D. Act, and glaring example of unfair labour practice. The applicant has emphasized that he was appointed in regular capacity in IRCON, he could not be retrenched

merely because one project of IRCON has been completed; other persons junior to the applicant are workmen in other projects of IRCON through out India but some of them are working the same project whereas the applicant was retrenched on the basis of aforesaid notice dated 29.5.98. New tender was invited by IRCON, no amount of legal compensation has been paid to the applicant, no valid notice was given by the opposite party, provision of Section 25F, 25K, 25N and 25 O and other relevant provisions have not been followed by the opposite party.

9. The applicant has stated that he had preferred Writ Petition No. 29614/98 Amar Kumar Kundu and others before Hon'ble High Court which was dismissed vide order dated 19.11.2003 on the ground of alternate remedy under I.D. Act., by way of raising Industrial Dispute in Labour Court. Later on recall application was moved by the applicant which was also dismissed vide order dated 23.3.2010, consequently Industrial Dispute was raised in 2010 before ALC (C) Allahabad.

10. The workman has asserted that not only services of the applicant are transferable through out India and in any of the projects on which it is working but All India Seniority list was also maintained. It is pointed out that about 200 workmen who are junior to this petitioners are still working while the applicant has been retrenched in pursuance of notice dated 29.05.1998. The opposite party has retrenched the workmen applicant in a clear abuse of power and as a matter of unfair labour practice. On one hand they alleged by the impugned notice that the project have been closed down with effect from 06.02.1998 which is per se false. Their project continues and even tenders have been invited for carrying out certain works. It is further pointed out that even now workmen who are much junior to the petitioners are still working in this project. It is pointed out that Sri R.K. Srivastava son of Sri K.P. Srivastava who was appointed by order dated 27.01.1996 as Ferro Painting Khalasi for period of six months only or as soon as duly selected as suitable candidate becomes available. Sri Srivastava is still in the employment and has not been retrenched. It is also relevant to point out that transfer order has been passed in the case of applicant and other workman transferring them from one project to another project and from one place to another place. It is also relevant to point out that General Manager, IRCON, New Delhi by order dated 26.04.1991 has also clarified that once job is not available at Rehand Nagar Project the workmen are liable to be transferred to the other projects.

11. It has been pleaded in the claim statement that the Regional Manager IRCON, Anpara had passed the order for granting consolidated pay to Class IV Staff, Abhay Shanker Pathak, Messenger. A consolidated pay scale was Rs.196/- per month. The work of applicant as Dak Messenger was changed as Store Chaser by order dated 15.04.1989 which was passed by Mr. S.K. Sood, Project Manager, IRCON Vindhya Nagar. The Dy. Project Manager, Rihand Nagar passed an order for granting scale of Pay to Class IV Staff on completion of four years of service. The scale of pay of the applicant was Rs.196/- to Rs.232/-. General Manager, IRCON, New Delhi issued a notice on 26.4.1991 that the Class D employees of Ircon Rihand Nagar Project that they will be continued in service at Rihand Nagar Project Job is available here. They can be transferred to other project when job is not available at Rihand Nagar.

12. The applicant has further asserted that he had worked without any interruption, all of sudden the Jt. General Manager, IRCON, Anpara served a notice dt. 29.05.1998 for dispensing his services on the ground of closure of the project, it was also mentioned in the said notice that preference will be given to the applicant for his reengagement as and when the Company secured some more project in U.P. The applicant has submitted that he had been working since 01.01.1984 as messenger the project alongwith other projects are still continuing in U.P, number of employees have been regularized who were junior to the applicant, his services could be transferred to other project, company being "State" could not throw out the applicant who had put more than 13 years of the service of the company. The company was having more than 100 workmen employed in the project as such retrenchment could only be done by following procedure laid down under I.D. Act., the applicant should be treated in continuity in service alongwith all the consequential benefits. He has also stated that the fresh advertisement for appointment has also been issued by the company therefore the aforesaid notice is unjustified and violative of Article 14,16,21 of Constitution of India. With the above pleadings the applicant has prayed to set aside the impugned termination order dated 31.5.1998, and to treat the applicant in continuity service, prayer for all consequential benefits and interest there upon has also been made by the applicant. Certain documents have been annexed alongwith claim statement.

13. The management has filed preliminary objection M-7 alongwith annexure regarding maintainability of claim statement and vide another application M-16 the management has prayed to decide the preliminary objection before adjudicating the case on merits.

14. Learned AR for the management has stated that the applicant alongwith 13 others had filed Civil Writ Petition No. 29614/98 challenging the notice dated 29.05.1998 before Hon'ble High Court, Allahabad, the aforesaid writ petition alongwith other CMWP No. 28858/98 and CMWP No. 6634/98 were considered by the Hon'ble High Court and vide order dated 8.5.2000, the petitions were admitted and connected with CMWP No. 32651/93, (Lal Mohammed & others vs IRCON & others). It has further been stated by the management that before Civil Misc. Writ Petition No. 32651 of 1993 (Lal Mohammed & Others Vs. Indian Railway Construction Company Limited & Others) alongwith connected Writ Petitions could be heard and decided by the Hon'ble High Court, Allahabad. The Civil Misc. Writ Petition No. 29614 of 1998 (Amar Kumar Kundu & 13 others vs IRCON Ltd., & Another) came up for consideration before a Division Bench of the Hon'ble High Court, Allahabad on 19.11.2003 and Civil Misc. Writ Petition No. 29614 of 1998 (Amar Kumar

Kundu & 13 others Vs IRCON Ltd. & Another) was decided through judgment and order dated 19.11.2003. Within eight days of the Hon'ble Court's judgment and order dt. 19.11.2003 passed in CMWP No. 29614 of 1998 (Amar Kumar Kundu & 13 others VS IRCON Ltd., & Another), the applicant Sri Kamta Prasad alongwith 13 others preferred an application dated 27.11.2003 alongwith an affidavit dated 27.11.2003 praying therein to recall the judgment and order dated 19.11.2003 specifically pleading on the basis of the order dated 8.5.2000 in paragraph 7 of the affidavit that CMWP No. 29614 of 1998 (Amar Kumar Kundu & 13 others Vs IRCON Ltd., & Another) has to be decided alongwith CMWP no. 32651 of 1993 (Lal Mohammed & Others vs IRCON Ltd., & others) alongwith connoted writ petitions by a full Bench comprising of 3 Hon'ble Judges instead of 2 Hon'ble Judges through Civil Misc. Application No.21507 of 2003 preferred in CMWP No. 29614 of 1998 (Amar Kumar Kundu & 13 others Vs IRCON Ltd., & Another). The CMWP No. 32651 of 1993 (Lal Mohammed & others Vs IRCON Ltd. & Others) alongwith connected writ petition was decided by the Hon'ble Full Bench of Hon'ble High Court, Allahabad through judgment and order dated 21.05.2004 reported in (2004) 5 Allahabad Weekly Cases 3955 and the same was upheld by the Hon'ble Supreme Court through judgment and order dated 11.01.2007 delivered in civil appeal no. 6195-98/2004 (Lal Mohammed & Others Vs IRCON Limited & others) reported in (2007) 2 SCC 513. The perusal of the Hon'ble High Court; order dated 08.05.2000 and the affidavit in support of the application for recall of the order dated 19.11.2003 would conclusively reveal that the claim of the applicant is identical and similar to the claim in CMWP No.32651 of 1993 (Lal Mohammed & others vs IRCON Ltd., & others) and as such the claim statement of the applicant filed before the Hon'ble CGIT-cum-Labour Court, Lucknow is liable to be rejected keeping in view the Hon'ble Supreme Court's judgment and order dated 11.01.2007 in civil appeal no.6195-98/2004 (Lal Mohammed & Others Vs IRCON Ltd., & others) reported in (2007) 2 SCC 513, without further adjudication.

15. It has also been emphasized by the management that the applicant alongwith others, after being aware of the Hon'ble Apex Court judgment dated 11.01.2007 in Civil Appeal No. 6195-98/2004 (Lal Mohammed & Others Vs IRCON Ltd., & others) reported in (2007) 2 SCC page 513, turned around and had intentionally concealed material fact before Hon'ble High Court, Allahabad, and they had stated that the application for recall of the order dated 19.11.2003 in Civil Misc. Appeal no.215107/2003 was not being pressed, consequently Hon'ble High Court rejected the same through order dated 23.02.2010.

16. It has further been stated by the management that the present claim statement apart from being not maintainable as already been adjudicated by the Hon'ble Supreme Court through judgement and order dated 11.01.2007 delivered in Civil Appeal No. 6195/2004 (Lal Mohammed & Others Vs IRCON Ltd., & others) reported in (2007) 2 SCC 513, it is also not maintainable on the grounds of delay and laches on the part of the applicant which makes the reference order dated 25.06.2009, bad in the eyes of law being in contravention of legal principles well established by the Hon'ble Supreme Court. In identical matter, answering opposite parties have filed writ petition no. 967 of 2010 (S/S) (M/s IRCON International Limited & others vs Vipin & 2 others) before the Hon'ble High Court Allahabad at Lucknow Bench relating to I.D. Case No.23 of 2009 (Vipin vs MD,IRCON International Limited & others) for quashing the reference order dated 17.09.2010 of said case. Writ petition No.967 of 2010 (S/S) (M/s IRCON International Limited & Others vs Vipin & 2 others) was decided by the Hon'ble High Court, Allahabad at Lucknow through judgment and order dated 23.02.2010 which specifically provides for answering respondents to raise objections of delay and laches before the Hon'ble CGIT-cum-Labour Court, Lucknow which shall be considered and decided by the CGIT, Lucknow, further providing opportunity of hearing to the parties concerned and only thereafter the Hon'ble CGIT-cum-Labour Court, Lucknow shall proceed to deal with the case accordingly. The answering respondents have filed preliminary objections to maintainability of the claim petition before the Hon'ble CGIT-cum-Labour Court, Lucknow in the present case to which no replication has been filed by the applicant till date. The present claim statement is not maintainable keeping in view the Hon'ble Supreme Court judgment and order dated 11.01.2007 in civil Appeal No. 6195-98/2004 (Lal Mohammed & Others Vs IRCON Ltd., & others) reported in (2007) 2 SCC 513 has already adjudicated; the principles of waiver and estoppel as well as delay and laches. The aforesaid issues have to be decided by the Hon'ble CGIT-cum-Labour Court, Lucknow before proceeding on material.

17. The opposite party has further emphasized that the reference order dated 17.9.2010 (Industrial Dispute in question) has already been adjudicated by the Hon'ble High Court, Allahabad through a judgement dated 11.01.2007 passed by Hon'ble Supreme Court in Civil appeal no. 6195-98/2004 (Lal Mohammed & Others Vs IRCON Ltd., & others) and the applicant had earlier pleaded before Hon'ble High Court, Allahabad that his case was identical and similar to the claim of Lal Mohammed which is quite evident from the perusal of the order dated 8.5.2000. The management has stressed that the reference order dated 17.09.2010 is barred by delay and laches.

18. The opposite party has further stated that it is a public sector undertaking under the administrative control of Ministry of Railways. The company is engaged in construction business. The company participates in competitive bidding, both national and international for construction of Railways, Roads, Bridges, Tunnels, Airport, etc. Whenever any contract is awarded to the company, it sets up a project establishment in the premises of the client for execution of the project. While executing the projects in Anpara Region, the applicant was locally engaged by the project authorities. On completion of the project, the services of all the workers of the project, including the applicant, were terminated after following due process under the law. It is stated that the applicant was not engaged regularly after following due

procedure of recruitment and was engaged only in a project. No regular recruitment can be made without following procedure prescribed under IRCON's Recruitment Rules. The project came to an end and as such the applicant's engagement was liable to be terminated/retrrenched after complying with the provisions of the I.D. Act, 1947 with effect from 31.06.1998. A demand draft no.923130 dt. 27.05.1998 amounting to Rs.61,328/ towards one month pay lieu of notice, compensation and gratuity was given effect to the applicant vide letter No. IRCON/MNP/CLO/2/98 dated 29.5.1998 but the same was not accepted by the applicant. The provisions of I.D. Act have been complied with.

19. The management has further prayed that the applicant has no claim or right to be engaged in other project as each project is distinct, separate and independent to each other. The opposite party has requested to reject the claim statement.

20. Alongwith its affidavit the management has filed several annexures including the order and Rulings of Hon'ble High Court & Apex Court.

21. The workman in its reply W-19, has denied the allegations levelled by the opposite party and has admitted the fact that in the writ petition no. 29614/98 he was petitioner. The workman has further stated maintainability of writ petition before Hon'ble High Court, Allahabad. The Hon'ble High Court was pleased to reject preliminary objection and to admit to issue notice. The workman has requested that the judgment delivered by the Hon'ble High Court in Lal Mohammad is not applicable to the present case, and on the advice of the counsel of the application, restoration application was dismissed as withdrawn on 23.02.2010.

22. The workman has asserted that his case was pending before the Hon'ble High Court, Allahabad so he could not file before any other forum and only because of the delay his claim cannot be ignored. Moreover, the opposite parties have again and again, filed writ petitions before Hon'ble High Court but the Hon'ble High Court did not give any relief to the management. The workman has also pleaded in its reply that the Hon'ble High Court was pleased to pass orders.

23. The workman has further asserted that preliminary objections are not admitted and are denied, in reply, it is stated that Lal Mohd., and others were employed for short term and particular project, but the applicant was appointed as regular employee in the company and all privilege were being given to the applicant as regular employee. Lal Mohd. Case is not applicable to the applicant case due to pendency of writ petition before Hon'ble High Court, the delay has been caused hence it is bonafide delay. The Hon'ble Supreme Court has held that in Industrial Dispute, Limitation Act is not applicable.

24. The workman has emphasized that opposite party is a public sector undertaking under the administrative control of Ministry of Railways and it is engaged in construction business and several projects are going in India and abroad as well, the applicant being regular employee of the company can be easily transferred to any other project in India or other country.

25. Learned AR for the opposite party, while annexing several documents alongwith preliminary objection M-7 dated 27.5.11 & M-16 dt. 13.07.2012 and the affidavit, have referred to the order dated 23.01.2002 passed by the Hon'ble High Court (photo copy filed), and another order dt. 23.02.2010, order dated 8.05.2000, 19.11.2003, 2004(5) AWC, Lal Mohammad vs IRCON 3955 (2007)3 SCC 513.

26. Further reliance has been placed by learned AR for the opposite party on the following pronouncements as well:

1. (1955) ILLJ, 1158 Hira Sugar Employee Cooperative vs P.P.Korvekar decided by Hon'ble Karnataka High Court on 15.11.1994.
 2. Civil Appeal 2694-2695/2005, M/s Makhija Construction and Engineering vs Indore Development Authority decided by Hon'ble Supreme Court on 19.04.2005.
 3. Civil Appeal 1272/11, State of Orissa vs Mamta Mohanty alongwith other connected civil appeals decided by Hon'ble Supreme Court on 09.02.2011.
27. Learned AR for the workman during the argument has relied on following pronouncements;
1. 1975 AIR 1900 SC: Cooper Engineering vs P.P.Munde
 2. 1984 AIR 153 SC: D.P.Maheshwari vs Delhi Administration.
 3. 1998(1) AWC 491: Swarup Vegetable Product vs Labour Court.
 4. Civil Misc. Writ Petition No. 9672/2003: IRCON International Ltd., Vs Baikunth Dabey, Hon'ble High Court Allahabad decided on 4.08.2005
 5. Civil Appeal No: 5781 of 2007 IRCON International Ltd., vs Baikunth Nath Dubey.
 6. 20/13, FLR (vol.137) 1020 Alld: IRCON International Vs Presiding Officer, order dated 11.04.2013..
 7. Civil Appeal Defective No.633 of 2013 IRCON International vs C.P. Gupta and 15 others.

28. Learned AR for the management has emphasized that under compelling circumstances, due to completion of work and closure of the on going project, claimant's services were terminated w.e.f. 31.05.1998 after following the provision of I.D. Act., A demand draft no.123133 dt. 27.05.1998 amounting to Rs.43035 towards one month pay lieu of notice, compensation and gratuity was given effect to the applicant but the same was not accepted by the applicant. The effect of the principle of res judicata/principle of precedent, has been emphasized by the opposite party, with the assertion that the writ petition of the claimant was decided alongwith writ petition of Lal Mohmmad and others by Hon'ble High Court, Allahabad therefore, the direction given by the Hon'ble High Court in the case of Lal Mohmmad and the applicant stands finally decided vide judgment dated 8.5.2000, and the case of Lal Mohmmad was ultimately decided by the Hon'ble Supreme Court holding that the termination of service of Lal Mohmmad and 24 others was legal and valid. The management has stressed that further litigation is not permissible under law, the reference made by the Govt. of India, cannot be legitimately adjudicated by this Court. Learned AR for the opposite party has further argued that the applicant/claimant has concealed material fact before the Hon'ble High Court as well as before this Court, he has not come with clean hands before this Court, and no relief can be given to him rather the claim statement is not maintainable at all.

29. While refuting the arguments advanced on behalf of the management, learned AR for the workman has argued that the Lal Mohmmad case is not applicable to this case; moreover, Hon'ble High Court has not granted relief in any case to the opposite party, neither Hon'ble Supreme Court has refrained the applicant/claimant to seek genuine remedy, permissible under law, before the CGIT/Labour Court.

30. While relying upon the aforesaid pronouncements of Hon'ble High Court and Hon'ble Supreme Court, learned AR for the workman has referred to the order dated 01.09.2011 passed by Hon'ble Supreme Court in Civil Appeal No. 5781/07, IRCON Internation Vs Balkunth Nath Dubey and others. Hon'ble Supreme Court has dismissed the appeal with the following observations:

“Heard learned counsel for the appearing parties.

On the facts of the case, we are not inclined to exercise our discretion under Article 136 of the Constitution of India. The Appeal is dismissed accordingly.

However, the question of law is kept open.

We further direct that the impugned judgment of the High Court will not act as a precedent.”

31. The management has referred to the order dated 23.02.2010 passed by the Hon'ble High Court, Allahabad, Lucknow bench Lucknow in MS No. 969/10 M/s IRCON International Ltd. Vs Bipin & others wherein objection was raised on behalf of the management that this Tribunal had proceeded to entertain the matter after 10 years which is not permissible. Hon'ble High Court has directed the management to raise this objection before Tribunal and it shall be disposed after providing opportunity of hearing to both the parties.

32. In CMWP 28858/98 Vijay Kumar & others vs IRCON International connected with CMWP 2964, 6634/98, Hon'ble High Court, Allahabad in its order dated 08.05.2001 on page 6 has observed;

“Thus it would be appropriate and in the interest of justice also that the issues raised by the present petitioners be also heard and decided alongwith writ petitions of Lal Mohd., and others and they should not be related to the alternative remedy of raising the industrial dispute before the Industrial Tribunal. The preliminary objection raised by the counsel for the respondents is therefore, rejected.

Admit.

Issue Notice.

Let the papers be placed before Hon'ble the Chief Justice for nominating a Division Bench to hear and decide these three writ petitions alongwith the writ petition of Lal Mohd. And others which is to be heard by the Division Bench in pursuance of the order dated 04.12.1998 passed by Hon'ble Supreme Court in Civil Appeal No.6069-6073 of 1998.”

33. Learned AR for the workman has emphasized that in the light of the order dated 11.04.2013 passed by Hon'ble High Court, Allahabad in writ no. C 19797/13 IRCON International vs PO, CGIT and others, the Labour Court should decide all the points, and it would not be prudent to decide preliminary issue. It is pertinent to mention here that Hon'ble High Court in the order dated 12.04.2013, has referred the following pronouncement of Hon'ble Supreme Court;

1. Cooper Engineering Ltd. Vs P.P. Munde 1975 (2) LLJ 379.
2. S.K.Verma Vs. Mahesh Chandra and Others 1983 LIC 1483.
3. D.P. Maheshwari Vs Delhi Administration and others 1983 LIC 1629.

34. Hon'ble High Court has also followed the view taken by Hon'ble High Court full bench in 1997(77) FLR, M/s. Swaroop Vegetables Product Ltd., vs. Labour Court page 546.

35. In the matter in issue, it is quite pertinent to refer to the judgment dated 11.01.2007, delivered by the Hon'ble Supreme Court (2007) 2, SCC Lal Mohammad and others vs IRCON page 513 (with Civil Appeal No.5685/2006, 6195-98/2004). Hon'ble Supreme Court has observed in para 11:

“So far as the second and third questions are concerned, the crucial question to be decided is whether they were employees of the Project or of the Company. In this connection the finding was given by the Full Bench that they were employees of the Project and not of the Company. Learned counsel for the appellants laid much stress on appointment orders of the appellants that they are employees of the Company and not of the Project. He has also taken us through various appointment orders issued from time to time and some of the samples, are reproduced as under.....”

36. Hon'ble Supreme Court in para 16 of the aforesaid pronouncement has directed what benefit could be given to the petitioners/workmen. In para 19 Hon'ble Supreme Court has directed:

“Therefore, these incumbents have already been given notice and if the compensation has not been determined in terms of Section 25-F then that should be calculated and paid to the workers if not paid so far. They have been directed to collect their dues from the office. If that amount has not been collected by them then it will be open to them to collect same or any shortfall that will be made good by the Company. So far as the termination of the incumbents is concerned after completion of the Project they have no right to continue. They are only entitled to notice and compensation to be determined under Section 25-J. Shortfall of period of notice or compensation will not render termination bad on that count.”

37. The inference drawn by Hon'ble Supreme Court in last para 28 of the judgment is as under:

“Therefore, in the light of discussion made above, we are of the opinion that the view taken by the Full Bench is correct. The petitioners are not entitled to be regularized in their services in the Company and they are not employees of Company. They are only entitled to compensation as indicated above. The above appeals and writ petitions filed by workers are dismissed. No order as to cost.”

38. While deciding the above Civil appeal, following Rulings have been cited before Hon'ble Supreme Court:

1. (2005) 1 SCC 639: 2005 SCC (L&S) 154, Mahendra L.Jain v. Indore Development Authority.
2. (2004) 7 SCC 112: 2004 SCC (L&S) 918 A.Umarani V. Registrar Coop Societies.
3. (2003) 5 SCC 388: 203 SCC (L&S) 690 M.D. U.P. Land Development Corpn. Vs. Amar Singh.
4. (2003) 4 SCC 27: 2003 SCC (L&S) 380, S.M. Nilajkar Vs Telecom District Manager.
5. (1995) 3 SCC 474: 1995 SCC (L&S) 702: (1995) 29 ATC 592 Hindustan Steel Works Construction Ltd. Vs Employees Union.
6. (1999) 1 SCC 596: 1999 SCC (L&S) 335. Lal Mohd. Vs Indian Rly.Construction Co. Ltd.
7. (1990) 3 SCC 682: 1991 SCC (L&S) 71, Punjab Land Development & Reclamation Corpn. Ltd. Vs Presiding Officer, Labour Court.
8. (1978) 2 SCC 213: 1978 SCC (L&S) 215 Bangalore Water Supply & Sewerage Board v. A. Rajajppa.
9. (1973) 3 SCC 564: 1973 SCC (L&S) 195, Hindustan Steel Ltd. vs. Workmen.
10. AIR 1957 SC (2) Hariprasad Shivshanker Shukla Vs AD Divedlkar.

39. Hon'ble Supreme Court's judgment dated 11.01.2007, has not been referred by Hon'ble Allahabad High Court in its order dated 11.04.2013.

40. After having heard at length, the talented and brilliant arguments advanced by learned ARs of both the parties, it is evident from the perusal of the record, in the light of the aforesaid pronouncements of Hon'ble High Court and Hon'ble Supreme Court, that the observations and principle propounded by Hon'ble Supreme Court in (2007) 2, SCC, Lal Mohammed & others vs IRCON International Ltd. 513, is quite relevant so far as the facts of the present “Industrial Dispute” is concerned, and the Hon'ble Supreme Court verdict has got a binding effect on the parties concerned. It may be quite pertinent to mention here that the order dated 11.04.2013 passed by Hon'ble High Court, Allahabad in Writ Petition No. 19797/13, IRCON International Ltd. vs P.O. CGIT-cum-Labour Court & others is also very important but the pronouncement dated 11.01.2007 by Hon 'ble Supreme Court in Lal Mohammed case (Supra) has perhaps not been brought to the kind notice of Hon'ble High Court, Allahabad. Moreover, the direction given by Hon'ble Supreme Court in its order dated 01.09.2011 delivered in Civil Appeal No. 1581/07, IRCON International vs. Baikunth Nath Dubey and others, is very crucial. While dismissing the appeal filed against the orders of Hon'ble High Court, Hon'ble Supreme Court in the aforesaid order dated 01.09.2011 has specifically mentioned that the impugned judgment of the Hon'ble High Court will not act as a precedent. The pleas taken by the parties before the Hon'ble High Court & Hon'ble Supreme Court, should not be legitimately brushed aside, while thoroughly scanning the judgment of Hon'ble Courts.

41. So far as the point raised by learned AR for the management, that the aforesaid reference sent by the Government and the claim statement filed by the applicant, is barred as a consequence of the so called unexplained delay of more than five years, is concerned; it is not validly and legally tenable, taking into account the peculiar facts and circumstances of this case.

42. Therefore, the reference dated 17.09.2010, sent by the Government of India to CGIT-cum-Labour Court, Lucknow, has to be adjudicated, in the light of the aforesaid pronouncement of Hon'ble Supreme Court. Preliminary objection regarding maintainability of this case, raised by the management are very crucial, and legally as well as factually sound. The claimant Sri Kamta Prasad is not entitled to any relief. However, the applicant is entitled to the compensation if not received by him so far, as per the mandate given by Hon'ble Supreme Court in para 28 of the above mentioned judgment dated 11.01.2007. The aforesaid Schedule referred by the Government, is adjudicated accordingly.

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2360.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पूर्व रेलवे प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या 37/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2015 को प्राप्त हुआ था।

[सं. एल-41011/37/2014-आई आर (बी.-1)]

विनय कुमार, अनुभाग अधिकारी

New Delhi, the 17th December, 2015

S.O.2360.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. 37/2014**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of **North Eastern Railway** and their workman, received by the Central Government on 17-12-2015.

[No. L-41011/37/2014- IR(B-I)]

VINAY KUMAR, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW PRESENT

RAKESH KUMAR, Presiding Officer

I.D. No. 37/2014

Ref. No. L-41011/37/2014-IR(B-I) dated: 06.05.2014

BETWEEN

Anchal Sangthan Secretary

Rail Sevak Sangh

C/o Shri D.P. Awasthi

49, Tilak Nagar

Lucknow.

(Espousing cause of Sri Bhagwati Prasad)

AND

1. Sr. Divisional Personnel Officer

North Eastern Railway

DRM Office, Ashok Marg

Lucknow.

2. The Chief Medical Superintendent
North Eastern Railway
Gonda (UP)

AWARD

1. By order No. L-41011/37/2014-IR(B-I) dated: 06.05.2014 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Anchal Sangthan Secretary, Rail Sevak Sangh, C/o Shri D.P. Awasthi, 49, Tilak Nagar, Lucknow and Sr. Divisional Personnel Officer, North Eastern Railway, DRM Office, Ashok Marg, Lucknow & the Chief Medical Superintendent, North Eastern Railway, Gonda (UP) for adjudication.

2. The reference under adjudication is:

“क्या पूर्वोत्तर रेल प्रशासन, लखनऊ व गोंडा द्वारा श्री भगवती प्रसाद पुत्र श्री मंगल प्रसाद, सफ़ाईवाला को पुरानी पेंशन न देकर नई पेंशन दिया जाना न्यायोचित एवं वैध है? यदि नहीं तो कामगार किस राहत को पाने का हकदार है?”

3. On receipt of the reference order the workman's union was issued registered notice to file his statement of claim complete with relevant documents, list of reliance and witnesses before Tribunal on 17.07.2014 with an advance copy to the opposite party. The Secretary of the workman's union appeared before this Tribunal and requested for a date for filing of statement of claim.

4. On successive dates the management also turned up. Since the case was related to grant of old pension scheme instead of new pension scheme, the parties were advised to settle the dispute amicably through Lok Adalat. Accordingly, the case was taken up at Lok Adalat on 08.05.2015.

5. On 08.05.2015, Shri D.P. Awasthi, Secretary of the workman's union was present whereas the opposite parties were represented by Shri Upendera Kumar Sharma, Chief Welfare Officer.

6. The opposite party filed M-5, letter signed by Sri P.B. Prasad, Senior Divisional Personnel Officer, North Eastern Railway, Lucknow, enclosing circular No. 2012/F(E)III/I(I)/2 dated 29.10.2014 of the Railway Board. The management in letter M-5, referring circular dated 29.10.2014 has stated that the Railway Board, New Delhi vide their circular dated 29.10.2014 has directed to cover the employees who got temporary status prior to 01.01.2004 may be covered under Old Pension Scheme.

7. A copy of the M-5 was furnished to the workman's union. The authorized representative of the workman's union sought time to consult the workman; and accordingly, the case was taken up on 30.09.2015 at Lok Adalat. The Authorized representative of the workman's union, Shri D.P. Awasthi after going through the contents of letter, M-5 and circular dated 29.10.2014 showed willingness to withdraw the present industrial dispute being claim settled; and made an endorsement thereupon as under:

“Since the relief claimed by the Union has been accepted by the opposite parties, further proceeding of this case may kindly be dropped.”

8. In view of the submission/endorsement of the workman's union for dropping of the proceedings, there is no grievance left with the workman's union as the present industrial dispute pertains to non-grant of old pension to the workman by the railway management and the management of the railway has granted the same vide circular 2012/F(E)III/I(I)/2 dated 29.10.2014 of the Railway Board. Resultantly, the industrial dispute stands settled; and no relief is required to be given to the workman concerned. The reference under adjudication is answered accordingly.

9. Award as above.

LUCKNOW.

29th October, 2015.

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ.2361.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स इस्कॉन इंटरनेशनल लि. के प्रबंधन के संबंध निर्यातकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट (संदर्भ संख्या **22/2009**) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2015 को प्राप्त हुआ था।

[सं. एल-41012/07/2009—आई आर (बी-1)]

विनय कुमार, अनुभाग अधिकारी

New Delhi, the 17th December, 2015

S.O.2361.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.22/2009) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of M/s. IRCON International Ltd. and their workman, received by the Central Government on 17/12/2015.

[No. L-41012/07/2009- IR(B-I)]

VINAY KUMAR, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

RAKESH KUMAR, Presiding Officer

I.D. No 22/2009

Ref.No.L-41012/07/2009-IR(B-I), dated 25.06.2009

BETWEEN

Sri Abhay Shankar Pathak,
Q.No.6A 221 NTPC Vidyut Vihar Colony,
Shakti Nagar
Distt. Sonebhadra (U.P.)

AND

The Managing Director
M/s. IRCON International Ltd.,
C 4, District Centre, Saket,
New Delhi-110017

ORDER

By order No. L-41012/07/2009-IR(B-I) dated 25.06.2009 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Sri Abhay Shankar Pathak S/o Sri D.N. Pathak, Q.No. 6A, 271, NTPC Vidyut Vihar Colony, Shakti Nagar, Sonebhadra and the Managing Director, M/s. IRCON International Ltd., New Delhi for adjudication.

2. The reference under adjudication is:

“WHETHER THE ACTION OF THE MANAGEMENT OF M/S. IRCON IN TERMINATING THE SERVICES OF SRI ABHAY SHANKAR PATHAK, KHALASI APPOINTED ON CASUAL BASIS W.E.F. 29.05.1998, IS JUST, FAIR AND LEGAL? IF NOT, TO WHAT RELIEF SRI PATHAK IS ENTITLED?”

3. Today is the date fixed for orders on the application M-10 dated 14.05.2010 and M-20 dated 13.07.2012 moved by the management, requesting therein that the preliminary objections moved earlier be decided, before adjudicating the claim on merit. Preliminary objection/written statement in the form of an affidavit alongwith annexures in support thereof, have been filed.

4. The workman has submitted reply W-21 dated 19.07.2013 requesting therein to dismiss the preliminary objection with cost.

5. Arguments of learned AR of both the parties have been heard at length. The court file has been perused thoroughly.

6. The workman in his claim statement W-3 has stated in brief that Indian Railway Construction Company Limited is a Company wholly owned and controlled by the Government of India, it carries on various projects and requires the services of workmen, it is as such, ‘State’ within the meanings of Article 12 of Constitution of India, hence, the opposite party should act like a model employer. The Indian Railway Construction Company is constructing Railway Line Bridge, Road, Air Port etc. It is carrying on various construction project throughout the country and abroad. The Company is having construction Project of electrification of Rail Track from Mughal Sarai to Lucknow and some project

is going on in State of Bihar, M.P. and other parts of India. The Company had appointed large number of employees as Clerk, Store Clerk, Store Cashier, non technical Supervisor, Peon, Khalashi, Driver etc. The Staff was more than hundred as such project come within ambit of the definition of Factory as defined in Section 2(M) of the Factory Act, hence, the Company is Industrial Establishment as contemplated by Section 25 (L) of the Industrial Dispute Act, 1947.

7. The workman has asserted that he was appointed as Khalasi on Casual basis at the rate of Rs.12/- per day for a period of six months, on 06.09.1985, by Dy.Project Manager, Shakti Nagar, Anpara, appointment letter was also issued. He has further stated that his appointment was extended from time to time, after completion of one year. He was assigned the work of Dak Messenger @ Rs.16.65/- per day by an order dated 01.07.1986, another order dated 19.08.1986 has been annexed by the applicant.

8. It has also been pleaded in the claim statement that the Regional Manager IRCON, Anpara had passed the order for granting consolidated pay to Class IV Staff, Abhay Shanker Pathak, Messenger. A consolidated pay scale was Rs.196/- per month. The work of applicant as Dak Messenger was changed as Store Chaser by order dated 15.04.1989 which was passed by Mr. S.K. Sood, Project Manager, IRCON Vindhya Nagar. The Dy.Project Manager, Rihand Nagar passed an order for granting scale of Pay to Class IV Staff on completion of four years of service. The scale of pay of the applicant was Rs.196/- to Rs.232/-. Mr.D.D. Agarwal, General Manager, IRCON, New Delhi issued a notice on 26.4.1991 that the Class D employees of Ircon Rihand Nagar Project will continue in service at Rihand Nagar Project as job is available there. They can be transferred to other project when job is not available at Rihand Nagar. Mr.S.K. Sood, Regional Manager, IRCON Vindhya Nagar (Anpara) issued a certificate on 31.05.1996 mentioning therein that the applicant is working as Store Chaser. It is further stated that on the same date the Regional Manager, Anpara issued a transfer letter for joining IRCON International Limited Air India hanger project E.F.D. Building Old Air Port Shanta Kruz East Mumbai, Maharastra.

9. The claimant has submitted that the Regional Manager, Anpara passed an order for transferring the Staff Clerk, Supervisor, Class IV employees to Air India Hanger Project, under General Manager, Mumbai in the same post and capacity, the Addl.General Manager, Mumbai Sri K.K.Khanra issued a certificate dated 15.05.1998 showing therein that the applicant was working as Store Chaser, pay slip for the same was also issued to the applicant.

10. The applicant has further asserted that he had worked without any interruption, all of sudden the Jt. General Manager, IRCON, Anpara served a 29.05.1998 for dispensing his services on the ground of closure of the project, it was also mentioned in the said notice that preference will be given to the applicant for his reengagement as and when the Company secured some more project in U.P. The applicant has submitted that he had been working since 6.09.1995 as Store Chaser, the project alongwith other projects are still continuing in U.P, number of employees have been regularized who were junior to the applicant, his services could be transferred to other project, company being "State" could not throw out the applicant who had put more than 13 years of the service of the company. The company was having more than 100 workmen employed in the project as such retrenchment could only be done by following procedure laid down under I.D. Act., which has not been followed, the applicant should be treated in continuity in service alongwith all the consequential benefits. He has also stated in the claim statement that the fresh advertisement for appointment has also been issued by the company, therefore the aforesaid notice is unjustified and violative of Article 14,16,21 of Constitution of India. With the above pleadings, the applicant has prayed to set aside the impugned termination notice dated 29.5.1998, and to treat the applicant in continuity service, prayer for all consequential benefits and interest there upon has also been made by the applicant. Certain documents have been annexed alongwith claim statement.

11. The management has filed preliminary objection alongwith annexure as per List M-1-. The workman has submitted reply W-11 to the objection of the opposite party.

12. Vide application M-20 the management has prayed to decide the preliminary objection moved earlier, before adjudicating the claim on merit.

13. Learned AR for the management has stated that the applicant alongwith 13 others had filed Civil Writ Petition No.29614/98 challenging the notice dated 29.05.1998 before Hon'ble High Court, Allahabad, the aforesaid writ petition alongwith other CMWP No.28858/98 and CMWP No. 6634/98 were considered by the Hon'ble High Court and vide order dated 8.5.2000, the petitions were admitted and connected with CMWP No. 32651/93, (Lal Mohammed & others vs IRCON & others). It has further been stated by the management that before Civil Misc. Writ Petition No. 32651 of 1993 (Lal Mohammed & Others Vs. Indian Railway Construction Company Limited & Others) alongwith connected Writ Petitions could be heard and decided by the Hon'ble High Court, Allahabad. The Civil Misc. Writ Petition No. 29614 of 1998 (Amar Kumar Kundu & 13 others vs IRCON Ltd., & Another) came up for consideration before a Division Bench of the Hon'ble High Court, Allahabad on 19.11.2003 and Civil Misc. Writ Petition No. 29614 of 1998 (Amar Kumar Kundu & 13 others Vs IRCON Ltd. & Another) was decided through judgment and order dated 19.11.2003. Within eight days of the Hon'ble Court's judgement and order dt. 19.11.2003 passed in CMWP No. 29614 of 1998 (Amar Kumar Kundu & 13 others Vs IRCON Ltd., & Another), the applicant Sri Kamta Prasad alongwith 13 others preferred an application dated 27.11.2003 alongwith an affidavit dated 27.11.2003 of Sri Abhay Shankar Pathak (applicant) praying therein to recall the judgment and order dated 19.11.2003 specifically pleading on the basis of the order dated 8.5.2000 in paragraph 7 of the affidavit that CMWP No. 29614 of 1998 (Amar Kumar Kundu & 13 others Vs IRCON Ltd., &

Another) has to be decided alongwith CMWP No. 32651 of 1993 (Lal Mohammed & Others vs IRCON Ltd., & others) alongwith connected writ petitions by a full Bench comprising of 3 Hon'ble Judges instead of 02 Hon'ble Judges through Civil Misc. Application No.21507 of 2003 preferred in CMWP No. 29614 of 1998 (Amar Kumar Kundu & 13 others Vs IRCON Ltd., & Another). The CMWP No. 32651 of 1993 (Lal Mohammed & others Vs IRCON Ltd. & Others) alongwith connected writ petition was decided by the Hon'ble Full Bench of Hon'ble High Court, Allahabad through judgment and order dated 21.05.2004 reported in (2004) 5 Allahabad Weekly Cases 3955 and the same was upheld by the Hon'ble Supreme Court through judgement and order dated 11.01.2007 delivered in civil appeal no. 6195-98/2004 (Lal Mohammed & Others Vs IRCON Limited & others) reported in (2007) 2 SCC 513. The perusal of the Hon'ble High Court's order dated 08.05.2000 and the affidavit in support of the application for recall of the order dated 19.11.2003 would conclusively reveal that the claim of the applicant Sri Abhay Shankar Pathak is identical and similar to the claim in CMWP No.32651 of 1993 (Lal Mohammed & others vs IRCON Ltd., & others) and as such the claim statement of the applicant filed before the Hon'ble CGIT-cum-Labour Court, Lucknow is liable to be rejected keeping in view the Hon'ble Supreme Court's judgment and order dated 11.01.2007 in civil appeal No.6195-98/2004 (Lal Mohammed & Others Vs IRCON Ltd., & others) reported in (2007) 2 SCC 513, without further adjudication.

14. It has also been emphasized by the management that the applicant alongwith others, after being aware of the Hon'ble Apex Court judgement dated 11.01.2007 in Civil Appeal No. 6195-98/2004 (Lal Mohammed & Others Vs IRCON Ltd., & others) reported in (2007) 2 SCC page 513, turned around and had intentionally concealed material fact before Hon'ble High Court, Allahabad, and they had stated that the application for recall of the order dated 19.11.2003 in Civil Misc. Appeal No. 215107/2003 was not being pressed, consequently Hon'ble High Court rejected the same through order dated 23.02.2010. Thereafter the claimant moved an application before ALC (C), Allahabad in the background of the order dated 19.11.2003 passed by the Hon'ble High Court, and notice dated 21.10.2008 issued by the ALC (C) Allahabad in reply thereto the management had filed the objection on 19.12.2008. It has been alleged by the opposite party that the applicant had not filed any rejoinder thereto, conciliation failure report dated 27.1.2009 was submitted by ALC (C) Allahabad to the Central Government.

15. It has further been stated by the management that the present claim statement apart from being not maintainable, as already been adjudicated by the Hon'ble Supreme Court through judgment and order dated 11.01.2007 delivered in Civil Appeal No. 6195/2004 (Lal Mohammed & Others Vs IRCON Ltd., & others) reported in (2007) 2 SCC 513; it is also not maintainable on the grounds of delay and latches on the part of the applicant which makes the reference order dated 25.06.2009 bad in the eyes of law being in contravention of legal principles well established by the Hon'ble Supreme Court. In identical matter, answering opposite parties have filed writ petition no. 967 of 2010 (S/S) (M/s IRCON International Limited & others vs Vipin & 2 others) before the Hon'ble High Court Allahabad at Lucknow Bench relating to I.D. Case No.23 of 2009 (Vipin vs MD, IRCON International Limited & others) for quashing the reference order dated 25.06.2009 of said case. Writ petition No.967 of 2010 (S/S) (M/s IRCON International Limited & Others vs Vipin & 2 others) was decided by the Hon'ble High Court, Allahabad at Lucknow through judgment and order dated 23.02.2010 which specifically provides for answering respondents to raise objections of delay and latches before the Hon'ble CGIT-cum-Labour Court, Lucknow which shall be considered and decided by the CGIT, Lucknow, further providing opportunity of hearing to the parties concerned and only thereafter the Hon'ble CGIT-cum-Labour Court, Lucknow shall proceed to deal with the case accordingly. The answering respondents have filed preliminary objections to maintainability of the claim petition before the Hon'ble CGIT-cum-Labour Court, Lucknow in the present case to which no replication has been filed by the applicant till date. The present claim statement is not maintainable keeping in view the Hon'ble Supreme Court judgement and order dated 11.01.2007 in civil Appeal No. 6195-98/2004 (Lal Mohammed & Others Vs. IRCON Ltd., & others) reported in (2007) 2 SCC 513 has already adjudicated; the principles of waiver and estoppel as well as delay and latches. The aforesaid issues have to be decided by the Hon'ble CGIT-cum-Labour Court, Lucknow before proceeding on material.

16. The opposite party has further emphasized that the reference order dated 25.06.2009 (Industrial Dispute in question) has already been adjudicated by the Hon'ble High Court, Allahabad through a judgement dated 11.01.2007 passed by Hon'ble Supreme Court in Civil appeal No. 6195-98/2004 (Lal Mohammed & Others Vs IRCON Ltd., & others) and the applicant had earlier pleaded before Hon'ble High Court, Allahabad that his case was identical and similar to the claim of Lal Mohammed which is quite evident from the perusal of the order dated 8.5.2000. The management has stressed that the reference order dated 25.06.2009 is barred by delay and latches.

17. The opposite party has further asserted that it is a public sector undertaking under the administrative control of Ministry of Railways. The company is engaged in construction business. The company participates in competitive bidding, both national and international for construction of Railways, Roads, Bridges, Tunnels, Airport, etc. Whenever any contract is awarded to the company, it sets up a project establishment in the premises of the client for execution of the project. While executing the projects in Anpara Region, the applicant was locally engaged by the project authorities. On completion of the project, the services of all the workers of the project, including the applicant, were terminated after following due process under the law. It is stated that the applicant was not engaged regularly after following due procedure of recruitment and was engaged only in a project. No regular recruitment can be made without following procedure prescribed under IRCON's Recruitment Rules. The project came to an end and as such the applicant's engagement was liable to be terminated/retrrenched after complying with the provisions of the I.D. Act, 1947 with effect

from 31.06.1998. A demand draft No. 123133 dt. 27.05.1998 amounting to Rs.43035/ towards one month pay lieu of notice, compensation and gratuity was given effect to the applicant vide letter No. IRCON/MNP/CLO/2/98 dated 29.5.1998 but the same was not accepted by the applicant. The provisions of I.D. Act have been complied with.

18. The management has further prayed that the applicant has no claim or right to be engaged in other project as each project is distinct, separate and independent to each other. The opposite party has requested to reject the claim statement.

19. Alongwith affidavit dt. 13.07.2012 the management has filed several annexures including the order and Rulings of Hon'ble High Court & Apex Court.

20. The workman in its reply W-21, has denied the allegations levelled by the opposite party and has admitted the fact that in the writ petition no. 29614/98 he was petitioner. The workman has further stated maintainability of writ petition before Hon'ble High Court, Allahabad. The Hon'ble High Court was pleased to reject preliminary objection, and to admit to issue notice. The workman has requested that the judgment delivered by the Hon'ble High Court in Lal Mohammad is not applicable to the present case, and on the advise of the counsel of the application, restoration application was dismissed as withdrawn on 23.02.2010.

21. The workman has asserted that his case was pending before the Hon'ble High Court, Allahabad so he could not file before any other forum and only because of the delay his claim can not be ignored. Moreover, the opposite parties have again and again, filed writ petitions before Hon'ble High Court but the Hon'ble High Court did not give any relief to the management. The workman has also pleaded in its reply that the Hon'ble High Court was pleased to pass orders. Services of the applicant have been terminated on 29.05.1998.

22. The workman has further asserted that preliminary objections are not admitted and are denied, in reply, it is stated that Lal Mohd., and other were employed for short term for particular project, but the applicant was appointed as regular employee in the company and all privileges were being given to the applicant as regular employee. Lal Mohd. Case is not applicable to the applicant's case. Due to pendency of writ petition before Hon'ble High Court, the delay has been caused hence it is bonafide delay. The Hon'ble Supreme Court has held that in Industrial Dispute, Limitation Act is not applicable.

23. The workman has emphasized that opposite party is a public sector undertaking under the administrative control of Ministry of Railways and it is engaged in construction business and several projects are going on in India and abroad as well, the applicant being regular employee of the company can be easily transferred to any other project in India or other country.

24. Learned AR for the opposite party, while annexing several documents alongwith preliminary objection M-10 & M-20 and the affidavit, have referred to the order dated 23.01.2002 passed by the Hon'ble High Court (photo copy filed), and another order dt. 23.02.2010, order dated 8.05.2000, 19.11.2003, 2004(5) AWC, Lal Mohammad vs IRCON 3955 (2007)3 SCC 513.

25. Further reliance has been placed by learned AR for the opposite party on the following pronouncements as well:

1. (1955) ILLJ, 1158 Hira Sugar Employee Cooperative Vs P.P.Korvekar decided by Hon'ble Karnataka High Court on 15.11.1994.
2. Civil Appeal 2694-2695/2005, M/s Makhija Construction and Engineering Vs Indore Development Authority decided by Hon'ble Supreme Court on 19.04.2005.
3. Civil Appeal 1272/11, State of Orissa Vs Mamta Mohanty alongwith other connected civil appeals decided by Hon'ble Supreme Court on 09.02.2011.

26. Learned AR for the workman during the argument has relied on following pronouncements:

1. 1975 AIR 1900 SC: Cooper Engineering Vs P.P.Munde
2. 1984 AIR 153 SC: D.P.Maheshwari Vs Delhi Administration.
3. 1998(1) AWC 491: Swarup Vegetable Product Vs Labour Court.
4. Civil Misc. Writ Petition No. 9672/2003: IRCON International Ltd., Vs Baikunth Dabey, Hon'ble High Court Allahabad decided on 4.08.2005
5. Civil Appeal No: 5781 of 2007 IRCON International Ltd., vs Baikunth Nath Dubey.
6. 2013, FLR (vol.137) 1020 All: IRCON International Vs Presiding Officer, order dated 11.04.2013..
7. Civil Appeal Defective No. 633 of 2013 IRCON International Vs C.P. Gupta and 15 others.

27. Learned AR for the management has emphasized that under compelling circumstances, due to completion of work and closure of the on going project, claimant's services were terminated w.e.f. 31.05.1998 after following the provision of I.D. Act., A demand draft no.123133 dt. 27.05.1998 amounting to Rs.43035/ towards one month pay lieu of notice, compensation and gratuity was given effect to the applicant but the same was not accepted by the applicant. The effect of

the principle of res judicata/principle of precedent, has been emphasized by the opposite party, with the assertion that the writ petition of the claimant was decided alongwith writ petition of Lal Mohammad and others by Hon'ble High Court, Allahabad therefore, the direction given by the Hon'ble High Court in the case of Lal Mohammad and the applicant stands finally decided vide judgment dated 8.5.2000, and the case of Lal Mohammad was ultimately decided by the Hon'ble Supreme Court holding that the termination of service of Lal Mohammad and 24 others was legal and valid. The management has stressed that further litigation is not permissible under law, the reference made by the Govt. of India, can not be legitimately adjudicated by this Court. Learned AR for the opposite party has further argued that the applicant/claimant has concealed material fact before the Hon'ble High Court as well as before this Court, he has not come with clean hands before this Court, and no relief can be given to him rather the claim statement is not maintainable at all.

28. While refuting the arguments advanced on behalf of the management, learned AR for the workman has argued that the Lal Mohammad case is not applicable to this case; moreover, Hon'ble High Court has not granted relief in any case to the opposite party, neither Hon'ble Supreme Court has refrained the applicant/claimant to seek genuine remedy, permissible under law, before the CGIT/Labour Court.

29. While relying upon the aforesaid pronouncements of Hon'ble High Court and Hon'ble Supreme Court, learned AR for the workman has referred to the order dated 01.09.2011 passed by Hon'ble Supreme Court in Civil Appeal No. 5781/07, IRCON International Vs Baikunth Nath Dubey and others. Hon'ble Supreme Court has dismissed the appeal with the following observations:

“Heard learned counsel for the appearing parties.

On the facts of the case, we are not inclined to exercise our discretion under Article 136 of the Constitution of India. The Appeal is dismissed accordingly.

However, the question of law is kept open.

We further direct that the impugned judgment of the High Court will not act as a precedent.”

30. The management has referred to the order dated 23.02.2010 passed by the Hon'ble High Court, Allahabad, Lucknow bench Lucknow in MS No. 969/10 M/s IRCON International Ltd. Vs Bipin & others wherein objection was raised on behalf of the management that this Tribunal had proceeded to entertain the matter after 10 years which is not permissible. Hon'ble High Court has directed the management to raise this objection before Tribunal and it shall be disposed after providing opportunity of hearing to both the parties.

31. In CMWP 28858/98 Vijay Kumar & others vs IRCON International connected with CMWP 2964, 6634/98, Hon'ble High Court, Allahabad in its order dated 08.05.2001 on page 6 has observed;

“Thus it would be appropriate and in the interest of justice also that the issues raised by the present petitioners be also heard and decided alongwith writ petitions of Lal Mohd., and others and they should not be related to the alternative remedy of raising the industrial dispute before the Industrial Tribunal. The preliminary objection raised by the counsel for the respondents is therefore, rejected.

Admit.

Issue Notice.

Let the papers be placed before Hon'ble the Chief Justice for nominating a Division Bench to hear and decide these three writ petitions alongwith the writ petition of Lal Mohd. And others which is to be heard by the Division Bench in pursuance of the order dated 04.12.1998 passed by Hon'ble Supreme Court in Civil Appeal No.6069-6073 of 1998.”

32. Learned AR for the workman has emphasized that in the light of the order dated 11.04.2013 passed by Hon'ble High Court, Allahabad in writ no. C 19797/13 IRCON International vs PO, CGIT and others, the Labour Court should decide all the points, and it would not be prudent to decide preliminary issue. It is pertinent to mention here that Hon'ble High Court in the order dated 12.04.2013, has referred the following pronouncement of Hon'ble Supreme Court;

1. Cooper Engineering Ltd. Vs P.P. Munde 1975 (2) LLJ 379.
2. S.K.Verma Vs. Mahesh Chandra and Others 1983 LIC 1483.
3. D.P. Maheshwari Vs Delhi Administration and others 1983 LIC 1629.

33. Hon'ble High Court has also followed the view taken by Hon'ble High Court full bench in 1997(77) FLR, M/s Swaroop Vegetables Product Ltd., vs Labour Court page 546.

34. In the matter in issue, it is quite pertinent to refer to the judgment dated 11.01.2007, delivered by the Hon'ble Supreme Court in (2007) 2, SCC Lal Mohammad and others Vs IRCON page 513(with Civil Appeal No. 5685/2006, 6195-98/2004). Hon'ble Supreme Court has observed in para 11;

“So far as the second and third questions are concerned, the crucial question to be decided is whether they were employees of the Project or of the Company. In this connection the finding was given by the Full Bench that they were employees of the Project and not of the Company. Learned counsel for the appellants laid much stress on appointment orders of the appellants that they are employees of the Company and not of the Project. He has also taken us through various appointment orders issued from time to time and some of the samples, are reproduced as under.....”

35. Hon’ble Supreme Court in para 16 of the aforesaid pronouncement has directed what benefit could be given to the petitioners/workmen. In para 19 Hon’ble Supreme Court has directed:

“Therefore, these incumbents have already been given notice and if the compensation has not been determined in terms of Section 25-F then that should be calculated and paid to the workers if not paid so far. They have been directed to collect their dues from the office. If that amount has not been collected by them then it will be open to them to collect same or any shortfall that will be made good by the Company. So far as the termination of the incumbents is concerned after completion of the Project they have no right to continue. They are only entitled to notice and compensation to be determined under Section 25-J. Shortfall of period of notice or compensation will not render termination bad on that count.”

36. The inference drawn by Hon’ble Supreme Court in last para 28 of the judgment is as under:

“Therefore, in the light of discussion made above, we are of the opinion that the view taken by the Full Bench is correct. The petitioners are not entitled to be regularized in their services in the Company and they are not employees of Company. They are only entitled to compensation as indicated above. The above appeals and writ petitions filed by workers are dismissed. No order as to cost.”

37. While deciding the above Civil appeal, following Rulings have been cited before Hon’ble Supreme Court:

1. (2005) 1 SCC 639: 2005 SCC (L&S) 154, Mahendra L.Jain v. Indore Development Authority.
2. (2004) 7 SCC 112: 2004 SCC (L&S) 918 A.Umarani V. Registrar Coop Societies.
3. (2003) 5 SCC 388: 203 SCC (L&S) 690 M.D. U.P. Land Development Corpn. Vs. Amar Singh.
4. (2003) 4 SCC 27: 2003 SCC (L&S) 380, S.M. Nilajkar Vs Telecom District Manager.
5. (1995) 3 SCC 474: 1995 SCC (L&S) 702: (1995) 29 ATC 592 Hindustan Steel Works Construction Ltd. Vs Employees Union.
6. (1999) 1 SCC 596: 1999 SCC (L&S) 335. Lal Mohd. Vs Indian Rly.Construction Co. Ltd.
7. (1990) 3 SCC 682: 1991 SCC (L&S) 71, Punjab Land Development & Reclamation Corpn. Ltd. Vs Presiding Officer, Labour Court.
8. (1978) 2 SCC 213: 1978 SCC (L&S) 215 Bangalore Water Supply & Sewerage Board V. A. Rajajppa.
9. (1973) 3 SCC 564: 1973 SCC (L&S) 195, Hindustan Steel Ltd. Vs. Workmen.
10. AIR 1957 SC (2) hariprasad Shivshanker Shukla Vs AD Divedlkar.

38. Hon’ble Supreme Court’s judgment dated 11.01.2007, has not been referred by Hon’ble Allahabad High Court in its order dated 11.04.2013.

39. After having heard at length, the talented and brilliant arguments advanced by learned ARs of both the parties, it is evident from the perusal of the record, in the light of the aforesaid pronouncements of Hon’ble High Court and Hon’ble Supreme Court, that the observations and principle propounded by Hon’ble Supreme Court in (2007) 2,SCC, Lal Mohammed & others vs IRCON International Ltd., 513, is quite relevant sofar as the facts of the present “Industrial Dispute” is concerned, and the Hon’ble Supreme Court verdict has got a binding effect on the parties concerned. It may be quite pertinent to mention here that the order dated 11.04.2013 passed by Hon’ble High Court, Allahabad in Writ Petition No. 19797/13, IRCON International Ltd. vs P.O. CGIT-cum-Labour Court & others, is also very important but the pronouncement dated 11.01.2007 by Hon’ble Supreme Court in Lal Mohammed case (Supra) has perhaps not been brought to the kind notice of Hon’ble High Court, Allahabad. Moreover, the direction given by Hon’ble Supreme Court in its order dated 01.09.2011 delivered in Civil Appeal No. 1581/07, IRCON International vs Baikunth Nath Dubey and others, is very crucial. While dismissing the appeal filed against the orders of Hon’ble High Court, Hon’ble Supreme Court in the aforesaid order dated 01.09.2011 has specifically mentioned that the impugned judgment of the Hon’ble High Court will not act as a precedent. The pleas taken by the parties before the Hon’ble High Court & Hon’ble Supreme Court, should not be legitimately brushed aside, while thoroughly scanning the judgment of Hon’ble Courts.

40. Sofar as the point raised by learned AR for the management, that the aforesaid reference sent by the Government and the claim statement filed by the applicant, is barred as a consequence of the so called unexplained delay of more than five years is concerned, is not validly and legally tenable, taking into account the peculiar facts and circumstances of this case.

41. Therefore, the reference dated 25.06.2009, sent by the Government of India to CGIT-cum-Labour Court, Lucknow, has to be adjudicated, in the light of the aforesaid pronouncement of Hon'ble Supreme Court. Preliminary objection regarding maintainability of this case, raised by the management are very crucial, and legally as well as factually sound. The claimant Sri Abhay Shankar Pathak is not entitled to any relief. However, the applicant is entitled to the compensation if not received by him so far, as per the mandate given by Hon'ble Supreme Court in para 28 of the above mentioned judgment dated 11.01.2007. The aforesaid Schedule referred by the Government, is adjudicated accordingly.

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2362.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पूर्व रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, लखनऊ के पंचाट संदर्भ संख्या (39/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2015 को प्राप्त हुआ था।

[सं. एल-41011/39/2014-आई आर (बी.-1)]

विनय कुमार, अनुभाग अधिकारी

New Delhi, the 17th December, 2015

S.O. 2362.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. 39/2014**) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of **North Eastern Railway** and their workman, received by the Central Government on 17/12/2015.

[No. L-41011/39/2014- IR(B-I)]

VINAY KUMAR, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL—CUM-LABOUR COURT,

LUCKNOW

PRESENT

RAKESH KUMAR

Presiding Officer

I.D. No. 39/2014

Ref. No. L-41011/39/2014-IR(B-I) dated: 06.05.2014

BETWEEN

Anchal Sangthan Secretary

Rail Sevak Sangh

C/o Shri D.P. Awasthi

49, Tilak Nagar

Lucknow.

(Espousing cause of Sri Naumi Lal)

AND

1. Sr. Divisional Personnel Officer
North Eastern Railway
DRM Office, Ashok Marg
Lucknow.
2. The Chief Medical Superintendent
North Eastern Railway
Gonda (UP)

AWARD

1. By order No. L-41011/39/2014-IR(B-I) dated: 06.05.2014 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Anchal Sangthan Secretary, Rail Sevak Sangh, C/o Shri D.P. Awasthi, 49, Tilak Nagar, Lucknow and Sr. Divisional Personnel Officer, North Eastern Railway, DRM Office, Ashok Marg, Lucknow & the Chief Medical Superintendent, North Eastern Railway, Gonda (UP) for adjudication.

2. The reference under adjudication is:

“क्या पूर्वोत्तर रेल प्रशासन, लखनऊ व गोंडा द्वारा श्री नौमी लाल पुत्र श्री राम अधीन, सफ़ाईवाला को पुरानी पेंशन न देकर नई पेंशन दिया जाना न्यायोचित एवं वैध है? यदि नहीं तो कामगार किस राहत को पाने का हकदार है?”

3. On receipt of the reference order the workman's union was issued registered notice to file his statement of claim complete with relevant documents, list of reliance and witnesses before Tribunal on 17.07.2014 with an advance copy to the opposite party. The Secretary of the workman's union appeared before this Tribunal and requested for a date for filing of statement of claim.

4. On successive dates the management also turned up. Since the case was related to grant of old pension scheme instead of new pension scheme, the parties were advised to settle the dispute amicably through Lok Adalat. Accordingly, the case was taken up at Lok Adalat on 08.05.2015.

5. On 08.05.2015, Shri D.P. Awasthi, Secretary of the workman's union was present whereas the opposite parties were represented by Shri Upendera Kumar Sharma, Chief Welfare Officer.

6. The opposite party filed M-6, letter signed by Sri P.B. Prasad, Senior Divisional Personnel Officer, North Eastern Railway, Lucknow, enclosing circular No. 2012/F(E)III/I(I)/2 dated 29.10.2014 of the Railway Board. The management in letter M-6, referring circular dated 29.10.2014 has stated that the Railway Board, New Delhi vide their circular dated 29.10.2014 has directed to cover the employees who got temporary status prior to 01.01.2004 may be covered under Old Pension Scheme.

7. A copy of the M-6 was furnished to the workman's union. The authorized representative of the workman's union sought time to consult the workman; and accordingly, the case was taken up on 30.09.2015 at Lok Adalat. The Authorized representative of the workman's union, Shri D.P. Awasthi after going through the contents of letter, M-6 and circular dated 29.10.2014 showed willingness to withdraw the present industrial dispute being claim settled; and made an endorsement thereupon as under:

“Since the relief claimed by the Union has been accepted by the opposite parties, further proceeding of this case may kindly be dropped.”

8. In view of the submission/endorsement of the workman's union for dropping of the proceedings, there is no grievance left with the workman's union as the present industrial dispute pertains to non-grant of old pension to the workman by the railway management and the management of the railway has granted the same vide circular 2012/F(E)III/I(I)/2 dated 29.10.2014 of the Railway Board. Resultantly, the industrial dispute stands settled; and no relief is required to be given to the workman concerned. The reference under adjudication is answered accordingly.

9. Award as above.

LUCKNOW.

29th October, 2015.

RAKESH KUMAR, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ.2363.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंदोर के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 67/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17-12-2015 को प्राप्त हुआ था।

[सं. एल-12012/183/98—आई आर (बी.-1)]

विनय कुमार, अनुभाग अधिकारी

New Delhi, the 17th December, 2015

S.O.2363.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 67/99) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court*

Jabalpur, as shown in the Annexure, in the industrial dispute between the management of **State Bank of Indore** and their workman, received by the Central Government on 17/12/2015.

[No. L-12012/183/98- IR(B-I)]

VINAY KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/67/99

Shri Dinesh Bhaskar,
Gram Laghoti, Post Bagholi,
Betul (MP)

....Workman

Versus

General Manager,
State Bank of Indore,
Merged in SBI,
5, Y. N. Road,
Indore

....Management

AWARD

Passed on this 24th day of November 2015

1. As per letter dated 22-1-99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section 10 of I.D. Act, 1947 as per Notification No.L-12012/183/98-IR(B-I). The dispute under reference relates to:

“Whether the action of the management of State Bank of Indore in terminating the services of Shri Dinesh Bhaskar w.e.f. 1-6-96 is legal and justified? If not, to what relief the said workman is entitled?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 7 to 9. Case of Ist party workman is that he was working as labor in establishment of management. He was appointed in the year 1993. His work was satisfactory. He was continuously working till 1-6-96. He completed more than 240 days during each of the year. He is covered as employee under Section 25 B of ID Act. He was not paid retrenchment compensation. Last come first go principle was not followed. His services were terminated without notice. Termination of his service is illegal. On such ground, workman prays for his reinstatement with backwages.

3. 2nd party filed Written Statement at page 45 to 57 opposing claim of the Ist party workman. preliminary issue is raised by 2nd party that workman was not appointed by the Bank as skilled labour. The post of skilled labour is not available in the Bank workman was not given appointment letter. Employer employee relationship between parties are denied. While making reference, Government has not considered latches. The reference is illegal.

4. 2nd party further submits that Section 25-4 and Rule 76 to 78 of ID Central Rules are applicable to workers continuously working more than 240 days in 12 calendar months. Ist party did not work in the 2nd party therefore above provisions are not applicable in the matter. It is reiterated that workman was never appointed. During summer season, the drinking water supplier is required. Bank used to keep 6-7 persons for serving drinking water. The offer was accepted by workman. he was paid amount through petty cash vouchers from suspension account. Taking advantage of petty cash vouchers, workman raised the dispute without any basis. Workman had not completed 240 days continuous service. He is not covered under Section 25 B of ID Act. violation of Section 25-G,H is denied. It is submitted that claim of workman is not legal.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of State Bank of Indore in terminating the services of Shri Dinesh Bhaskar w.e.f. 1-6-96 is legal and justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?”	Workman is not entitled to any relief.

REASONS

6. Point No. 1-1st party is challenging termination of his service for violation of Section 25-F, G, H of ID Act claiming that he was working with 2nd party from 1993 to 1996. He completed 240 days continuous service during each of the year. Workman filed affidavit of his evidence supporting contentions in statement of claim. In para-3 of his affidavit, workman has given details of work he was doing in the Bank. In his cross-examination, workman says he doesnot know the meaning of daily wage employee. He knows the rules of recruitment. The names are sent to the Head office of the Bank following recruitment rules. The staff members are appointed. He passed 8th standard. He not appeared for written test or interview. He had not submitted any application to the office of 2nd party. He was not called by office for recruitment. The workman volunteered that he submitted application in the branch. His name was not included in the list of the regular employees. His name was included in contingency vouchers. Two regular sub staff were working in that branch Sanjay Singh and Narendra Raikwar- one was Daftary and other peon. He was paid Rs. 25/- per day under voucher. The salary of permanent staff was much more than him. That Branch Manager has authority to engage daily wage staff. He was engaged on daily wages. He was not told that he was engaged for few days.

7. Management's witness Laxman Prasad Sahu in his affidavit of evidence denies that workman was continuously working from 1993 to 1996. In para 4 of his affidavit of evidence, management's witness says in Betulganj branch, 1st party was engaged as per requirement. Ne hour morning and one hour evening. He is not eligible for regular appointment. His name was not sponsored through Employment Exchange. Workman was not interviewed. He was intermittently doing the work of serving drinking water. Management's witness in his cross examination says during 23-7-08 to 4-8-08, he was working at Betulganj branch as Assistant Manager. During 1993 to 96, he was not working in said branch. He was not acquainted with the workman. Daily wagers are paid under vouchers. Sometimes wages for two days for a week are paid by voucher. Workman was not working on daily wages. He was paid under voucher. The payment was made in name of different persons. No written record of workman is available in the Bank. He denies acquaintance with Shri Sanjay Singh and Narendra Raikwar, one post of Daftary was sanctioned for Baitulganj branch. Written Statement filed by 2nd party is not signed by him.

8. Workman has not examined any other person, no documents are produced by him. the bare statement of workman cannot establish that the workman was continuously working more than 240 days prior to alleged termination dated 1-6-96.

9. Management filed affidavit of witness Harinarayan supporting contentions of management in Written Statement. That workman was working one hour morning one hour evening for filling drinking water. Workman was engaged intermittently as per requirement. The evidence of said witness remained unchallenged. Workman failed to cross-examine said witness.

10. Documents received under RTI Act produced by workman at Exhibit W-1 shows payment of Rs. 260/- for work of filling water. As per Exhibit W-3, workman was paid Rs. 25/- for filling water. The evidence is not sufficient to establish that the workman completed 240 days continuous service preceding 12 months of his alleged termination. Workman is not entitled to protection of Section 25-F of ID Act. He is not covered as employee under Section 25B of ID Act. Therefore I record my finding in Point No. 1 in Affirmative.

11. In the result, award is passed as under:-

- (1) The action of the management of State Bank of Indore in terminating the services of Shri Dinesh Bhaskar w.e.f. 1-6-96 is legal and proper.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ.2364.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंदोर प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण, जबलपुर के पंचाट (संदर्भ संख्या 199/98) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2015 को प्राप्त हुआ था।

[सं. एल-12012/339/97-आई आर (बी.-1)]

विनय कुमार, अनुभाग अधिकारी

New Delhi, the 17th December, 2015

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. 199/98**) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of **State Bank of Indore** and their workman, received by the Central Government on 17/12/2015.

[No. L-12012/339/97- IR(B-I)]

VINAY KUMAR, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM -LABOUR COURT, JABALPUR**

NO. CGIT/LC/R/199/98

PRESIDING OFFICER: SHRI R.B.PATLE

General Secretary,
Daily Wages Bank Employees Association,
9, Sanwer Road, Ujjain

...Workman/Union

Versus

Managing Director,
State Bank of Indore,
Merged in State Bank of India,
Head Office, 5, Y.N. Road,
Indore

....Management

AWARD

Passed on this 23rd day of November 2015

1. As per letter dated 20-8-98 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D. Act, 1947 as per Notification No. L-12012/339/97-IR(B-I). The dispute under reference relates to:

“ Whether the action of the management of State Bank of Indore in not regularizing Shri Hukumchand Motiram Parmar is justified? If not, to what relief the workman is entitled?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim through General secretary of Daily Wage Bank employees Union at Page 3/1 to 3/3. Case of Ist party workman is that workman Hukum chand was engaged on daily wages by Branch Manager Shri K. K. Khadayate from 14-12-93. He was doing cleaning, sweeping, dusting etc. work. He was performing his duties honestly. The record about his working is available in the Bank. He was working more than 8 hours per day. He was not paid wages of regular peon. He raised dispute before ALC that he completed more than 240 days continuous service, his covered as an employee under Section 25 B of ID Act. He was eligible for appointment as permanent staff. He was denied regularisation. On such contentions, workman prays for regularisation in service.

3. 2nd party filed Written Statement at page 6/1 to 6/5 opposing claim of workman. That statement of claim submitted by Ist party is not duly verified. It cannot be considered as statement of claim. The Union is not competent to raise the dispute. Ist party workman was not member of said Union. Union has not passed any resolution authorizing General Secretary for raising the dispute. Therefore the reference is not legal. That necessary parties are not impleaded. Reference is bad for non-joinder and misjoinder of parties. 2nd party denies that workman was engaged on daily wages from 14-12-93. It is denied that workman was working from 8 to 10 AM. That workman had not completed 240 days continuous service. He is not covered as employee under Section 25 B of ID Act. Workman is not entitled to protection under ID Act. In special pleadings, 2nd party submits that for appointment of Bank staff, selection process as per rule is followed. The Ist party was not appointed following selection process. Appointment letter was not given to him. Workman was engaged on casual basis. He was paid wages for the working days. On such contentions, 2nd party prays for rejection of claim.

4. Workman submitted rejoinder at page 7/1 to 7/4 reiterating his contentions in statement of claim.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of State Bank of Indore in not regularizing Shri Hukumchand Motiram Parmar is justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?”	Workman is not entitled to any relief.

REASONS

6. Point No.1- the terms of reference pertains to denial of regularisation to Ist party workman. He filed affidavit of his evidence. Workman in his affidavit of evidence says he was working continuously from 14-12-93 for cleaning, sweeping work. He was paid bonus Rs. 20 per day. He was working under different Branch Managers. He was paid

bonus Rs. 128.28 for 1993-94, 478.55 Rs. For 1994-95, 747 in 1995-96, 297 in 1996-97 & 807 in 1997-98. He completed more than 240 days continuous service. He was terminated in March 99. In his cross-examination, he admits that he was terminated in March 99 by Bank. He had raised dispute about payment of bonus before ALC. About termination of his services, he raised dispute. Shri Nagwanshi, so called Union Secretary may tell about other case.

7. Management filed affidavit of witness Yogesh Gandhi supporting contentions in Written Statement filed by 2nd party. He denied that workman was continuously working from 14-12-93 to March 99. That workman was engaged for cleaning, sweeping work as per exigency for one hour morning one hour evening. Workman was not appointed following selection process. His name was not sponsored through Employment Exchange. Workman was not interviewed by the Bank. In his cross-examination, management's witness says he filed affidavit of evidence as per record. Document about workman engaged as casual daily wagger are not produced. He claims ignorance about payment of wages to workman. Documents about payment of bonus are admitted by management's witness and marked Exhibit W-2, 3(a,b), W-4 and settlement Exhibit W-5. Workman was not paid retrenchment compensation as he was casually engaged. Documents Exhibit W-1 is letter issued by the Bank not to engage casual employees on daily wages more than 75 days. Exhibit W-2 shows that workman was paid bonus for 1994-95, 95-96. Exhibit W-3 shows workman was paid bonus of Rs. 1354.03. Exhibit W-3(a) shows workman was paid Rs. 2610.83 in 1998. Exhibit W-4 is copy of settlement. As workman himself admits that his services were terminated in March 99, workman is not in service since long back. Claim of workman for regularisation is not tenable. Therefore I record my finding in Point No.1 in Affirmative.

8. Point No. 2- The term of reference pertains to denial of regularisation of workman. Workman was terminated in March 99. Workman in his cross-examination says that he has raised other dispute regarding his termination. As workman is not in service, his claim for regularisation cannot be accepted.

9. Learned counsel for 2nd party Shri Chaturvedi relies on ratio held in case No. 2001-SCC-757. As workman is not in service, his claim for regularisation is not tenable. Ratio held in case needs no detailed discussion.

10. Shri Ram Nagwanshi produced copy of award in Case No. 4/07, 27/04,105/03. As facts and evidence in each case is different, the awards passed in those reference cases cannot be beneficially relied to support claim of workman for regularisation. Considering the evidence, I hold that workman is not entitled to any relief.

11. In the result, award is passed as under:-

- (1) The action of the management of State Bank of Indore in not regularizing Shri Hukumchand Motiram Parmar is proper and legal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2365.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंदोर के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट संदर्भ संख्या (304/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2015 को प्राप्त हुआ था।

[सं. एल-12012/213/99-आई आर (बी.-1)]

विनय कुमार, अनुभाग अधिकारी

New Delhi, the 17th December, 2015

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. 304/99**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur*, as shown in the Annexure, in the industrial dispute between the management of State Bank of Indore and their workman, received by the Central Government on 17/12/2015.

[No. L-12012/213/99- IR(B-I)]

VINAY KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR

NO. CGIT/LC/R/304/99

General Secretary,
Daily Wages Bank Employees Association,
Hardev Niwas, 9,
Sanwer Road, Ujjain

....Workman/Union

Versus

General Manager (Operations),
State Bank of Indore, Head Office,
5, Yeshwant Niwas road,
Indore.

...Management

AWARD

Passed on this 23rd day of November, 2015

1. As per letter dated 28-29/9/99 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12012/213/99/IR(B-I). The dispute under reference relates to:

“Whether the action of the management of State Bank of Indore in terminating the services of Shri Dinesh Chandra Dabi w.e.f. 31-12-96 is justified? If not, to what relief the workman is entitled for?”

2. After receiving reference, notices were issued to the parties. Ist party submitted statement of claim at Page 3/1 to 3/5. Case of workman is that he was engaged on daily wages Rs. 25/- from 1-3-93 by Branch Manager in Kannod Branch, Distt. Dewas. He worked with devotion. His wages were increased from Rs.25/- to Rs. 35/-. Branch Manager was paying wages in name of imaginary persons drawing bogus bills. He completed more than 240 days continuous service during each of the year. His services were terminated without notice from August 1998. He was not paid retrenchment compensation. He claims to be covered as employee under Section 25 B of ID Act. his services are terminated without notice, not paying retrenchment compensation in violation of Section 25-F of ID Act. the policy of last come first go was not followed. Thereby 2nd party violated Section 25 G.N of ID Act. After termination of his service, other persons were engaged on daily wages. Workman was not given opportunity of re-employment filing Section 25 H of ID Act. On such ground, workman prays for reinstatement with backwages.

3. 2nd party management filed Written Statement opposing claim of workman. 2nd party submits that it is established under State Bank of Indore Subsidiary Banks Act, 1959 which is Banking company. 2nd party carry banking business in different cities and branches. As per circulars issued by RBI and State Bank of India Sub-Staff appointment of sub-staff is made as per rules and regulations. Branch Manager is not competent to appoint sub staff Security Guard, messengers. Claim of workman is getting backdoor entry in employment of the Bank. For cleaning, sweeping work, the Bank is opened 1 ½ hours before working hours. Workman was engaged for cleaning, sweeping work 1-2 hours in a day as regular staff is not doing cleaning, sweeping work of toilets etc. Ist party was engaged intermittently engaged between 1-3-93 to 31-12-96. He was not worked as peon. He was engaged for sweeping, cleaning work 1-2 hours in a day. Ist party is not covered as workman under Section 2(s) of ID Act. Appointment letter was not issued to workman. Mere completion of 240 days continuous service doesnot confer him for regularization. 2nd party referred to ratio held in various cases and prays that claim of workman is not justified.

4. Ist party filed rejoinder reiterating his contentions in statement of claim.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of State Bank of Indore in terminating the services of Shri Dinesh Chandra Dabi w.e.f. 31-12-96 is justified?	In Affirmative
(ii) If not, what relief the workman is entitled to?”	Workman is not entitled to any relief.

REASONS

6. Ist party workman is challenging termination of his service for violation of Section 25-F, G, N of ID Act. Violation of Section 25 H of ID Act is also alleged. Claim of Ist party workman is denied by management.

7. Workman filed affidavit of his evidence. Workman says he was engaged on daily wages as peon from 1-3-96. He worked more than 240 days. His services were terminated orally. He was not served with notice. Retrenchment compensation was not paid to him. In his cross-examination, workman says appointment letter was not issued to him. He admits that employees appointed on regular basis is given appointment letter. That for regular appointment, post used to be advertised. The names are sponsored through Employment Exchange. He denies that Branch Manager has no authority to make appointments. He admits that Branch Manager has power of appointment for regular work. He also admits that when regular employee was on leave, he was engaged for 1-2 hours. Workman again contented that he was working for whole day. He denies that he was doing work of sweeping, cleaning etc. he was not knowing Shri Govind Nayak.

8. Workman produced documents Exhibit W-1 issued by Assistant General Manager pertains to use of Hindi language. W-2 is copy of letter dated 13-7-93. The pleadings and evidence of workman is that he was engaged on daily wages in 1993 after the cut out date. Those documents donot support claim of workman. Those documents are not disclosing working days of Ist party. Certificate Exhibit W-4 is admitted by management's witness. Said document also not show working days of Ist party.

9. Evidence of management's witness Sunil Guha is on the point that workman was engaged on daily wages for cleaning, sweeping work for 1 or 1 ½ hours. Workman was not continuously working from 1-3-93 to 31-12-96. Management's witness in his cross-examination says Ist party workman was intermittently called for work during his period. Any selection process was not followed before engaging him on work. Permission of Controlling Authority was not obtained. Ist part was not given appointment letter. Attendance Register of workman was not maintained. He claims ignorance about the mode of payment of workman. He was working as clerk when workman was engaged during this period. Presently cleaning work is carried through contractor. He claims ignorance how many labours are released by contractor for cleaning work. The evidence and documents produced by workman not establish continuous working more than 240 days during any of the year therefore workman is not entitled to benefit of Section 25-F of ID Act. For above reasons, I record my finding in Point No.1 in Affirmative.

10. Point no.2- In view of my finding in Point No.1, workman has not completed 240 days continuous service. Workman is not entitled to protection of Section 25-F of ID Act. Shri Praveen Chaturvedi counsel for management relies on ratio held in case of BSNL versus Mansingh reported in 2012(132)FLR 500 pertains to Section 25-F needs no detailed discussion. Workman is not entitled to any relief. Accordingly I record my finding in Point No.2.

11. In the result, award is passed as under:-

- (1) The action of the management of State Bank of Indore in terminating the services of Shri Dinesh Chandra Dabi w.e.f. 31-12-96 is proper and legal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2366.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पूर्व रेलवे के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण लखनऊ के पंचाट (संदर्भ संख्या **67/2014**) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2015 प्राप्त हुआ था।

[सं. एल-41011/88/2014—आई आर (बी.-1)]

विनय कुमार, अनुभाग अधिकारी

New Delhi, the 17th December, 2015

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.67/2014**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow*, as shown in the Annexure, in the industrial dispute between the management of North Eastern Railway and their workman, received by the Central Government on 17/12/2015.

[No. L-41011/88/2014- IR(B-I)]

VINAY KUMAR, Section Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL -CUM- LABOUR COURT, LUCKNOW

PRESENT

RAKESH KUMAR
PRESIDING OFFICER

I.D. No. 67/2014

Ref. No. L-41011/88/2014-IR(B-I) dated: 18.11.2014

BETWEEN

Anchal Sangthan Secretary
Rail Sevak Sangh
C/o Shri D. P. Awasthi
49, Tilak Nagar
Lucknow
(Espousing cause of Sri Sridhar)

AND

1. Sr. Divisional Personnel Officer
North Eastern Railway
DRM Office, Ashok Marg
Lucknow
2. The Chief Medical Superintendent
North Eastern Railway
Gonda (UP)

AWARD

1. By order No. L-41011/88/2014-IR(B-I) dated: 18.11.2014 the Central Government in the Ministry of Labour, New Delhi in exercise of powers conferred by clause (d) of sub section (1) and sub section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947) referred this industrial dispute between Anchal Sangthan Secretary, Rail Sevak Sangh, C/o Shri D.P. Awasthi, 49, Tilak Nagar, Lucknow and Sr. Divisional Personnel Officer, North Eastern Railway, DRM Office, Ashok Marg, Lucknow & the Chief Medical Superintendent, North Eastern Railway, Gonda (UP) for adjudication.

2. The reference under adjudication is:

“क्या पूर्वोत्तर रेल प्रशासन, लखनऊ व गोंडा द्वारा श्रीधर पुत्र श्री राम बिहारी, शंटमैन, गोंडा को पुरानी पेंशन न देकर नई पेंशन दिया जाना न्यायोचित एवं वैध है? यदि नहीं तो कामगार किस राहत को पाने का हकदार है?”

3. On receipt of the reference order the workman's union was issued registered notice to file his statement of claim complete with relevant documents, list of reliance and witnesses before Tribunal on 20.10.2015 with an advance copy to the opposite party. The Secretary of the workman's union appeared before this Tribunal and requested for a date for filing of statement of claim.

4. On successive dates the management also turned up. Since the case was related to grant of old pension scheme instead of new pension scheme, the parties were advised to settle the dispute amicably through Lok Adalat. Accordingly, the case was taken up at Lok Adalat on 19.06.2015.

5. On 19.06.2015, the opposite party filed M-4, letter signed by Sri P.B. Prasad, Senior Divisional Personnel Officer, North Eastern Railway, Lucknow, enclosing circular No. 2012/F(E)III/I(I)/2 dated 29.10.2014 of the Railway Board. The management in letter M-4, referring circular dated 29.10.2014 has stated that the Railway Board, New Delhi vide their circular dated 29.10.2014 has directed to cover the employees who got temporary status prior to 01.01.2004 may be covered under Old Pension Scheme.

7. A copy of the M-4 was furnished to the workman's union. The authorized representative of the workman's union sought time to consult the workman; and accordingly, the case was taken up on 30.09.2015 at Lok Adalat. The Authorized representative of the workman's union, Shri D.P. Awasthi after going through the contents of letter, M-4 and circular dated 29.10.2014 showed willingness to withdraw the present industrial dispute being claim settled; and made an endorsement thereupon as under:

“Since the relief claimed by the Union has been accepted by the opposite parties, further proceeding may kindly be closed.”

8. In view of the submission/endorsement of the workman's union for dropping of the proceedings, there is no grievance left with the workman's union as the present industrial dispute pertains to non-grant of old pension to the workman by the railway management and the management of the railway has granted the same vide circular 2012/F(E)III/I(I)/2 dated 29.10.2014 of the Railway Board. Resultantly, the industrial dispute stands settled; and no relief is required to be given to the workman concerned. The reference under adjudication is answered accordingly.

9. Award as above.

LUCKNOW.

RAKESH KUMAR, Presiding Officer

29th October, 2015.

नई दिल्ली, 17 दिसम्बर, 2015

का.आ.2367.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम मध्य रेलवे के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या **49/2001**) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2015 प्राप्त हुआ था।

[सं. एल-41012/238/2000—आई आर (बी.-1)]

विनय कुमार, अनुभाग अधिकारी

New Delhi, the 17th December, 2015

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. 49/2001**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court*

Jabalpur as shown in the Annexure, in the industrial dispute between the management of Western Central Railway and their workman, received by the Central Government on 17/12/2015.

[No. L-41012/238/2000-IR(B-I)]

VINAY KUMAR, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR
NO. CGIT/LC/R/49/2001

Smt. Anita Abraham,
D-149, Station Road,
Jabalpur (MP)

....Workman

Versus

Assistant Divisional Engineer (Chief),
Western Central Railway,
Jabalpur (MP)

....Management

AWARD

Passed on this 27th day of November 2015

1. As per letter dated 15-2-2001 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-41012/238/2000/IR(B-I). The dispute under reference relates to:

“Whether the action of the management of Assistant Divisional Engineer (Hqr.) Central Railway, Jabalpur in terminating the services of Smt. Anita Abraham, Ex-Khalasi w.e.f. 3-8-93 is legal and justified? If not, to what relief the workman is entitled?”

2. After receiving reference, notices were issued to the parties. Workman submitted statement of claim at Page 6/2 to 6/5. Case of Ist party is that her father Israil Ibrahim was working as peon in office of Divisional Railway Manager, Jabalpur died on 26-1-85. After death of her father, her mother Santhai Bai submitted application on compassionate ground to the applicant her daughter on 5-2-86. Request of her mother was considered by administration of 2nd party. She was subjected to Written Test and interview on 26-5-86 and 29-6-86 in pursuance of letter dated 14-5-86. Workman was found suitable for appointment in Group D Category. Her name was registered for appointment in Group D post as per letter dated 12-9-86. As per letter dated 5-3-92, she was offered Grade D post on compassionate ground. That she passed requisite medical examination in Medical Category C-I. She was appointed as Khalasi in Grade 750-940 vide order dated 26-3-92. She joined her duty on same day.

3. While workman was working as Khalasi at Jabalpur, show cause notice was issued to her on 29-4-93 alleging that she had declared herself unmarried for securing job on compassionate ground in Group D Category. On 26th March her explanation was called about the matter that she submitted reply to showcause notice on 10-5-93. She had enclosed copy of marriage certificate issued by Church of Masih Prarthana Grah, Jabalpur alongwith her reply. That AEN (Hqr.) Jabalpur passing order of dismissal from service of workman did not accept marriage certificate given by her. She was not issued charge memorandum under Rule 9 of RS(D&A) Rules 1969. No enquiry was held, she was not given fair and reasonable opportunity before passing order of dismissal. That she was regular employee for 1 year and 4 months. In order of her dismissal, the rules were not mentioned conferring power for dismissal of authority. Which provisions were violated by workman were not mentioned in the order of dismissal. That Railway rules donot specifically refer to marital status of female Government Servant. The marriage is not prefixed by the word female. Ist party reiterates that before order of her dismissal, she was not given reasonable opportunity of hearing. 2nd party has violated Article 311 of the Constitution. That she had preferred appeal under Rule 18,19 of Railway Servant Discipline Appeal Rules 1968. She had also preferred reservation appeal to the Divisional Railway Manager Jabalpur. She preferred mercy appeal to General Manager Central Railway, Mumbai. That she was given job in Railway on compassionate ground on account of death of her father on application submitted by her widow mother as per procedure in vogue. On such ground, workman prays for her reinstatement with consequential benefits.

4. 2nd party filed Written Statement opposing claim of workman. 2nd party did not dispute that her father was working in the Railway died prematurely on 23-10-95. On application submitted by her mother, she was appointed on compassionate ground on 26-3-92 as Khalasi in Grade 750-940. 2nd party did not dispute showcause notice issued to workman on 29-4-93. The reply given by him to the workman. 2nd party reiterates the complaint was submitted by brother of Ist party. She secured employment on compassionate ground fraudulently. Ist party was married. She had claimed to be unmarried. Ist party workman submitted copy of marriage certificate along with reply to showcause notice. After receiving complaint from her brother of Ist party Moise Abraham, the matter was enquired and it was found that she was married to one Shankar Singh Morkar. Said Shankar Singh Morkar was working as parcel porter in documents submitted by workman and other benefits, workman was shown as his wife, daughter Nisha- 8 years, Minu- 4 years. Workman was admitted in Railway Hospital, she was provided the special diet charges. Amount of Rs. 120/- was recovered from salary of Shri Shankar w.r.t. special diet. In PF Nomination of Shankar Singh had shown name of ist party workman as his wife. It is reiterated that workman was given opportunity of hearing before passing order of her

dismissal. Violation of Article 311(2) is denied. 2nd party submits that Ist party workman secured employment of compassionate ground practicing fraud about her marital status. Workman is not entitled to any relief.

5. Workman submitted rejoinder at Page 13/1 to 13/5 reiterating his contentions in statement of claim.

6. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:-

(i) Whether the action of the management of Assistant Divisional Engineer (Hqr.) Central Railway, Jabalpur in terminating the services of Smt. Anita Abraham , Ex-Khalasi w.e.f. 3-8-93 is legal and justified?	In Negative
(ii) If not, what relief the workman is entitled to?"	As per final order.

REASONS

7. Workman is challenging termination of her services without issuing chargesheet or conducting enquiry. Claim of workman is opposed by management. Workman filed affidavit of her evidence supporting her contentions in statement of claim that her father died on 26-1-85, she submitted application for appointment on compassionate ground on 5-2-86. Her claim was accepted by 2nd party management as per letter dated 14-5-86. She received letter dated 5-3-92, offer of appointment. She accepted the offer on 26-3-92 and joined duty as Khalasi on same day. She had married one Shankar Singh on 18-7-92 in Church. She was working with 2nd party for 1 year 4 months. She acquired status of temporary employee. Her services were terminated without enquiry. In her cross-examination, workman says in 1992, she joined duty. She did not recollect date of joining duty. After death of her father, her claim for appointment on compassionate ground was accepted. She was unable to tell the date. Office obtained some documents from her. Attestation form was filed by her. She studied 11th standard. She was given compassionate appointment on say of her brother. Her brother Moise Abraham was not aggrieved by her appointment her further cross-examination is devoted about her marriage with Shankar Singh. He had adopted Christianity. Marriage certificate was attached alongwith reply to showcause notice. Her evidence in cross-examination shows she was blessed with 4 children explaining that she was blessed with 4 daughters and one son. Ist daughter was born in 1990. She was studying in 9th standard in MLB School. Again explained that younger daughter was born in 1989 and studying in 10th standard in MLB. 2nd daughter born in 1992. When she got the service, she had submitted in writing that she was not married. If her evidence is carefully appreciated, it is clear that she was blessed with elder daughter in 1989 whereas she claim marriage in 1992. Before her marriage with Shankar singh workman was blessed with daughter. It appears that she was blessed with daughter prior to her marriage with Shankar singh.

8. The evidence of management's witness Shri A.K.Jain is on the point that workman was appointed as Khalasi on compassionate ground after death of her father. She was appointed under CIOW Jabalpur from 26-3-92. At the time of her appointment, workman had declared as unmarried. Her brother Moise Abraham complained that workman was married at the time of her appointment. Said fact was concealed by the workman. Showcause notice was issued to her on 29-4-92. After enquiry, it was found that workman submitted concealed information about her marriage. Secondly she was dismissed from her service after issuing showcause notice. From evidence of management's witness, documents Exhibit M-1 to M-3 are admitted in evidence. In his cross-examination, management's witness says workman was not working under him. He was not posted at Jabalpur during 1991 to 1993 in Way Inspector Office. Shri Shankar Singh did not work under him. He is not presently acquainted with him. He could not identify signature of shri Shankar Singh That Shri Shankar singh married in 1988. He had not seen marriage certificate earlier. Smt. Anita workman was regular employee. Before termination of her service, Railway disciplinary Appeal Rules 1968 was followed. Chrgesheet was not issued to her before termination of her service. Showcause notice was issued. Enquiry was conducted against workman and related documents are produced. Management's witness was unable to tell who was management's representative in the enquiry. He did not see documents in that regard. He was unable to tell who were witnesses in the enquiry proceedings. Workman was terminated on ground that she had given wrong information in Attestation form.

9. Turning to documentary evidence Exhibit W-1 is application submitted by Smt. Shanti bai mother of workman for compassionate appointment on her daughter Anita dated 5-2-86. Exhibit W-2 is letter calling workman for written test on 26-5-86. W-3 is letter dated 12-9-86 informing workman that she was registered for compassionate appointment as Class IV category. Her number was 346(A). thus claim of workman for compassionate appointment was accepted on 12-9-86. Exhibit W-4 is letter dated 5-3-92. The Ist party was called in the office alongwith educational documents and pass port size photo for her appointment. Exhibit W-5 is appointment letter dated 26-3-92. W-6 is showcause notice issued to workman dated 29-4-93. Exhibit W-7 is reply filed by workman. W-8 is order of her dismissal dated 3-8-93. W-9 is copy of the maternity leave to unmarried female Railway Servants Exhibit W-10 is representation submitted by workman on 5-2-94. Exhibit W-11 is copy of rules for compassionate appointments. Said rule III provides compassionate appointment to near relatives, (ii) provides for compassionate appointment to the son or daughter of the employee or ex employee is minor one and the widow cannot take up employment. Said clause doesnot refer to married

daughter or unmarried daughter. Only daughter is included for compassionate appointment. Documents Exhibit M-1, M-2, M-3, M-4(a), (b) produced by the management pertains to the nomination of the year 1991 for PF by Shri Shanker Singh, Anita his wife i.e. workman. In Exhibit M-3, the form for Railway Pass name of Ist party and her daughters are shown. In M-4 name of workman Anita is shown unmarried in service register. In M-4(a) name of workman is shown in service book. Attestation form M-4(b) name of Ist party workman is shown as Anita Abraham below Col-12, her status is shown unmarried. In Column 3 of form, Ist party has not shown name of her husband rather in col.2, she shown name of her deceased father. Said declaration form was submitted on 26-3-92 when workman joined duty.

10. As discussed above in rules for compassionate appointment Exhibit M-11, daughter doesnot refer to married or unmarried for compassionate appointment. Workman was already registered for appointment on compassionate ground as per Exhibit W-3 on 12-9-86. She was appointed on 26-3-92 after about more than 5 years. When the rules for appointment on compassionate ground donot restrict married daughters, the attestation form submitted by workman at the time of joining service not showing her marital status and name of her husband would be of no consequence as there is no restriction of appointment on compassionate ground of married daughters.

11. 2nd party though contends that enquiry was conducted against workman, management's witness in his cross-examination was unable to tell who was management's representative, names of witnesses examined in enquiry proceedings. Learned counsel for 2nd party Shri A.K.shashi was fair in submitting that DE was not conducted against workman. However it was emphasized that workman has admitted her marriage in reply to showcause notice, management has right to prove misconduct. The evidence is already on record that workman had suppressed information about her marital status. In view of the rules for appointment on compassionate ground, there is no restriction on appointment of married daughter on compassionate ground. Any misconduct cannot be made out against the workman. Besides above, management witness has admitted that workman was regular employee. Railway Discipline Appeal rules 1968 were followed. That enquiry is not conducted before dismissal of service of Ist party, dismissal of workman is in violation of rule9 of Railway Servant discipline Appeal Rules 1968. Verbatim of Rule 9(1) is produced for convenience-

“ No order imposing any of the penalties specified in Clauses v to ix of Rule 6 shall be made except after an inquiry held as far as may be in the manner provided in this rule and Rule 10 or in the manner provided in Public servants Act 1850 where such inquiry he held under that Act.

It is also violative of Article 311 of the constitution. The punishment of dismissal therefore could not be sustained. On the point shri A.K.Shashi relies on ratio held in

Case between Kendriya vidyalaya Sangathan and others versus Ram

Ratan Yadav reported in 2003(3)SCC-437. In above cited case, their Lordship held suppression of material information relating to character and antecedents considered a major offence.

The facts of above cited case are not comparable as appointee in above cited case was convicted in criminal court. Said fact was suppressed by him in Attestation Form. In present case, the Ist party workman not disclosed her marital status as per rules for appointment on compassionate ground, the married daughter is not prohibited. The concealment of marital status by workman is not of any consequence when she was already selected in 1986 and appointed in 1992. For above reasons, I record my finding in Point No.1 in Negative.

12. Point No.2- In view of my finding in Point No.1 punishment of dismissal imposed against workman is illegal for violation of Rule 9(1) and Article 311 of the constitution, the question remains for consideration whether workman is entitled for reinstatement with backwages. Workman in her affidavit of evidence says since time of her termination, she is not in gainful employment as per evidence, she has 4 children from marriage with shri Shankar singh. She must be busy with the domestic work. Ist party workman could hardly find time for any other gainful employment. Considering above aspects, reinstatement with 50 % backwages to workman would be appropriate. Accordingly I record my finding in Point No.2.

13. In the result, award is passed as under:-

- (1) The action of the management of Assistant Divisional Engineer (Hqr.) Central Railway, Jabalpur in terminating the services of Smt. Anita Abraham , Ex-Khalasi w.e.f. 3-8-93 is not proper and legal.
- (2) 2nd party is directed to reinstate workman with continuity in service and 50 % backwages.

Amount as per above order shall be paid to workman within 30 days from the date of notification of award. In case of default, amount shall carry 9 % interest per annum from the date of award till its realization.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ.2368.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ राजस्थान लिं, (आई सी आई सी आई बैंक में विलय) प्रबंधन के संबद्ध नियोजको और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या **112/07**) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17/12/2015 प्राप्त हुआ था।

[सं. एल-12011/30/07-आई आर (बी.-1)]

विनय कुमार, अनुभाग अधिकारी

New Delhi, the 17th December, 2015

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. 112/07**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Bank of Rajasthan Ltd. (Merged in ICICI Bank) and their workman, received by the Central Government on 17/12/2015.

[No. L-12011/30/07- IR(B-I)]

VINAY KUMAR, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, JABALPUR**

NO. CGIT/LC/R/112/07

General Secretary,

Dainik Vetan Bhogi Bank Karmachari Sangathan,

F-1, Tripti Vihar, Opp Engineering college,

MP

...Workman

Versus

Assistant General Manager,

Bank of Rajasthan Ltd.,

Merged in ICICI Bank

Regional Office, 22, Y.N.Road,

Indore

....Management

AWARDPassed on this 23rd day of November 2015

1. As per letter dated 14-11-07 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section -10 of I.D.Act, 1947 as per Notification No.L-12011/30/07-IR(B-I).The dispute under reference relates to:

“Whether the action of the Assistant General Manager, Bank of Rajasthan Ltd., Regional Office, Indore in not providing appointment to Shri Sunil Kumar Badgujar whose name was empanelled at Sl.No.2 against SC Category in the list of selected candidates of Subordinates Staff is justified? If not, what relief the workman is entitled to get?”

2. After receiving reference, notices were issued to the parties. Ist party submitted statement of claim at Page 3/1 to 3/6. Case of Ist party is that workman Sunil Kumar Badgujar belongs to Khatique caste in SC category. He was working as peon in 2nd party Bank in market branch. Circular dated 23-9-98 was issued as per settlement dated 3-4-81, 10-3-87. The applications were invited for filling vacant post of peon in the Bank. The educational qualification required was 8th standard, age between 18 to 30 years. The candidates should have worked for 180 days as part time employee or 80 days full time employee. That he worked for 110 days as full time employee, submitted application on 17-10-98. Interview were held between 15-4-99 to 17-4-99. Selected list of 17 candidates of General Secretary, 3 SC and 1 ST were filled. Workman was included at sl.No.2 of SC Category. Vide letter dated 16-8-99, workman was informed about his position in select list. Option of workman was called for appointment in State of Rajasthan within 15 days. Workman was not appointed as per the select list. When he approached Regional Office, Indore, he was told by Shri Mangal Singh Personal Officer that his option for appointment in State of Rajasthan is not required. Therefore workman did not give his option. Workman further submits despite of his selection for peon, no appointment letter was issued to him. That Arun Mourya, Dilip, Sunita Parmar, Devendra and Bhupendra were engaged against vacant post of peon through security persons. On such ground, workman prays his claim for appointment in reserved category of SC be allowed.

3. 2nd party filed Written Statement opposing claim of workman. 2nd party raised objection that Shri R.Nagwanshi so called General Secretary of Union is not competent to raise the dispute. He was dismissed from service after enquiry. Shri R.Nagwanshi is carrying legal profession under guise of Trade Union. The reference is not tenable. Workman was informed by letter dated 16-5-99 that post of sub staff were not vacant in MP. His option for appointment in other state was called within 15 days. The select list as per interview in April 99 automatically lapsed after 3 years. It is not possible to issue appointment order to the workman. Reference deserves to be rejected as Union is not competent to raise the

dispute. It is reiterated that as per letter dated 16-8-99 for filling vacant post at Pratapgarh, Udaipur, the option of workman was called within 15 days. The option was not given by workman. Select list of 17 candidates of General Category and 3 candidates of SC and 1 ST category was prepared. As workman failed to submit his option for appointment in other State, no appointment order could be issued to him. The matter of Umesh Yadav is not similar. He was not appointed on the basis of select panel. On all such ground, 2nd party prays for rejection of claim.

4. Workman filed rejoinder reiterating his contentions in statement of claim.

5. Considering pleadings on record, the points which arise for my consideration and determination are as under. My findings are recorded against each of them for the reasons as below:

(i) Whether the action of the Assistant General Manager, Bank of Rajasthan Ltd., Regional Office, Indore (merged in ICICI Bank) in not providing appointment to Shri Sunil Kumar Badgujar whose name was empanelled at Sl.No.2 against SC Category in the list of selected candidates of Subordinates Staff is justified?	In Negative
(ii) If not, what relief the workman is entitled to?"	As per final order.

REASONS

6. Term of reference pertains to denial of appointment to workman as per select list of SC category. Workman filed affidavit of his evidence supporting his contentions in Written Statement. That he was called for interview for the post of peon/ farrash in 15-4-99. After his interview on 17-4-99, his name was included in select list at Sl.No.2 of SC Category. As per letter dated 16-8-99, his option was called for appointment in State of Rajasthan that he approached Regional office at Indore, he was told that the post of peon at Indore would fall vacant within 1-2 months. He would be posted after 1-2 months. That Umesh Yadav, candidate at sl.No. 8 of General Category was sent letter dated 16-8-99. He had not given option as per said letter. However he was appointed as peon settling compromise on 15-12-05. Ist party workman in his cross-examination says he was called for interview on March 99. His name was included in select list. He denies that any post of sub staff was not vacant on 15-8-99. He denies that his option was called for appointment in other State. He knows that Bank of Rajasthan is merged in ICICI Bank. He denies that select list lapsed after two years.

7. Document Exhibit W-1 is notice dated 23-9-98 calling applications of the candidates eligible. Exhibit W-2 is interview call. Exhibit W-3 is select list name of workman is at Sl.No.2 of SC category. W-4 is letter dated 16-8-99 calling option of workman for appointment in State of Rajasthan within 15 days. If option not submitted accordingly, his claim would lapse. W-5 is copy of settlement dated 7-9-99 before ALC, Bhopal. By said settlement, Amrit Lal, Jathara peon cum farrash was appointed as fresh appointee. Exhibit W-6,7 is settlement dated 22-3-02 before ALC, Bhopal. Manish Srivastava and Umesh Yadav were appointed as fresh appointees.

8. 2nd party filed affidavit of evidence of Shri Satish Chandra Gupta supporting contentions of the management of 2nd party. Management's witness says select list prepared after interview lapsed after 3 years. That Ist party workman was working as part time peon in Central Bank of India. On 15-8-99 any post of sub staff was not vacant in any branch of the Bank in MP. The sub staff are appointed following selection process. In her cross-examination, management's witness says she was not posted in Regional office, Indore in 1998-99. Bipartite settlement dated 30-9-98 is not produced. The select list prepared after interview of workman is not produced. She claims whether select list lapse after period of 3 years was informed to workman. She claims ignorance about Manish Srivastava, Umesh Yadav, Bhupendra Pawar were included in the select list. Presently cleaning, sweeping work in the Bank is carried through contractor. The management's witness was unable to tell how many candidates from select list are given appointment. She was not able to tell whether Laxmi, Hariom etc. were resident of the State of Rajasthan.

9. The evidence on record discussed above shows that workman was selected after interview at Sl.No.2 of the select list. He was not given appointment. Select list is not produced. Management's witness is unable to say how many candidates from select list were given posting. Option of workman was called for appointment in Rajasthan as per order dated 16-8-99. The name of workman is at Sl.No.2 of SC category in Exhibit W-3. He was not given appointment by 2nd party despite he was selected after interview. The denial of appointment to the workman after his selection is not justified. Therefore I record my finding in Point No.1 in Negative.

10. Point No.2- In view of my finding in Point No.1 even after workman was selected, he was not given appointment as sub staff in the Bank. Rajasthan Bank has merged in ICICI Bank is not disputed. Therefore ICICI Bank is bound to follow the obligations of Bank of Rajasthan Ltd. which is merged in it. The evidence of workman is silent about his non-employment. Considering said aspect, backwages claimed by workman is not justified. 2nd party however deserves to be directed to provide appointment as sub staff as per select list of Sub staff prepared after interview between 16-4-99 to 17-4-99. Accordingly I record my finding in Point No.2.

11. In the result, award is passed as under:-

(1) The action of the management is not proper and legal.

- (2) 2nd party is directed to provide appointment to workman as sub staff as per select list Exhibit W-3 of Sub staff prepared after interview between 16-4-99 to 17-4-99 within 30 days of the publication of award. No order as to costs.

R. B. PATLE, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2369.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **सिंडिकेट बैंक** के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, **दिल्ली. 2** के पंचाट (**संदर्भ सं. 76/2000**) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.12.2015 को प्राप्त हुआ था।

[सं. एल-12011/70/2000-आई आर (बी.-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th December, 2015

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. 76/2000**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No 2, Delhi* as shown in the Annexure, in the industrial dispute between the management of Syndicate Bank and their workman, received by the Central Government on 17/12/2015.

[No. L-12011/70/2000-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM- LABOUR COURT - II, ROOM NO. 33,DELHI

Present:- Shri Harbansh Kumar Saxena

ID.No. 76/2000

The State Secretary,

Syndicate Bank Employees Union,

C/o Syndicate Bank,

Faridabad.

...Workman.

Versus

Syndicate Bank,

The Asst. General Manager,

Syndicate Bank,

6-Bhagwan Dass Road , Sarojini House,

New Delhi.

...Management.

AWARD

The Central Government in the Ministry of Labour vide notification No. L-12011/70/2000-(IR(B-II)) dated 10.07.2000 referred the following Industrial Dispute to this Tribunal for adjudication :-

“Whether the action of the management of Syndicate bank in dismissing the service of Sh. Fateh Singh, Attender vide order dated 7.4.1998 is just and legal? If not, what relief the workman is entitled to?”

On 1.8.2000 reference was received in this Tribunal. Which was register as I.D No. 76/2000 and claimant union was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 9.11.2000. Through which he prayed as follows:-

It is therefore most respectfully prayed that learned Tribunal may be pleased to set aside the dismissal order dated 7.4.1998 and be further pleased to reinstate him in service with back wages and consequential benefits arising there from.

Against claim statement management filed written statement on 15.2.2001. Through which management prayed as follows:-

That the contents of prayer clause of the application are wrong and denied. It is submitted that the claim of the workman is without any basis and there is no ground to set-aside the punishment awarded to the workman, as alleged. Rather, the workman has no case at all to plead and, therefore, under the circumstances, it is prayed that the present application may kindly be rejected and the reference may be answered in favour of the management.

ALTERNATIVE PLEA-

It is most respectfully prayed that the departmental enquiry was conducted against the workman in respect of the charges leveled vide charge sheet dated 31.12.1996 followed by corrigendum dated 26.3.1997 and the management has filed the enquiry proceedings before this Hon'ble Court in compliance with all the service rules, principles of natural justice. In case this Hon'ble Court comes to the conclusion that the enquiry is not fair and proper, in that eventually it is most respectfully prayed that this Hon'ble Court may kindly be pleased to grant permission to the management to establish the charges leveled against the workman in the interest of justice.

Claimant on 14.6.2001 filed rejoinder. Through which he prayed as follows:-

The contents of prayer clause of the statement of claim are correct. The management's denial of the same being wrong not admitted. The claim of the workman is based on law as such the dismissal order so passed is liable to be set aside. The reference as made may be adjudicated and answered in favour of the workman.

REPLY TO ALTERNATIVE PLEA-

The enquiry has not been conducted as per principles of natural justice. The enquiry so held is unfair, improper and illegal. It is stated that the workman concerned may be allowed to lead evidence and rebuttal in case the management bank is allowed to lead additional evidence.

Issues not framed by Ld. Predecessor. Ld. Predecessor on the basis of questions of determination mentioned in schedule of reference.

Ld. Predecessor ordered to decide Enquiry Issue as Preliminary Issues.

On 26.5.2004 workman filed affidavit in his evidence alongwith annexed documents.

On 20.1.2005 workman tendered his affidavit alongwith annexed documents. He was cross-examined and his cross-examination was concluded. Workman closed his evidence.

On 19.5.2005 management filed affidavit of MW1 Sh. P.K. Rastogi. On 17.11.2005, MW1 examined and cross-examined. Management closed his evidence and 9.2.2006 fixed for arguments on Preliminary Issue but workman died on 24.5.2012. Application for substitution of LRs of deceased workman of Smt. Santosh W/o Late Sh. Fateh Singh, Ravi Kumar, S/o deceased workman Late Sh. Fateh Singh, Km. Teena, minor daughter of deceased workman Late Sh. Fateh Singh, represented through her natural guardian mother and Smt. Sampati Devi, Mother of deceased workman moved on 10.2.2011 allowed and aforesaid LRs have been substituted in place of Deceased workman Sh. Fateh Singh.

On 5.7.2012 amended cause title filed.

On 4.9.2014 Ld. A/Rs for the parties filed written arguments and I fixed 30.9.2014 for order on disposal of Preliminary Issue.

On 30.9.14 preliminary issue on enquiry was decided by me in favour of management and against workman and I fixed 5.11.2014 for argument on point of punishment. Several dates were given to LRs for workman for arguments but neither they came nor their Ld. A/R. Reason obvious is that written arguments filed before disposal of preliminary issue is on record. On 8.10.2015 I heard the arguments of Ld. A/R for the management and reserve the Award.

In the light of contentions and counter contentions I perused the pleadings of the parties as well as though evidence. Which make it crystal clear that workman Sh. Fateh Singh, was working as attendant in the bank and in his application for seeking employment he has stated that he has passed the middle examination in 1974 from Kishore Raman Inter College Mathura and submitted a certificate with registration No. 12624 in support of his claim. He has also stated his education qualification the year of passing VII standard as 20.02.1974 vide his application for promotion as required vide circular No. 137/89/BC dated 8.5.1989. Subsequently the workman submitted another certificate bearing No. 19322 dated 3.5.1995 purportedly issued by same college certifying that the workman was the regular student of VIII class in 1974 and passed the said class, however subsequently it was revealed that the certificate /mark sheet submitted by him at the time of seeking employment were forged/false and thus he made false statement.

So, workman was guilty to gross misconduct to obtain the job so conduct of workman was fraudulent in this background no sympathy is required for workman especially when he was employed in bank. Wherein employee must be of man of integrity who may preserve the goodwill of bank and truth worthy of his conduct in dealing with the bank customers.

In this background I am of considered view that punishment provided to workman by disciplinary authority. After being satisfy with the enquiry report by enquiry officer is just and proper. Which requires no interference u/s 11 A of Industrial Dispute Act, 1947.

Reference is liable to be decided against workman and in favour of management and claim statement is liable to be dismissed. Which is accordingly decided. Award is accordingly passed.

Dated:- 17/11/2015

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ.2370.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चेन्नई पतन न्यास के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं. 88/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.12.2015 को प्राप्त हुआ था।

[सं. एल-33011/10/2012-आई आर (बी.-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th December, 2015

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.88/2013**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of Chennai Port Trust and their workman, received by the Central Government on 17/12/2015.

[No. L-33011/10/2012-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT CHENNAI

Wednesday, the 30th September, 2015

Present : K.P. PRASANNA KUMARI, Presiding Officer

Industrial Dispute No. 88/2013

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Ennore Port Ltd. and Another and their workman)

BETWEEN

The President : 1st Party/Petitioner Union
Minjur Podhu Thozhilalargal Sangam
B.T.R. Ninaivagam, Athipattu Pudunagar
Chennai-600120

AND

1. The Chairman & Managing Director : 2nd Party/1st Respondent
Ennore Port Ltd.
Athipattu, North Madras
Chennai-600120
2. Sri Radhakrishnan : 2nd Party/2nd Respondent
M/s. Radiant Engineers, Contractor
Ennore Port, Athipattu
North Madras
Chennai-600120

Appearance

For the 1st Party/Petitioner Union : M/s V. Ajoy Khose, Advocates
 For the 2nd Party/1st Respondent : M/s Krishna Ravindran, Advocates
 For the 2nd Party/2nd Respondent : M/s K.V. Shanmuganathan, Advocates

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-33011/10/2012-IR (B.II) dated 01.10.2013 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the management in denying employment to S/Sri Sasikumar, B. Rajan, M. Kader Mohideen and R. Srikanth is fair and justified? What relief the workmen are entitled to?”

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 88/2013 and issued notices to both sides. Both sides have entered appearance through their counsel and filed claim and counter statement respectively. The petitioner has filed rejoinder in answer to the Counter Statement filed by R1 and R2.

3. The averments in the Claim Statement filed by the petitioner in brief are these:

Chennai Port Trust is one of the major ports in India. Due to increase in cargo handling and other requirements the Chennai Port Trust decided to construct an additional port at Ennore for Coal handling apart from normal port activities. The port was constructed at Ennore and was commissioned in the year 1998. This became an independent establishment in the year 2000. The Chennai Port operation and maintenance of entire electrical and allied work are carried out by direct labour. However, in Ennore Port it was done by a dubious method. The Port Trust managed to find a name lender and made a smokescreen arrangement to make it that the workmen employed to carry out the operation and maintenance of electrical and allied work were employed through a Contractor. There is no registration for the port for contract labour system or to employ contract labourers for any work. The so-called contractors including the 2nd Respondent have no role in allotment of work or control or supervision of the work, except giving the names of workmen. The materials and equipments required for carrying out operation and maintenance of electrical and allied work are provided by the Port management. Electrical operation and maintenance work is a permanent and perennial work and it has to be carried out every day throughout the year. Initially 6 workmen were employed in Ennore Port to carry out the electrical and allied works. The number was increased to 19 in the year 2008. The workmen were paid only a meager consolidated pay which was less than minimum wages. The workmen demanded the management of the Ennore Port to make them permanent workmen and to extend them with all benefits available to and provided to permanent workmen of the Port. Immediately after making this demand Sasikumar was denied employment from 15.09.2008. The remaining workmen refused to receive salary and demanded the management to take him back in service and also demanded to make them permanent workmen of the Port. But the Port management was not willing to do this. So, the workers raised an Industrial Dispute. After the Assistant Labour Commissioner issued conciliation notice in the dispute B. Rajan, M. Kader Mohideen and R. Srikanth also were denied employment on 22.11.2008, 11.11.2008 and 20.11.2008 respectively. While conciliation process was on, the Respondents took steps to terminate the service of the remaining workmen. So the Petitioner Union filed a Writ Petition and the Hon'ble High Court granted interim injunction restraining the Respondents from terminating the services of the other workmen and also from altering the conditions of service of workmen. The workmen by name Sasikumar, Raja and Srikanth were employed as Electricians and Kader Mohideen as Electrical Supervisor. They have completed more than 240 days of service in each year prior to their termination. The Respondents did not follow the principle of last come first go as provided under Section-25G of the ID Act while terminating the concerned workmen from service. After terminating the services of the concerned workmen the Respondents have brought new persons in their place without giving re-employment to them. The three workmen other than Sasikumar were terminated from service during the pendency of conciliation proceedings. However, no permission was obtained by the Respondents under Section-33(1)(A) of the ID Act before terminating their services. For this reason their termination is void and inoperative in law. Srikanth was given employment by the new Contractor on 17.08.2013. However, he was without any employment from the date of his termination till he was given employment again. The other workmen are not gainfully employed. An order may be passed holding that the action of the management in denying employment to the four workmen is not fair and justified and also directing the Respondents to reinstate them with continuity of service, backwages and other attendant benefits.

4. The First Respondent has filed Counter Statement contending as below:

The petitioner is not a recognized Trade Union and has no *locus-standi* to make the claim. The four workers whose cause the Petitioner is pursuing were not employees of the First Respondent and there was no privity of contract between them and the First Respondent. After incorporation of Ennore Port Limited it is functioning as landlord port and is characterized by its mixed public-private orientation. The operation and maintenance of electrical sub-station and other electrical systems were outsourced on contract basis since the Port operates under the public-private partnership on Build, Operate and Transfer basis. The contract for the electrical operation and maintenance work was awarded through

tender to different contractors at different periods. The Ennore Port Trust is neither directly nor indirectly employing contract labourers. The same is being carried out through outsourcing to different agencies. The electrical maintenance work at port is outsourced. The work is within the port premises and the port authorities oversee their work performed by the outsourced agency. The electrical maintenance work in the port is work of perennial nature but these facts will not make the port an employer. The contractor is engaging the employees and is executing the allotted work. The First Respondent is not aware of the denial of employment to Sri Sasikumar until it received a notice from the Assistant Labour Commissioner. It was not aware of the denial of employment to other workers concerned also. As per the records available with the First Respondent Rajan, Kader Mohideen and Srikanth have left the service of the Second Respondent since October 2008 itself. It is informed that Srikanth has been employed with the outsourcing agency who came in after the period of Second Respondent expired. The name of Sasikumar is not available in the list of employees mentioned in the Writ Petition. The First Respondent is not aware nor responsible for the alleged termination of the workmen. The petitioner is not entitled to any relief.

5. The Second Respondent has filed Counter Statement contending as below:

The petitioner has no *locus-standi* to raise the dispute. The Claim Statement does not state when the concerned workmen had joined the Union. The Second Respondent was awarded the contract for manning, operating and maintaining the sub-stations, electrical system, water pump houses and other electrical installations at Ennore Port for the first time in the year 2007 for the period from 01.07.2007 to 30.06.2010 by the First Respondent. The contract was extended again and again. However, for the period from 01.08.2013 to 31.10.2014 contract was not awarded to the Second Respondent. Pursuant to the award of contract the Second Respondent had engaged electricians, helpers and relievers numbering 19 in the year 2007. The workers concerned in this dispute were engaged by the Second Respondent and they worked under the supervision of the Second Respondent. The averments made in the Claim Statement to the contrary is not correct. The area of operation of Second Respondent is limited. The work of the Second Respondent is not even remotely connected to the main business activities of the Port namely cargo handling. The Central Government has not prohibited engagement of contract labours for the maintenance and operation of electrical installations in the Port. The allegation in the Claim Statement that Sasikumar was denied employment w.e.f. 15.09.2008 is not correct. This workman had left the service of the Second Respondent from 15.03.2008 when he was asked to furnish proof regarding the renewal of "B" license issued to him. He had left when the Second Respondent proposed to initiate disciplinary action against him. Kader Mohideen was employed by the Second Respondent electrical Supervisor as he was possessing "C" license. He is not a workman. He was supervising the work of electricians and helpers who were working under him. Since he was not a workman, the dispute raised by the Union with regard to the alleged termination is not maintainable. It is incorrect to state that he was denied employment w.e.f. 11.11.2008. It is also incorrect to state that Rajan and Srikanth were denied employment respectively w.e.f. 22.11.2008 and 20.11.2008. Rajan had absented from duty w.e.f. 11.11.2008 without intimation to the Second Respondent. He had left the service when it was detected that he was not possessing "B" license as claimed by him. Srikanth did not turn up for work w.e.f. 06.11.2008. He never made any representation stating that employment was denied to him. Since the employees left service on their own there is no question of obtaining permission under Section-33(1)(A) of the ID Act. Srikanth had subsequently secured employment with Prumatech Services Pvt. Ltd. The concerned workmen are not entitled to any relief.

6. The petitioner has filed rejoinder denying the allegations in the Counter Statement and reiterating the case in the Claim Statement.

7. The evidence in the case consists of oral evidence of WWs 1 and 2 and MWs 1 and 2 and documents marked as Ext.W1 to Ext.W15 and Ext.M1 to Ext.M13.

8. **The points for consideration are :**

- (i) Whether the Respondents have denied employment to the concerned workmen? Denial of employment, if any is justified?
- (ii) What, if any is the relief to which the workmen are entitled?

The Points

9. The petitioner union has raised the dispute on behalf of four workmen by name Sasikumar, Raja, Kader Mohideen and Srikanth who were doing the work of electrical installation at Ennore Port. The case of the petitioner is that all these workmen were illegally denied employment by the Respondents. Sasikumar is said to have been denied work when himself and his colleagues demanded to make them permanent and to extend them with the benefits available to the permanent workmen. The other three workmen are said to have been terminated after industrial dispute was raised consequent to the termination of Sasikumar. The prayer of the petitioner in the Claim Statement is "to pass an award holding that the action of the management in denying employment to M/s Sasikumar, Raja, Kader Mohideen and Srikanth is not fair and justified and consequently directing the Second Party to reinstate them with continuity of service, backwages and all other attendant benefits".

10. In the Claim Statement it is contended by the petitioner that the operation and maintenance of electrical and allied work at Ennore Port was done through dubious method by showing the workers as contract labourers. It is stated that the

work done by the concerned workmen are permanent and perennial in nature and contract labour cannot be resorted to for this purpose. It is further stated in the Claim Statement that the entire work was being carried out by the Port and it was supervising the entire work and the duty of the Contractor was only to furnish the names of workmen. It is not specifically stated in the Claim Statement who had employed the concerned workmen and it is not specified against whom relief is sought.

11. At the stage of argument the counsel for the petitioner had endorsed in the Claim Statement that “*without prejudice to and with liberty to advance arguments that R1 is our employer and the so-called contract labour system is sham and nominal in ID 90/2015 regarding regularization and absorption of workers including the workmen, we now confine the relief in this dispute against R2*”. In view of this endorsement there is no necessity in this dispute to consider the contention of the petitioner that the contractor is only a name lender and the concerned workmen are working for the First Respondent itself. The only question now to be considered is whether the concerned workmen are entitled to be reinstated in the service of the Second Respondent.

12. So far as worker Srikanth is concerned, he has subsequently been re-employed. He was given employment by Prumatech Services Pvt. Ltd. when they were having the contract. The contract seems to have been given to the Second Respondent again and now Srikanth is under the employment of the Second Respondent. He having been reinstated in service already, there is no necessity to consider the issue raised on his behalf.

13. So far as Kader Mohideen, one of the workman is concerned, the contention raised by the Second respondent is that he is not a workman coming under the definition of Section-2(S) of the ID Act as he was working as a Supervisor and not as a workmen. Apart from stating so specifically in the Counter Statement MW2 examined on behalf of the Second Respondent has given evidence to this effect. The concerned workman himself has not come forward to deny this contention of the Second Respondent or to prove that he is actually a workman though he is working as a Supervisor. Out of the four workmen concerned, one workman by name Rajan has given evidence. Even in the Claim Statement it is stated that Kader Mohideen was working as Electrical Supervisor. During cross-examination as WW2 Rajan also admitted that Kader Mohideen was working as Supervisor and his work was to supervise and monitor the work of the workmen. So there is sufficient evidence to show that Kader Mohideen was working in supervisory capacity and not as a workman. So, the petitioner has no *locus-standi* to raise dispute on behalf of Kader Mohideen before this forum. So the claim for reinstatement on behalf of Kader Mohideen is to be rejected at the outset itself.

14. Now it is to be seen whether Sasikumar and Rajan the two remaining workmen are entitled to be reinstated in the service of the Second Respondent. The Second Respondent has admitted in the Counter Statement that these two workmen as well as the other workmen who are doing the work of electrical operation and maintenance were engaged by them. So, if any reinstatement is to be done, it should be by the Second Respondent.

15. The case that is advanced on behalf of the Second Respondent is that all the concerned workmen have abandoned their work. Regarding Sasikumar, it is stated that he failed to bring the updated license and he defected from service when disciplinary proceedings was about to be taken against him. However, as pointed out by the counsel for the petitioner the Second Respondent has not taken any proceedings against Sasikumar for not producing the license or for his alleged unauthorized absence. The specific case of the petitioner is that demand for permanency was raised and Sasikumar was terminated on account of this. The Second Respondent has not taken any proceedings against Sasikumar for his unauthorized absence. No Charge Memo was issued to him nor any enquiry made. Soon after the alleged abandonment, dispute is seen raised also. So it is clear that it could not have been a case of abandonment of service. So, he is entitled to be reinstated in service.

16. So far as Rajan and other workmen are concerned, they were allegedly denied work after dispute was raised. Though the case of abandonment is set up against Rajan also there is no disciplinary proceedings against this workman as well. It is clear that this workman was prevented from work after the dispute was started. The Second Respondent did not obtain any permission from the Conciliation Officer before work was denied to him. So this workman is also entitled to be reinstated in service.

17. The counsel for the petitioner has stated that the workmen are not particular on backwages. Considering the circumstances, I am not inclined to grant backwages. However, the workmen will be entitled to continuity of service and other benefits.

In view of my discussion above, an award is passed as below:

The Second Respondent shall reinstate S/Sri Sasikumar and B. Rajan in service within a month of the publication of the award with continuity of service and other attendant benefits.

The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this 30th September, 2015)

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1 st Party/Petitioner	:	WW1, Sri K. Vijayan WW2, Sri B. Rajan
For the 2 nd Party/Management	:	MW1, Sri P. Radhakrishnan MW2, Sri R. Lingaiah

Documents Marked :**On the petitioner's side**

Ex.No.	Date	Description
Ext.W1	-	Identity Card issued by the 2 nd Party Management to the Petitioners
Ext.W2	07.10.2008	2(K) Petition filed before the Assistant Labour Commissioner (Central)
Ext.W3	12.12.2008	Order in M.P. No. 1/2008 in W.P. No. 29473/2008
Ext.W4	12.12.2008	Letter given by the concerned workmen to the 2 nd Party (series)
Ext.W5	19.12.2008	Legal notice given by the 1 st Party to the 2 nd Party
Ext.W6	23.03.2009	Conciliation Notice
Ext.W7	08.04.2009	Conciliation Notice
Ext.W8	25.04.2009	Letter given to the Assistant Commissioner of Labour (Central)
Ext.W9	08.05.2009	Reply filed by the 2 nd party before the Assistant Commissioner of Labour (Central)
Ext.W10	23.04.2013	Order in MP No. 1/2013 in WP No. 11858/2013
Ext.W11	30.11.2001	Registration Certificate of the 1 st Party Union
Ext.W12	-	Subscription Receipt
Ext.W13	-	Electrical Maintenance Log Sheet from 01.01.2006 to 31.12.2006 and from 01.01.2007 to 22.07.2007 (In 2 volumes separately filed)
Ext.W14	-	Map showing the area of Electrical Maintenance Work in Ennore Port
Ext.W15	19.08.2014	Order in WP No. 29437/2008

On the Management's side

Ex.No.	Date	Description
Ext.M1	17.06.2013	Tender for Manning, Operating and Maintaining the Electrical Systems, Water Pump houses and other electrical installations at Ennore Port"
Ext.M2	10.06.2008	Information received from T.N.E.L.B.
Ext.M3	21.05.2008	Information sought from T.N.E.L.B. by the 2 nd Opposite Party
Ext.M4	12.01.2015	Website advertisement given by T. Sasikumar with regard to his battery shop
Ext.M5	-	Contract (2011 to 2013) awarded by Ennore Port Ltd. to M/s Radiant Engineers
Ext.M6	-	Contract (2007 to 2011) awarded by Ennore Port Ltd. to M/s Radiant Engineers
Ext.M7	01.07.2007 to 05.10.2007	Log Book 2007
Ext.M8	10.10.2007 to 10.01.2008	Log Book 2007
Ext.M9	12.01.2008 to 16.04.2008	Log Book 2008
Ext.M10	23.04.2008 to	Log Book 2008

	24.07.2008	
Ext.M11	25.07.2008 to	Log Book 2008
	01.11.2008	
Ext.M12	02.11.2008 to	Log Book 2008
	24.01.2009	
Ext.M13	14.11.2014	Contract awarded by the 1 st Opposite Party to the 2 nd Opposite Party

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2371.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय चेन्नई के पंचाट (**संदर्भ सं. 55/2014**) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.12.2015 को प्राप्त हुआ था।

[सं. एल-12012/34/2014-आई आर (बी.-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th December, 2015

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. 55/2014**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of **Indian Bank** and their workman, received by the Central Government on 17/12/2015.

[No. L-12012/34/2014-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT

CHENNAI

Friday, the 9th October, 2015

Present : K.P. PRASANNA KUMARI,

Presiding Officer

Industrial Dispute No. 55/2014

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Indian Bank and their workman)

BETWEEN

Smt. I. Maghee : 1st Party/Petitioner

AND

The Zonal Manager : 2nd Party/Respondent

Indian Bank, HRM Department

Zonal Office, 359, Dr. Nanjappa Road

Coimbatore-641018

Appearance:

For the 1st Party/Petitioner : Sri V. Ajoy Khose, S. Manogaran, Advocates

For the 2nd Party/Respondent : M/s Aiyar & Dolia, Advocates

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-12012/34/2014-IR(B.II) dated 01.07.2014 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the management of Indian Bank, M. Palada Village & Post and Zonal Office, Coimbatore in terminating the services of Smt. I. Maghee without following the principles of natural justice and provisions of Sec.25 F of Industrial Disputes Act, 1947 is justified? What relief is the workman entitled to?”

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 55/2014 and issued notice to both sides. Both sides have entered appearance through their counsel and filed Claim and Counter statement respectively.
3. The averments in the Claim Statement filed by the petitioner are as below:

The petitioner had been working as Sub-Staff in the Respondent Bank from 02.07.2007. She had been discharging her duties efficiently and obediently. She had been receiving her daily wages through her SB Account in the same branch. The Branch Manager had directed her to go on leave for 20 days due to inspection work in the Bank. She was assured that she can join duty after expiry of the leave. However, when she reported for duty after expiry of 20 days, on 24.01.2011, the Branch Manager refused employment to her stating that her services were terminated with effect from that date. She was not given any order in writing. She submitted a letter to the Branch Manager on 01.03.2011 requesting to provide work. He informed that her request was conveyed to the Zonal Officer. Thereafter the petitioner had sent several representations to the Respondent requesting to provide work to her. But these did not yield any result. The dispute is raised accordingly. An award may be passed holding that the action of the Respondent in dismissing the services of the petitioner by oral termination on 24.01.2011 is unjustified and also directing the Respondent to reinstate her with continuity of service and other attendant benefits.

4. The Respondent has filed Counter Statement contending as follows:

The dispute is not maintainable as there is no employer-employee relationship between the petitioner and the Respondent. The petitioner was engaged as casual labour on daily wage basis as and when need arose and as per requirements and that also on limited days and for a limited period of time. The petitioner was engaged for cleaning the branch premises only. As the engagement was on casual basis there was no question of termination as alleged by the petitioner. The petitioner is not entitled to any relief.

5. The evidence in the case consists of oral evidence of WW1 and Ext.W1 to Ext.W18. No evidence either oral or documentary was adduced on the side of the Respondent.

6. **The points for consideration are:**

- (i) Whether the action of the Respondent in terminating the service of the petitioner is without any justification?
- (ii) What, if any is the relief to which the petitioner is entitled?

The Points

7. The petitioner has claimed that she has been working as Sub-Staff in the Respondent Bank from 02.07.2007 on daily wages and continued to work so until 24.01.2011 on which date she was allegedly terminated from the service of the Bank. The petitioner has claimed that her termination having been illegal she is entitled to be reinstated in service with backwages and all other benefits.

8. It is not disputed by the Respondent that the petitioner used to be engaged by it. However, the case of the Respondent is that it was only as casual labour on daily wage basis and that also only when required. According to the Respondent because of such engagement there was no employer-employee relationship between the petitioner and the Respondent and therefore the petitioner is not entitled to any relief.

9. The petitioner has given evidence as WW1 and has filed Affidavit in lieu of Chief Examination to prove her case. In her affidavit she has repeated her case in the Claim Statement. She has stated that as Sub-Staff she had been doing works like stitching vouchers, carrying files, arranging the files in order, collecting cash from the local banks, remitting electricity and telephone bills, taking copies of documents, bundling the currency notes, canvassing the women from Self-Help Groups and encouraging them to open new accounts in the branch, cleaning the bank premises, preparing hot water and tea for the staff and also carrying out other sundry work.

10. Apart from the oral evidence given by the petitioner, the other evidence available to establish engagement of the petitioner by the Respondent are the statements of the bank account of the petitioner marked as Ext.W1 to Ext.W3. The petitioner has stated in her claim Statement as well as her Affidavit that she had been receiving her wages through her SB account which she is operating in the same branch. The statements of account maintained at M. Palada Branch would reveal that amount used to be remitted to the account of the petitioner under the head “Office Cleaning Charges”, etc. The first such remittance is seen done on 11.03.2009 for an amount of Rs. 200/- towards cleaning charges for two days. The next remittance specifying that it is towards cleaning the branch is on 24.06.2009 and the amount is Rs. 100/-. Thereafter continuous remittance @ Rs. 100/-, Rs. 200/- and Rs. 300/- is seen made. It could be made out from the remittance that the amount that was paid per day was Rs. 100/- and the total amount remitted depended on days for which remittance was made. The last such remittance is seen made on 31.12.2010 under the head “Casual Work

Charges". Even though remittance is not by the Bank almost on all other days small remittances of Rs. 100/- and Rs. 200/- in cash are seen made. There is remittance by the Bank itself through voucher but without specifying that the remittance is towards cleaning charges. However, the amounts remitted is mostly Rs. 100/-, and almost daily.

11. The counsel for the Respondent has been arguing that apart from the statement of accounts marked as Ext.W1 to Ext.W3 no other documents are available to prove that the petitioner has been continuously working in the Bank. It was argued on behalf of the Respondent that no evidence is available to show that the petitioner has worked for 240 days continuously preceding the date of termination i.e. 24.01.2011 and therefore she is not entitled to reinstatement.

12. It has been pointed out by the counsel for the petitioner that the petitioner has produced whatever documents available with her and she has discharged her initial burden of proving that she had worked with the Bank for more than 240 days. Certainly, the petitioner who is only a daily wager could not be expected to have any other documents with her regarding her engagements by the Bank especially because payment to her was mostly made by remittance to her account. Even as seen from the statement of accounts it is clear that the petitioner has been continuously working with the Respondent for a considerable period at least from 11.03.2009 on which date the first remittance by way of cleaning charges is seen made as per Ext.W1. Thus, it could be seen that the petitioner has discharged her initial burden of proving that she was continuously engaged by the Bank. The Apex Court has held in *DIRECTOR, FISHERIES TERMINAL DEPARTMENT VS. BHIKUBHAI MEGHAJIBHAI CHAVDA* reported in 2001 1 SCC 47 that once the workman has given evidence the burden of proof shifts to the employer to prove that he did not complete 240 days of service in the requisite period to constitute continuous service. The Apex court has observed that the workman would be having difficulty in accessing all the official documents, muster rolls, etc. in connection with his service and he could not be found fault with for not producing those documents. On the other hand if the initial burden is discharged by the petitioner, it was upto the Respondent/Employer to produce all those documents that were available with the Bank and prove that the case put forth by the petitioner is wrong and she has not actually worked for more than 240 days prior to the date of her termination. The nonproduction of any documents by the Respondent to disprove the case put forth by the petitioner calls for an adverse inference. The case of the petitioner that she had been continuously working with the Respondent is to be accepted.

13. Now the question is whether the petitioner is entitled to the relief of reinstatement as claimed by her. It is apparent that the petitioner was thrown out of service without compliances of Section-25(F) of the Industrial Disputes Act. The counsel for the Respondent has been arguing for the position that in any case the petitioner would be entitled to compensation only and not for the relief of reinstatement even if it is found that she was in continuous employment of the Respondent. The counsel has referred to two decisions of the Apex court in this respect. In the decision in *BHARAT SANCHAR NIGAM LTD. VS. MAN SINGH AND OTHER CASES* reported in 2012 1 SCC 558 it has been held that although the termination was in violation of Section-25(F) of the Act an award of reinstatement should not be passed in case of the workman engaged as daily wager and had merely worked for more than 240 days. The Apex Court directed payment of compensation rather than giving the relief of reinstatement in service. In the decision in *ASSISTANT ENGINEER, RAJASTHAN DEVELOPMENT CORPN. AND ANOTHER VS. GITAM SINGH* reported in 2013 5 SCC 136 also it was held that a distinction should be drawn between daily rated worker and worker holding regular post and direction for reinstatement of a worker who worked for a short period of 240 days suffered from serious infirmity and set aside the award and directed payment of compensation.

14. The counsel for the petitioner has referred to two decisions of the Apex Court wherein reinstatement was ordered on retrenchment without compliance with Section-25(F) of the ID Act. He has referred to the decision in *DEEPALI GUNDU SURWASE VS. KRANTI JUNIOR ADHYAPAK MAHAVIDYALAYA AND OTHERS* reported in 2013 10 SCC 324 and also *DURGAPUR CASUAL WORKERS UNION AND OTHERS VS. FOOD CORPORATION OF INDIA AND OTHERS* reported in 2015 5 SCC 786 in this respect. However, there is a distinction that in the earlier case the workman was a permanent employee and in the latter one the workmen were directed to be regularized as they were found to be employed resorting to unfair labour practice. However, in the recent decision in *AJAYPAL SINGH VS. HARYANA WAREHOUSING CORPORATION* reported in 2015 6 SCC 321 the Apex Court has held that reinstatement itself is the relief to be given. It was a case where the employee had completed more than 240 days of service in the preceding calendar year but his services were terminated without prior notice or pay in terms of Section-25(F) of the Industrial Disputes Act. The Industrial Tribunal had ordered reinstatement of the employee. This order was set aside by the High Court and confirmed in appeal. The Apex Court observed that the provisions under Section-25(F) of the Industrial Disputes Act make it mandatory that in order to retrench a workman who had been in continuous service for not less than one year in industry the employer needs to give a month's notice or pay the workman and wages for the period of notice. The order for reinstatement by the Industrial Tribunal was restored by the Apex Court.

15. The petitioner has stated that she was thrown out of service only to accommodate a person in whom the Branch Manager was interested. She has specifically stated in the Claim Statement as well as in the Affidavit that after she was thrown out of service the Branch Manager had inducted one Karthik in whom he was interested, in her place. She has stated in her cross-examination that Karthik is still working in the Bank and she used to see Karthik going to work in the Bank daily. This specific evidence given by the petitioner is not contradicted by the Bank by adducing any oral or documentary evidence. So this case of the petitioner that immediately after she was sent away another person was substituted is to be accepted. It is clear from this also that the work that was done by the petitioner was continuous in

nature and she was doing the work regularly. The petitioner has stated in her Claim Statement as well as during her evidence that she has given innumerable representations seeking reinstatement. She has produced the relevant documents also. Ext.W18 contains several acknowledgment cards received by the petitioner on sending her representations to different authorities including the Regional Manager, the Zonal Manager, etc. So there is violation of Section-25(H) of the Industrial Disputes Act also. In the case of Ajaypal Singh referred to earlier the Apex Court has held that Section-25(H) is couched in wide language and is capable of application to all retrenched workman and not merely those covered under Section-25(F). Retrenched workman shall be given preference over other persons if the employer proposes to employ any person, it has been held. So it is not mere compensation to which the petitioner is entitled but reinstatement itself. However, her entitlement for backwages is restricted to 50%.

16. Accordingly, the Respondent is directed to reinstate the petitioner in service within a month of the publication of the award with 50% backwages at the prevalent rate, also payable within a month of the publication of the award. In default of payment the Respondent shall pay interest @ 9% per annum from the date of the award.

The reference is answered accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this 9th October, 2015)

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner : Smt. I. Maghee
For the 2nd Party/Management : None

Documents Marked :

On the petitioner's side

Ex.No.	Date	Description
Ext.W1	28.05.2008	Statement of petitioner's account
Ext.W2	From 31.03.2009	Statement of petitioner's account
Ext.W3	From 14.12.2009	Statement of petitioner's account
Ext.W4	01.03.2011	Representation to the Manager, Indian Bank
Ext.W5	07.03.2011	Representation to the Regional Manager, Indian Bank
Ext.W6	26.03.2011	Representation to the Regional Manager
Ext.W7	01.04.2011	Representation to the Zonal Office
Ext.W8	27.04.2011	Representation to the Regional Manager
Ext.W9	20.09.2011	Representation to the District Collector, Ooty, Nilgiris
Ext.W10	15.10.2011	Representation to the Ombudsman
Ext.W11	08.11.2011	Complaint against Indian Bank to the Reserve Bank of India
Ext.W12	22.11.2011	Representation to the Managing Director, Indian Bank, Chennai
Ext.W13	31.05.2012	Representation to the DGM (Admn.), Indian Bank, Coimbatore
Ext.W14	25.04.2013	Petition filed under 2(A)(i) of ID Act against termination of service
Ext.W15	17.12.2014	Rejoinder filed by the petitioner before the Asstt. Commissioner of Labour, Madurai
Ext.W16	21.02.2014	Failure Report
Ext.W17	10.07.2014	Order of Reference for Adjudication
Ext.W18	-	Acknowledgement Card in Representations dated 01.03.2011, 26.03.2011, 27.04.2011, 15.10.2011 and 21.11.2011

On the Management's side

Ex.No.	Date	Description
	Nil	

नई दिल्ली, 17 दिसम्बर, 1015

का.आ. 2372.- औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आन्ध्रा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं. 119/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.12.2015 को प्राप्त हुआ था।

[सं. एल 12011/53/2015-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th December, 2015

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.119/2015**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of **Andhra Bank** and their workman, received by the Central Government on 17/12/2015.

[No. L-12011/53/2015-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT

CHENNAI

Tuesday, the 24th November, 2015

Present : K. P. PRASANNA KUMARI, Presiding Officer

Industrial Dispute No. 119/2015

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Andhra Bank and Another and their workman)

BETWEEN

The General Secretary : 1st Party/Petitioner Union
Andhra Bank Employees Union
227, Angappa Naicken Street
Chennai-600001

AND

1. The Zonal Manager : 2nd Party/1st Respondent
Andhra Bank Zonal Office
Chennai-600001
2. The Branch Manager : 2nd Party/2nd Respondent
Andhra Bank, Sholinganallur Branch
Plot No. 13/14, Medavakkam High Road
Sholinganallur
Chennai-600119

Appearance:

For the 1st Party/Petitioner : Absent
For the 2nd Party/1st & 2nd Respondent : Absent

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-12011/53/2015-IR (B.-II) dated 24/31.08.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the demand of the union in seeking regularization of the services of Sri Suresh at Sholinganallur Branch by the management of Andhra Bank is justified? If not, to what relief is the concerned workman entitled?”

2. On receipt of Industrial Dispute this Tribunal has numbered it as ID 119/2015 and issued notices to both sides.
3. Though the petitioner has received notice he has not entered appearance or filed any Claim Statement. The Respondents also have remained absent in spite of receipt of notice.

4. What is to be assumed from the refusal of the petitioner to enter appearance and prosecute the proceedings is that he is not interested in pursuing the dispute. In the absence of any material in support of the dispute, the reference has to be answered against the petitioner.

In the result the reference is answered against the petitioner. An award is passed accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 24th November, 2015)

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1st Party/Petitioner Union : None

For the 2nd Party/Management : None

Documents Marked:

On the petitioner's side

Ex.No.	Date	Description
	Nil	

On the Management's side

Ex.No.	Date	Description
	Nil	

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2373.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, चेन्नई के पंचाट (संदर्भ सं. 27/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.12.2015 को प्राप्त हुआ था।

[सं. एल-12012/91/2014-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th December, 2015

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. 27/2015**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Chennai* as shown in the Annexure, in the industrial dispute between the management of **Canara Bank** and their workman, received by the Central Government on 17/12/2015.

[No. L-12012/91/2014-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM - LABOUR COURT CHENNAI

Tuesday, the 24th November, 2015

Present : K. P. PRASANNA KUMARI, Presiding Officer

Industrial Dispute No. 27/2015

(In the matter of the dispute for adjudication under clause (d) of sub-section (1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947(14 of 1947), between the Management of Canara Bank and their workman)

BETWEEN

Sri S. Gururaghavendran : 1st Party/Petitioner

AND

The Deputy General Manager : 2nd Party/Respondent

Canara Bank, H.R.M. Section, Circle Office

No. 524, Anna Salai, Teynampet

Chennai-600018

Appearance:

For the 1st Party/Petitioner : M/s S. Mohan, M. Peer Mohammed, Advocates

For the 2nd Party/Management : Sri P. Amritraj, Advocate

AWARD

The Central Government, Ministry of Labour & Employment vide its Order No. L-12012/91/2014-IR (B.II) dated 17/23.02.2015 referred the following Industrial Dispute to this Tribunal for adjudication.

The schedule mentioned in that order is:

“Whether the action of the management of M/s Canara Bank regarding termination of the service of the petitioner Sri S. Gururaghavendran is justified or not? What relief the workman is entitled to?”

2. On receipt of the Industrial Dispute this Tribunal has numbered it as ID 27/2015 and issued notice to both sides. Both sides have entered appearance through their counsel and filed claim and counter statement respectively. The petitioner has filed rejoinder in answer to the Counter Statement filed by the Respondent.

4. The averments in the Claim Statement filed by the petitioner are as below:

The petitioner had started to work with the Respondent as a Daily Wager on 30.03.1990 at Dharmapuri Branch. He was absorbed as Probationary Peon on 14.07.1993 and was confirmed in service after probationary period of 6 months. The petitioner, his wife and his brother's family were living at Dharmapuri as joint family. The brother of the petitioner incurred loss in his business and creditors started to issue threats to his life. Then they started to threaten the petitioner and his wife also. During February 2001 the petitioner and the members of his joint family left Dharmapuri as they were unable to bear the burden of mounting debts. He was at Tirupati for some time and thereafter at Bangalore. His mother fell ill in January 2002 and had to be taken care of till 2011 when she breathed her last. In the meanwhile the brother of the petitioner came to be in a position to face his creditors with confidence. The petitioner approached the Branch in which he worked hoping that he could continue his service at the Branch. The petitioner came to know from the Branch that he was deemed to have voluntarily vacated his employment with the Bank. The petitioner gave a representation to the DGM, HRM Section, Coimbatore requesting for his re-absorption as Peon. He received a reply dated 14.06.2012 stating that he had been issued with two charge sheets for unauthorized absence from 14.02.2001 and was imposed with the punishment of censor and stoppage of increment for a period of one year with cumulative effect on 30.03.2002 and 30.06.2004 respectively. The petitioner also came to know that Bank had once again issued charge sheet and after conducting an enquiry had imposed the punishment of dismissal from service on the petitioner on 30.12.2005. The petitioner filed an appeal to the Appellate Authority explaining the reasons for his long absence. However, the appeal was rejected. The dispute is raised accordingly. There is no justification for the punishment of dismissal of petitioner from service. The petitioner is entitled to be reinstated in service with continuity of service and all monetary and attendant benefits with backwages.

5. The Respondent has filed Counter Statement contending as below:

The petitioner was imposed with the punishment of dismissal from service, after due compliance with the disciplinary rules, for his long unauthorized absence of more than 5 years, the petitioner made representation to the Bank after lapse of 6 years from the date of imposition of the punishment. The reference has been made after 10 years from the date of cause of action. The petitioner was in the habit of remaining absent unauthorizedly since February 2001. He was issued three charge sheets for absents from duty unauthorizedly without any leave. The charge sheet dated 08.11.2001 was issued on the petitioner for his unauthorized absence from duty from 14.02.2001 to 12.06.2001. After enquiry he was found guilty and the punishment of censure was imposed on him. Even after this the petitioner continued his unauthorized absence affecting the functioning of the Branch. A charge sheet dated 17.12.2003 was issued to him for his unauthorized absence from duties from 13.06.2001 to 23.09.2003. He was found guilty of the charges and punishment of stoppage of one increment for a period of one year without cumulative effect was imposed on the petitioner. The petitioner still did not attend office. Though he was instructed to report for duties by letters dated 23.04.2004 and 05.05.2004, he did not report for duty. Communications sent to his address were returned with the remark “No such

addressee". The petitioner had been unauthorizedly absent from duty continuously for a period of over 5 years and did not show any interest in attending office. So the punishment of dismissal imposed on the petitioner is fully justified. The petitioner is not entitled to any relief.

6. The petitioner has filed rejoinder in answer to the Counter Statement.

In the rejoinder he has contended that notice has not been issued to him in his correct address before enquiry is conducted against him and so enquiry was in violation of principles of natural justice. The petitioner has also denied the allegations made in the Counter Statement.

7. Since the petitioner has contended that the domestic enquiry against him was not conducted in accordance with the principles of natural justice and is therefore vitiated, this issue was considered as a Preliminary Issue. This Tribunal has found on the issue that the domestic enquiry was not held in a fair and proper manner. Consequently the Respondent was allowed to justify his action of dismissal of the Respondent from service, before this Tribunal.

8. The Respondent, in justification of its action, has examined MW1 and marked Ext.M1 to Ext.M14. The petitioner has examined himself as WW1 and marked Ext.W1 to Ext.W7 on his side.

9. **The points for consideration are:**

- (i) Whether the action of the management in terminating the petitioner from service is justified?
- (ii) What, if any is the relief to which the petitioner is entitled?

The Points

10. The petitioner had started to work with the Respondent in its Dharmapuri Branch as a Daily Wager. He was absorbed in service as a Probationary Peon and had continued to work in the same branch until he absented himself from the branch from February 2001.

11. The petitioner seems to have been absent from the Bank without any information to the bank from 14.02.2001. On 20.07.2001 the Bank had issued Ext.M1 proceedings in which it is stated that the period of absence of the petitioner for 119 days from 14.02.2001 to 12.06.2001 is treated as leave on loss of pay. Ext.M2 is the charge sheet issued on 08.11.2011 for absence of the petitioner from 14.02.2001 to 12.06.2001. Ext.M3 is the proceedings by which the petitioner was censured for the absence. Ext.M4 is another proceedings regarding the absence of the petitioner from 14.02.2001 to 15.11.2002 for a period of 640 days. This period is also treated to be on loss of pay. Ext.M5 is the charge sheet for unauthorized absence of the petitioner from 14.02.2001 to 12.06.2001. Against this charge Ext.M6 proceedings was issued stopping one increment of the petitioner for a period of one year without cumulative effect. There are communications to the petitioner subsequent to the proceedings but which did not reach the petitioner since he was not in the address that was furnished by him to the Bank. Subsequently, the Bank seems to have attempted to communicate with him in another address based on some information that he is in this address. However, this communication also did not reach him. It is mainly because the communications regarding enquiry did not reach the petitioner the domestic enquiry was found to be against the principles of natural justice.

12. Ext.M13 is the last charge sheet that was prepared against the petitioner. In this charge it is alleged that the petitioner has been taking leave indiscriminately in utter disregard of leave rules. It is further stated that earlier he had remained unauthorizedly absent from duty from 14.02.2001 to 23.09.2003 and the absence of 952 days have been treated as absence without leave and on loss of pay and the punishments of censure and stoppage of one increment had been imposed on him. It is further stated that he continued to remain absent from 24.09.2003 without giving proper intimation and without submitting any application for leave and he had committed gross misconduct as per the regulations of Canara Bank Service Code. It is after enquiry conducted on the charges as per this charge sheet the punishment of dismissal from service was imposed on the petitioner. This Tribunal has found the enquiry vitiated for want of compliance with the principles of natural justice and the Respondent has adduced evidence before this Tribunal to substantiate the case.

13. MW1, an Officer of the Respondent Bank has reiterated the case of the bank that the petitioner was in unauthorized absence from duty from 14.02.2001. In fact it is an admitted fact that the petitioner had not been attending duty from the middle of February 2001. He had remained absent throughout after this and had represented to the Bank only in February 2012 requesting for re-absorption. The petitioner, apart from stating in his Claim Statement, has stated during his cross-examination also that he has not attended the branch from 14.02.2001 to 19.10.2004. He has further admitted that he has given a representation to the Bank only on 06.02.2012. After 14.02.2001 he was not having any communication with the Bank for a period of 11 years, he has admitted.

14. The attempt of the petitioner has been to justify his absence from duty in the Bank. He has stated in his Claim Statement as well as in his Affidavit in lieu of Chief Examination that himself and his wife were living with his brother and his family, that his brother was running a hotel business and incurred loss and when creditors started to issue

threats not only to his brother but also to him and his family he had to flee from Dharmapuri. So he has left Dharmapuri on February 2001 without leaving any address back for fear that the creditors might trace him and his family. He has further stated that his mother had fallen ill and was hospitalized in January 2002 and he had to take care of her closely till she breathed her last.

15. Even if liberality is stretched to any extent it is difficult to accept the case of the petitioner that it was in the circumstances he had given, he was not attending duty. Loss in business was incurred not by the petitioner but his brother. So there was no reason for the creditors to threaten the petitioner. The petitioner had not even approached the Police complaining that he was being threatened. In any case the threat was no reason for the petitioner to leave the place without giving any intimation to his employer. Another reason given by the petitioner is that his mother was bedridden from 2002 to 2011 and he had to take care of her. He has not even stated what was the illness of his mother that kept her so long in bed. Apart from that, the case advanced by him is quite self-contradictory also. His own case is that he had absconded from Dharmapuri and had been living in Tirupati for some time and had then gone to Bangalore and was doing some jobs also at Bangalore. His mother was always at Coimbatore with his another brother. When he was not physically present at Coimbatore it is unlikely that he was taking care of her when his mother was bedridden. On the whole the justification attempted by the petitioner for his long unauthorized absence is quite unsatisfactory.

16. The counsel for the petitioner has referred to the decision of the High Court in ANANDAN AND OTHERS VS. STATE OF TAMIL NADU represented by Commissioner of Police, Egmore and Other Cases reported in 2012 5 MHA 751 where a Police Constable had been absent from duty for 58 days and had reported only on the 59th day and was declared a deserter by the Department and the Hon'ble High Court has held that only minor punishment should have been imposed on the delinquent. According to the counsel for the petitioner, the petitioner herein should be reinstated in service and should be left out with some minor punishment. However, the Apex Court had not been so lenient in the matter of long unauthorized absence. The Apex Court has held in Appeal Case No. 939/2003 in STATE OF RAJASTHAN AND ANOTEHR VS. MOHAMMAD AYUB NAZ that for willful absence for three years punishment of removal from service is proper and not disproportionate to the gravity of the misconduct. In case No. 2637/2006 in NORTH EASTERN KARNATAKA REGIONAL TRANSPORT CORPORATION VS. ASHAPPA the Apex Court held that absence for a long time cannot be said to be a minor misconduct. The Apex Court has reversed the direction of the Industrial Tribunal confirmed by the High Court to reinstate the unauthorized absentee in service. Thus, it could be seen that the apex Court has taken a stringent view on unauthorized absence of an employee.

17. The petitioner has been absent from duty from February 2001. He thought of his employment again only on 06.02.2012 after 11 years. In between he did not inform the Bank about his whereabouts or try to convince the Bank about his reason for the absence. In all probability the petitioner had even while starting to remain absent had abandoned the service. Probably, when circumstances changed, he thought of getting the job back and initiated the proceedings only an experimental measure. Employment is not for persons who are not committed to the job. Place of employment is not one which one can leave at leisure and go back as and when one pleases. I find that the petitioner is not entitled to any relief.

Based on the above discussion the reference is answered against the petitioner. An award is passed accordingly.

(Dictated to the P.A., transcribed and typed by him, corrected and pronounced by me in the open court on this day the 24th November, 2015)

K. P. PRASANNA KUMARI, Presiding Officer

Witnesses Examined:

For the 1 st Party/Petitioner	:	WW1, Sri S. Gururaghavendran
For the 2 nd Party/Management	:	MW1, Sri E.P. Sakthivelu

Documents Marked :

On the petitioner's side

Ex.No.	Date	Description
Ext.W1	18.09.2011	Medical certificates relating treatment of petitioner's
	09.08.2012	mother
Ext.W2	06.02.2012	Representation to the Respondent
Ext.W3	14.06.2012	Reply by Respondent
Ext.W4	24.09.2012	Appeal to the Appellate Authority
Ext.W5	15.11.2012	Order passed by the Appellate Authority
Ext.W6	17.11.2005	Letter of the Respondent Bank
Ext.W7	02.06.2005	VIII Bipartite Settlement

On the Management's side

Ext.No.	Date	Description
Ext.M1	20.07.2001	Loss of Pay Proceeding
Ext.M2	08.11.2001	Charge Sheet
Ext.M3	30.03.2002	Censure Punishment Proceeding
Ext.M4	08.10.2003	Loss of Pay Proceeding
Ext.M5	17.12.2003	Charge Sheet
Ext.M6	30.06.2004	Stoppage of Increment Punishment Proceeding
Ext.M7	23.04.2004	Letter instructing to report for duty
Ext.M8	05.05.2004	Letter instructing to report for duty
Ext.M9	29.06.2004	Loss of Pay Proceeding
Ext.M10	16.09.2004	Letter instructing to report for duty
Ext.M11	05.11.2004	Loss of Pay Proceeding
Ext.M12	23.03.2005	Loss of Pay Proceeding
Ext.W13	12.04.2005	Charge Sheet
Ext.W14	30.12.2005	Dismissal Punishment Proceeding

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2374.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **बैंक ऑफ बड़ोदा** के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, दिल्ली के पंचाट (संदर्भ सं. 71/2011) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.12.2015 को प्राप्त हुआ था।

[सं. एल-12012/205/99-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th December, 2015

S.O. 2374.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref.71/2011**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No.1, Delhi* as shown in the Annexure, in the industrial dispute between the management of **Bank of Baroda** and their workman, received by the Central Government on 17/12/2015.

[No. L-12012/205/99-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE**IN THE COURT OF SHRI AVTAR CHAND DOGRA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO.1, KARKARDOOMA COURT COMPLEX, DELHI**

ID No.71/2011

Shri B.M. Sharma, E.C. No.38515,
WZ-33, Rattan Park,
Ramesh Nagar,
New Delhi

.....Workman

Versus

The Chairman and Managing Director,
Bank of Baroda,
Head Office, Baroda
Gujarat

...Management

AWARD

1. A reference was received by this Tribunal under section 10(2)(a) read with clause 1(d) of the Industrial Disputes Act, 1947 from the appropriate Government vide letter No.L-12012/205/99/IR(B-II) dated 29.10.1999 with following terms of reference:

“Whether there is any violation of principles of natural justice in domestic enquiry against Shri B.M. Sharma, Clerk cum Typist by Bank of Baroda and if the punishment of dismissal from service is disproportionate to charges proved? If so, to what relief workman is entitled to?”

2. Brief facts, relevant for disposal of the case are that Shri B.M. Sharma, workman herein, was employed by Bank of Baroda as Clerk/Typist in August 1982. He has been working as such and lastly he was posted at Pusa Road branch, New Delhi. It is averred that in the end of November or early December 1992, the workman herein received an order dated 23.11.1992, which came as a bolt from the blue, from the Assistant General Manager, that the Bank has decided to hold a departmental enquiry against the workman herein and Shri S.S. Khemka, Senior Manager, Chandni Chowk branch, Delhi was appointed as Enquiry Officer to conduct the enquiry. Later on, charge sheet dated 16.11.1992 was issued by the Disciplinary Authority together with a copy of the order dated 23.11.1992 upon the workman herein which shows that the Disciplinary Authority has adjudged the workman guilty even before service of the charge sheet. Allegations against the workman herein in the charge sheet are as under:

- (a) The workman had maintained 3 joint saving bank accounts, each jointly with one of his three lady relatives, in the Pusa Road branch of the bank.
- (b) The workman had withdrawn from these three accounts respectively, aggregate amounts of Rs.40,000.00(rupees forty thousand only), Rs.82,700.00(rupees eighty two thousand and seven hundred only) and Rs.8,900.00(rupees eight thousand nine hundred only) between 7th February 1992 and 6th July 1992, and
- (c) These withdrawals, as per the disciplinary authority constituted gross misconduct and charged the workman as under:
 - (i) You have defrauded the bank;
 - (ii) You have fraudulently withdrawn money from the joint accounts maintained at Pusa Road branch;
 - (iii) You have willfully withdrawn the bank's money causing damage to the bank;
 - (iv) You have committed acts prejudicial to the interest of the Bank; and
 - (v) You have committed acts unbecoming of a bank employee

2. It is clear from a cursory look at the charge sheet that charges leveled in the charge sheet was that money was withdrawn from joint accounts of near relatives and in disciplinary matters Bank is governed by the Sastry Award as modified by Desai Award. No explanation of the workman here was called by the management before issuance of charge sheet and departmental enquiry was ordered mechanically and without application of mind. Departmental enquiry was conducted by Shri Khemka in gross violation of principles of natural justice and rule of established procedure. Fresh charge sheet was also issued against the workman herein on 20.02.1995 alleging gross misconduct. Enquiry Officer summarily rejected request of the workman to engage a defence counsel as enquiry involved complicated question of law. Eventually, the workman was dismissed from service on 16.05.1996. Workman thereafter is without job and all his efforts to find a suitable employment because of the stigma attached to his dismissal. Workman has alleged that order of dismissal is illegal, unlawful and void ab initio and prayed that the said order be set aside and he may be reinstated with retrospective effect, with all benefits.

3. Management filed reply to the statement of claim statement and took preliminary objections inter alia of maintainability, non-existence of an industrial dispute in terms of section 2(k) of the Industrial Disputes Act, order of reference being totally invalid and incapable of specific answer on account of gross vagueness etc. On merits, it was admitted that the workman was employed with the management as a clerk and was lastly posted at Pusa Road branch, New Delhi. There is no denying the fact that bipartite settlement of 19th October 1966 as well as Sastri Award and Desai Award are in force. Workman has tried to defraud the bank and fraudulently withdrew money from savings accounts etc., which is mentioned in detail in the charge sheet. Workman has thus withdrawn an amount of Rs.1,45,100.00 and subsequently thereafter deposited a sum of Rs.1,37,200.00. Management denied the other averments pertaining to malafide etc. and alleged that order of removal passed by the management is perfectly legal and valid.

4. Against this factual background, this Tribunal on the basis of pleadings of the parties vide order dated 27.09.2004 framed the following issues:

- (i) Whether the reference is invalid as claimed in para 1, 2 and 3 of the written statement? If so, its effect?

5. Both the parties adduced evidence on the preliminary issue. The workman herein examined himself as Ex.WW1 and the management examined Shri N.S. Goswami as MW1 and Shri M.S. Narula as MW2. My learned predecessor on the basis of the evidence, held as under:

‘When charge is not specific enough, it would result in miscarriage of justice in the sense that the claimant had no opportunity to meet it. Consequently, vagueness of the charge sheet shakes entire foundation of the enquiry proceedings conducted against the claimant. In view of the facts it cannot be concluded that the enquiry was fair and proper. It would be futile exercise to discuss evidence adduced by the parties, since it would not lead to a different position on the above aspects. First limb of reference is answered in favour of the claimant and against the bank.’

6. Since the management had claimed in its reply that in case enquiry is found to be vitiated, management may be allowed to prove misconduct of the claimant on merits. Consequently, opportunity was afforded to the management to adduce evidence to prove misconduct of the workman.

7. After findings rendered qua the enquiry holding the same to be vague and bad in law, management on merits examined Shri G.L. Babbar, Senior Manager of the Bank as MW3, who tendered in evidence his affidavit as Ex.MW3/A. Perusal of the affidavit shows that all allegations contained in the charge sheet are reiterated in the affidavit. He has admitted that the bank is not in a position to produce original documents relied by the bank. He further admitted that he has no personal knowledge in respect of the matter in issue, i.e. the enquiry. He joined Pusa Road branch of the bank in June 1992 and in July 1992, workman was placed under suspension. However, the workman has never worked in association with him. He has further admitted that designation of the workman herein was Clerk/Typist and he was never associated in the preliminary enquiry nor the suspension order was issued by him. He further made an admission that no police report was lodged in this matter against the workman or any other official of the bank. He has further admitted that in a withdrawal, passing officer is different. Thereafter, payment is made after checking the same. He further deposed that payments in the scroll is in the hand of the workman. He denied that the claimant has been falsely implicated.

8. Shri Mehtab Singh was examined by the management as MW4, who was working as Senior Manager at Ajmal Khan Road, New Delhi branch as Credit head. He further averred in the affidavit that the workman herein was suspended from service pending departmental enquiry on account of allegations of serious financial irregularities as is clear from letter Ex.MW1/1. Therefore, charge sheet was served upon the workman which is Ex.MW1/3. It is also alleged in the affidavit that the workman has withdrawn money from various joint account maintained at Pusa Road branch. It is pertinent to note here that details of the withdrawals from the joint accounts are not mentioned in the affidavit.

9. When this witness was cross examined as MW4, he has admitted that he was neither connected with the enquiry proceedings held against the claimant nor he had testified facts against the workman before the Enquiry Officer. On the date of incident workman was performing his duty on Saving Fund account seat but he has not filed copy of the roster showing that the workman herein was working on the said seat for a period of six months. Rather he was not in a position to file copy of the duty roster prepared at the time of the incident. He has mentioned the number of the joint accounts as 6672 and 6863 but could not properly mention details of the account holder with whom claimant was operating the above accounts jointly. Tribunal had also directed this witness to bring the relevant record pertaining to enquiry etc. and in his cross examination dated Shri Mehtab Singh, MW4 admitted that there was a fire in Pusa Road branch of the Bank and documents were destroyed in the fire. Accordingly, bank is not in a position to produce the originals of withdrawal forms Ex.Ex.MW1/52 and Ex.MW1/54. The said fire broke out in June 2012. Originals of the above withdrawals forms were not filed before this Tribunal prior to June 2012. He further admitted that originals of the documents as detailed in para 16 of the affidavit, Ex.MW4/A are not available in the branch, hence it is presumed that these originals have been destroyed in the fire. He has further admitted signatures of the workman appearing on Ex.MW4/W1 to Ex.MW4/W12. He has no personal knowledge about issuance of withdrawal forms Ex.MW1/2 and Ex.MW1/3. This witness is not sure whether designation of the workman herein is clerk/cashier or clerk/typist. He further clarified in the affidavit that he has mentioned designation of the workman as clerk/typist. This witness was not at all associated either in the preliminary enquiry or final enquiry conducted by Shri Khemka, the Enquiry Officer. He further made a vital admission that it is the clerk who makes entries of withdrawals in the ledger and mentions necessary particulars of the withdrawal slips etc. and Day Book is written on the next day. He further admitted that entries of scroll are counter checked by the checking official. Passing officer tallies signatures of the account holder for payment and sends the instrument to the cashier for payment. If there is any mistake, it would come to light in the evening at the time of checking. However, in the present case, mistake came to light at the time of balancing of books in May 1992.

10. It is clear from the resume of evidence on record that after findings rendered on the enquiry conducted by the Enquiry Officer was held to bad in law vide order dated 29.06.2012, management has examined only two witnesses. It is apparent from perusal of charge sheet dated 16.11.1992 that charges levelled against the workman are vague and general in nature and evidence on record does not clearly show that the workman has defrauded the bank or fabricated record in a manner so as to cause loss to the bank or any other customer. Statement of MW3, Shri G.L.Babbar as well as MW4 Shri Mehtab Singh is not of much value so far as the question of any fraud or withdrawal from the joint account etc. are

concerned inasmuch as both these witnesses were not associated wither in the preliminary enquiry or in the departmental enquiry conducted thereafter by Shri Khemka. Not only this, the management has not produced the original record pertaining to withdrawal etc. of the account as the same were gutted in a fire. Strangely, this fact was never brought to the notice of the Tribunal at the time of recording evidence when validity of the domestic enquiry was in issue. The Tribunal also cannot ignore the fact that entries of the scroll are counter checked by a checking official and passing officer normally tallies signatures of the account holders and it is only thereafter that payment is made. It has also come in evidence that signatures of the workman do not appear on Ex.MW4/W1 to Ex.MW4/W12. Management has failed to prove as to who had made the entries on Ex.MW4/W1 to Ex.MW4/W12. Though Shri Mehtab Singh, MW4 has stated that on payment scrolls, signatures of the passing official appears, but the passing officer has not been examined in the present case as witness to specifically prove the role of the workman herein in making wrong withdrawals and thereafter handing over the same, i.e. withdrawal slips, to the passing officer so as to tally the signatures and send the same to the cashier for payment. So far as charge relating to maintaining of joint accounts is concerned, the same is not of consequence inasmuch as there is no bar under banking laws to maintain such accounts.

11. It has been held in the case of Shri Anil Gurukul vs. Bilaspur Raipur Kshetriya Bank AIR(2012) SC 181, , in a departmental enquiry of a bank employee regarding misappropriation of loan etc. bank is required to give complete details of loan amount given and amount misappropriated by the employee and incase details are not given, in that eventuality, enquiry stands vitiated and order of the Disciplinary Authority is liable to be set aside. Moreover, in the case in hand, management was required to prove documents pertaining to the withdrawal slip of the joint accounts mentioned in the charge sheet Ex.MW1/3. Evidence led by the management in this regard is lacking both in quality and content and statement of MW3 as well as MW4 regarding misconduct does carry much evidentiary value inasmuch as both these officials were not associated during the course of preliminary enquiry or regular enquiry nor the workman herein worked immediately under the officials at the relevant time. Consequently, it is held that management has failed to prove the charges against the workman herein as required under the law, and order of removal dated 09.12.1996 is liable to be set aside.

12. As a result of the above, it is held the workman is entitled to reinstatement with immediate effect with all consequential benefits to which he would have been otherwise entitled had he not been removed. An award is accordingly passed. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : November 4, 2015

A. C. DOGRA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2375.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्रा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, मुम्बई के पंचाट (संदर्भ सं. 33/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.12.2015 को प्राप्त हुआ था।

[सं. एल-12012/36/2013-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th December, 2015

S.O. 2375.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. 33/2013**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No.1 , Mumbai* as shown in the Annexure, in the industrial dispute between the management of **Bank of Maharashtra**, and their workman, received by the Central Government on 17/12/2015.

[No. L-12012/36/2013-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1 MUMBAI

Present

JUSTICE S. P. MEHROTRA

Presiding Officer

REFERENCE NO.CGIT-1/33 OF 2013

PARTIES: Employers in relation to the management of
Bank of Maharashtra

And

Their workman (R. N. Sawardekar)

Appearances:

For the first party / Management : Mr.M.B.Anchan, Adv.

For the second party/workman : Mr.Nitin Rege, General Secretary

State : Maharashtra

Mumbai, the 29th day of September, 2014

AWARD

1. The present Reference has been made by the Central Government by its order dated 25.6.2013 passed in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947. The terms of reference as per the Schedule to the said order are as under:

"Whether the denial of $\frac{3}{4}$ scale from August, 2000 to Shri R.N.Sawardekar, PTS by Bank of Maharashtra (RO) Ratnagiri against payment made w.e.f. 01.04.2002 is legal and justified? If not what is entitlement of workman?"

2. By the Order dated 23.12.2013, notices were directed to be issued to the parties fixing 3.2.2014

3. Notices were accordingly issued to the parties by Registered Post A.D.

4. Pursuant to the Order dated 23.12.2013, the case was put up on 3.2.2014.

On the said date, i.e. 3.2.2014, in response to the notices issued, appearance was put in on behalf of the parties. Mr.Nitin Rege, General Secretary of the second party/Union (Bank of Maharashtra Karmachari Sena) appeared on behalf of the second party/Union.

Mr. M. B. Anchan, Advocate appeared on behalf of the first party/Management (Bank of Maharashtra).

5. Statement of Claim was filed by Mr.Nitin Rege on the said date, i.e., 3.2.2014.

An application objecting to the appearance of Legal Practitioner on behalf of the first party/Management was also filed by Mr.Nitin Rege on the said date, i.e., 3.2.2014.

6. On 28.4.2014, Written Statement was filed on behalf of the first party/Management.

7. On 6.8.2014, Reply/Say in respect of the Application dated 3.2.2014, as mentioned above, was filed on behalf of the first party/Management. Time was granted to Mr.Nitin Rege, General Secretary of the second party/Union for filing Rejoinder in respect of the said Reply/Say.

8. On 29.9.2014, Mr.Nitin Rege filed Rejoinder on behalf of the second party/Union in respect of the aforesaid Reply/Say filed on behalf of the first party/Management in respect of the Application dated 3.2.2014 filed on behalf of the second party/Union.

9. By the Order dated 29.9.2014, the case was fixed for 17.11.2014 for consideration of the said Application dated 3.2.2014.

10. On 17.11.2014, Mr.M.B.Anchan, learned counsel for the first party/Management was present. Mr.Nitin Rege, General Secretary of the second party/Union was also present. On joint prayer made on behalf of the parties, the case was adjourned to 7.1.2015 for consideration of the said Application dated 3.2.2014.

11. On 7.1.2015, Mr.M.B.Anchan, learned counsel for the first party/Management was present. However, none was present for the second party/Union. In the circumstances, by the Order dated 7.1.2015, the case was adjourned to 23.2.2015 for consideration of the said Application dated 3.2.2014.

12. On 23.2.2015, Mr.M.B.Anchan, learned counsel for the first party/Management was present. However, none was present for the second party/Union. In the circumstances, the case was adjourned to 14.4.2015 for consideration of the said Application dated 3.2.2014.

13. As 14.4.2015 was declared as a holiday on account of "Birthday of Dr.B.R.Ambedkar", the Tribunal by the Order dated 15.4.2015 fixed the case for 8.6.2015.

14. On 8.6.2015, Mr.M.B.Anchan, learned counsel for the first party/Management was present. However, none was present for the second party/Union. In the circumstances, the Tribunal by the Order dated 8.6.2015 directed for issuance

of fresh notice to the second party/Union for appearance in the matter fixing the next date fixed in the matter and the case was fixed for 4.8.2015.

15. On 4.8.2015, Mr.M.B.Anchan, learned counsel for the first party/Management was present. The Office informed that due to inadvertence, fresh notice as per the direction given in the Order dated 8.6.2015, could not be issued and, therefore, the Tribunal by the Order dated 4.8.2015 directed that fresh notice, as directed in the Order dated 8.6.2015, be sent to the second party/Union fixing the next date fixed in the matter. By the said order dated 4.8.2015, the case was fixed for 29.9.2015.

16. Pursuant to the Order dated 4.8.2015, the Office issued fresh notice by Registered Post AD to the second party/Union. Notice so issued has been duly served and the Acknowledgement Card has been received back.

17. Pursuant to the Order dated 4.8.2015, the case is put up today.

Mr.M.B.Anchan, learned counsel for the first party/Management has filed today his Authority on behalf of the first party/Management.

Mr.Nitin Rege, General Secretary of the second party/Union is present for the second party/Union.

18. Mr.Nitin Rege has filed today an Application, inter-alia, praying that in view of the circumstances mentioned in the said Application, the second party/Union may be allowed to withdraw the present Reference. Mr.M.B.Anchan, learned counsel for the first party/Management has endorsed his "No Objection" on the said Application filed today on behalf of the second party/Union.

19. Mr.Nitin Rege, General Secretary of the second party/Union states that in view of the circumstances mentioned in the aforesaid Application filed today, the second party/Union wants to withdraw the present Reference, and it may be permitted to do so. Mr.M.B.Anchan, learned counsel for the first party/Management has no objection to the prayer made on behalf of the second party/Union being granted.

20. In view of the above, it is evident that the Industrial Dispute forming the subject-matter of the Reference no longer survives.

21. Reference is, therefore, answered by stating that the subject-matter of the Reference no longer survives.

22. Award is passed accordingly.

JUSTICE S. P. MEHROTRA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2376.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (संदर्भ सं. **22/2001**) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.12.2015 को प्राप्त हुआ था।

[सं. एल-12012/46/2001-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th December, 2015

S.O. 2376.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 22/2001**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court, Kolkata* as shown in the Annexure, in the industrial dispute between the management of **Punjab National Bank** and their workman, received by the Central Government on 17/12/2015.

[No. L-12012/46/2001-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Reference No. 22 of 2001

PARTIES: Employers in relation to the management of Punjab National Bank

AND

Their workman

Present: Justice Dipak Saha Ray, Presiding Officer

Appearance:

On behalf of the Management : Mrs. Priyanka Ganguly, Manager – HRD.

On behalf of the Workman : Mr. Animesh Bhadury, Authorised representative.

State: West Bengal.

Industry: Banking.

Dated: 6th November, 2015.

AWARD

By Order No.L-12012/46/2001-IR(B-II) dated 18/22.06.2001 the Government of India, Ministry of Labour in exercise of its powers under Section 10(1)(d) and (2A) of the Industrial Disputes Act, 1947 referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Punjab National Bank in removing Shri Arindom Kumar Kanjilal from the service of the bank w.e.f. 12.1.2000 is legal and justified? If not, what relief is he entitled to?”

2. The case of the workman is, in short, as follows:

The workman was appointed as Clerk-cum-Typist of the Punjab National Bank, Regional Office, Kanpur on 28.04.1981. In the year 1983 he was transferred to Punjab National Bank, New Market, Calcutta on his own seeking and was entrusted to do the work of Recurring Deposits and Fixed Deposits under the direct control of the then Chief Manager of that branch Shri K.K. Sharma. While he was working as such he was suspended from the service by a letter dated 12.02.1996 and thereafter by an order dated 07.11.1996 he was terminated from the service. Being aggrieved by the said order of termination he preferred an appeal before the Appellate Authority who by an order dated 04.04.997 set aside the termination order dated 07.11.1996 with a direction to the management for holding departmental enquiry against the workman. Accordingly departmental enquiry was held and the workman was found guilty of the charges leveled against him and on the basis of the report of the Enquiry Officer the workman was removed from the service. The workman then preferred an appeal on 18.01.2000 which was rejected. Accordingly the workman raised industrial dispute. Hence this reference.

3. As against this the case of the management is that the concerned workman committed the acts of fraud like misappropriation of bank money and accordingly departmental enquiry was held against him in accordance with the provisions of the Bipartite Settlement. During such enquiry the workman was given reasonable opportunities to defend himself. Natural justice was also extended to him at every stage of the said enquiry. It is further contended that in that enquiry the charges leveled against the workman were proved and accordingly he was removed from the service. The appeal preferred by the workman was also considered and rejected. The management has, thus, prayed that the instant reference may be answered in the affirmative.

4. The concerned workman has examined himself as witness and has proved eighteen (18) documents to prove his case.

5. The management has also examined two witnesses and has proved eight (8) documents to substantiate its case.

6. In this case the issue of the reference to be decided is whether the removal of the workman from service is legal and justified.

7. Admittedly the workman was first suspended on 12.02.1996 and was terminated from service thereafter on 07.11.1996. Subsequently on the basis of his representation before the authority, the said termination order was set aside and Disciplinary Authority was asked to hold domestic enquiry. Accordingly domestic enquiry was held and as the workman was found guilty in the said domestic enquiry, he was removed from the service.

8. In this case it is alleged by the workman that the domestic enquiry was not proper and valid as natural justice was not extended to him during such enquiry and that he was not supplied with the documents which were asked for and thereby he was denied the opportunity to defend his case. It is also alleged that the findings of the enquiry were based on his alleged confessional statements/letters which were obtained by the management under duress and threat.

9. So, in view of the said contention and counter contention of the parties the Tribunal is required to ascertain whether or not the domestic enquiry held against the workman was valid and proper.

10. From the order dated 17.04.2006 it appears that after hearing both sides and after considering the evidence on record as well the documents placed before the Enquiry Officer, the Tribunal has come to a conclusion that the report of

the Enquiry Officer was legal, valid and proper as the same was prepared after observing all the rules and formalities of the enquiry.

11. According to the workman all the documents required for cross-examination of the witnesses of the management, were not supplied to him and accordingly he was denied of the opportunity to defend himself properly. It was also the allegation that the Enquiry Officer relied on the alleged confessional statements/letters of the workman which was procured by the management under coercion and threat.

12. Now from the order dated 17.04.2006 it appears that the workman had failed to substantiate his allegation that the confessional letters were procured by the management under duress and threat. Accordingly, the Enquiry Officer had not made any wrong to consider that the said letters were voluntarily written by the workman.

13. Considering the said order dated 17.04.2006 with reference to the documents of the management it appears that besides two (2) documents (which were produced at the time of hearing) all other documents as asked for by the workman were supplied to the workman.

14. In this case on the basis of the letters of the workman and other documents of the bank, charges were framed against the workman and the said charges of misappropriation of money by forging the documents of the Bank as leveled against him were proved and the workman was found guilty of the charges of major misconduct as defined in the Bipartite Settlement.

15. So no question of victimization or unfair labour practice or management having bias against the workman can arise once it is held that the findings of misconduct alleged against the workman were properly arrived at and the domestic enquiry was in no way vitiated.

16. Since it has been decided that the domestic enquiry held against the concerned workman is valid and since the said order has not been challenged by any of the parties, the workman has no right to agitate that the charges framed against him are false as he had no scope to commit misappropriation of the bank's money because he was working under the direct control of the Chief Manager. So it appears that the domestic enquiry was valid and the findings of the enquiry were not perverse.

17. In this case, the workman was removed from service as the charges of misappropriation against him were proved in the domestic enquiry. From the said action of the management it may reasonably be presumed that the management/Bank which deals with the public money, lost confidence in the workman due to the lack of his integrity and honesty. Such distrust of the management cannot be brushed aside under the carpet because in the banking business absolute devotion, diligence, integrity and honesty needs to be preserved by every bank employee. It is not desirable that the confidence of the public/depositors would be impaired. So, misappropriation by an employee of the Bank is the misappropriation of public money and must be treated differently. Such misconduct cannot be treated lightly.

18. It is well settled that before the insertion of Section 11A, the Tribunal could interfere with the quantum of punishment only where punishment was shockingly disproportionate with the gravity of misconduct committed by the delinquent workman because that could lead to the inference of mala fides but now it has the jurisdiction to interfere with the punishment, the tribunal has only to see whether the punishment imposed by the employer is in commensurate with the gravity of the act of misconduct. If it comes to the conclusion that the misconduct is proved, it may still hold that the punishment is not justified because the misconduct alleged and proved is such as does not warrant the punishment of discharge or dismissal and where necessary, set aside the order of discharge or dismissal and direct reinstatement with or without any terms or conditions as it thinks fit, or give any other relief including the ward of lesser punishment in lieu of discharge or dismissal as the circumstances of the case may warrant.

But, in this case it has already been discussed that major misconduct i.e., misappropriation of public money has been proved against the bank employee. So it cannot be said that the punishment is not justified because of misconduct alleged and found proved is such that it does not warrant dismissal or discharge.

19. It has already been pointed out that charge of misappropriation in respect of public money has been established against the bank employee and it appears that the management dismissed him from service as it lost confidence in the said employee perhaps on apprehension that he could commit such offence again in future, if he was allowed to continue the job.

20. In this context it is worthwhile to mention the decision reported in (2006) 5 S.C.C. 201 where the Hon'ble Supreme Court has held that:

"If the enquiry is fair and proper then in the absence of any allegation of victimization or unfair labour practice the Labour Court has no power to interfere with the punishment imposed. Section 11-A of the Industrial Disputes Act, 1947 gives ample power to the Labour Court to reappraise the evidence adduced in the enquiry and also sit in appeal over the decision of the employer in imposing punishment."

It has also been held in a decision reported in (2000) 7 S.C.C. 517 that

"After finding that charges against the workman for breach of trust and misappropriation of funds entrusted to them for the value mentioned in the charge-sheet had been established, the Labour Court materially erred in

setting aside the order passed by the management removing the workmen concerned from service and reinstating them with 25% back wages. Once an act of misappropriation is proved, may be for small or large amount, there is no question of showing uncalled for sympathy and reinstating the employees in service.

In case of proved misappropriation, there is no question of considering the past record. It is the discretion of the employer to consider the same in appropriate cases, but the Labour Court cannot substitute the penalty imposed by the employer in such cases."

The Hon'ble Supreme Court has also observed in a decision reported in (2006) 12 S.C.C. 554 that:

"We find that the Labour Court has found the enquiry to be fair and proper. The conduct highlighted by the management and established in enquiry was certainly of a very grave nature. The Labour Court and High Court had not found the misconduct was of any minor nature. On the contrary, the finding on facts that the act complained of has not been disturbed. That being so, the leniency shown by the Labour Court is certainly unwarranted and would in fact, encourage indiscipline. Without indicating any reason as to why it was felt that the punishment was disproportionate, the Labour Court should not have passed the order in the manner done."

21. Considering the above facts and circumstances and the nature and gravity of the offence and in view of the decisions of the Hon'ble Supreme Court I do not find any reason to interfere with the decision of the management/Bank in dismissing the concerned workman.

22. Accordingly the instant reference is answered in the affirmative and the concerned workman is not entitled to get any relief whatsoever.

JUSTICE DIPAK SAHA RAY, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2377.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 2, धनबाद के पंचाट (संदर्भ सं. **29/2012**) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.12.2015 को प्राप्त हुआ था।

[सं. एल-12011/32/2011-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th December, 2015

S.O. 2377.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 29/2012**) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court No. 2, Dhanbad* as shown in the Annexure, in the industrial dispute between the management of **Punjab National Bank** and their workman, received by the Central Government on 17/12/2015.

[No. L-12011/32/2011-IR(B-II)]

RAVI KUMAR Desk 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 29 OF 2012

PARTIES : The General Secretary,
Punjab National Bank Employees Union,
C/O Punjab National Bank, LDM Office,
Boring Road Crossing, Patna.

Vs.

The Zonal Manager
Punjab National Bank,
Zonal Office, Chanaky Palace, R Block, Patna.

Order No. L-12011/32/2011-IR(B-II)dt.19/30.04.2012.**APPEARANCES :**

On behalf of the workman/Union : None
 On behalf of the Management : Mr. R. K. Rana, Manager as Representative
 State : Bihar
 Industry : Banking

Dhanbad, Dated the 14th Oct., 2015**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. **L-12011/32/2011-IR(B-II) dt.19/30.04.2012.**

SCHEDULE

“Whether the action of the Management of Punjab National Bank, Patna Circle in awarding punishment of bring down to lower stage in the scale of pay by two stages upon S/Sh.J.D.Mishra and Lokesh Narayan vide order dated 31.12.2008 is legal and justified? What relief the concerned workmen are entitled to?”

2. The Management Representative is present. The workmen did not appear though two notices by Regd.post with A.D. sent to their registered address.

On perusal of the case record, it appears that the case has been pending since its registration. Neither the workmen or its Representative nor the Union appeared to contest the case. Therefore, it appears that the workmen have lost interest in the case or its dispute has been resolved in the mean time. Hence a ‘No Dispute Award’ is passed.

R. K.SARAN, Presiding Officer,

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2378.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **पंजाब एण्ड सिंध बैंक** के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, 2 दिल्ली. के पंचाट (संदर्भ सं. **116/2012**) को प्रकाशित करती है जो केन्द्रीय सरकार को 17.12.2015 को प्राप्त हुआ था।

[सं. एल-12011/11/2011-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th December, 2015

S.O. 2378.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Ref. No. 116/2012**) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No 2, Delhi* as shown in the Annexure, in the industrial dispute between the management of **Punjab and Sind Bank** and their workman, received by the Central Government on 17/12/2015.

[No. L-12011/11/2011-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT – II, DELHI****PRESENT:-** Shri Harbansh Kumar Saxena

ID.No. 116/2012

Shri Ramakant Rai C/o Rashtriya,
 Rajdhani Kshetra Engg. & General Mazdoor Union,
 C-141, Karampura,
 New Delhi 110016.

.....Workman

Versus

The Manager,
 Punjab and Sind Bank, 21 Rajendra Place,
 New Delhi.

..... Management

AWARD

The Central Government in the Ministry of Labour vide notification No. L-12011/11/2011(IR(B-II)) dated 18.04.2012 referred the following Industrial Dispute to this Tribunal for adjudication :-

“Whether the action of the management of Punjab & Sind Bank, New Delhi in terminating the services of Sh. Ramakant Rai w.e.f 03.03.2009 is legal and justified? What relief the workman is entitled to?”

On 11.05.2012 reference was received in this Tribunal. Which was register as I.D No. 116/2012 and claimant union was called upon to file claim statement with in fifteen days from date of service of notice. Which was required to be accompanied with relevant documents and list of witnesses.

After service of notice workman/claimant filed claim statement on 8.8.2012. Through which workman prayed as follows:-

It is therefore, most respectfully prayed that an award may kindly be passed for reinstatement in his service with full back wages at the rate of minimum wages including earned wages, continuity of service and all consequential benefits alongwith 18% interest in the interest of justice.

Against claim statement management filed written statement on 20.09.2012. Through which management prayed as follows:-

It is , therefore, most respectfully prayed that the present reference may kindly be dismissed with costs. The claimant was not an employee of the Bank and hence no relief is admissible to him.

In Reply to the written statement workman filed rejoinder on 20.03.2008. Wherein he stated as follows:-

It is, therefore, most humbly prayed that the Hon'ble Tribunal may graciously be pleased to dismiss the written statement as filed by the management being devoid of any merit and substances and the relief as prayed for in the prayer Para of the statement of claim be granted in favour of the workman and against the management in the interest of justice.

My Ld. Predecessor on 12.04.2013 framed following issues:-

1. Whether claimant was personal driver of the Assistant General Manager/Deputy General Manager of the claimant?
2. As in terms of reference.

Workman in support of his case filed his affidavit on 17.05.2013.

Which was tendered by workman and cross-examined by Ld. A/R for the management on the same day. His examination-in-chief and cross-examination is as follows:-

I tender my affidavit as evidence, which is Ex. WW1/A. Alongwith his affidavit, I rely on receipt dated 01.05.1997 , certificate dated 01.01.2004, another certificate dated 13.3.2004, certificate issued by Sh. V.K. Marwah, certificate of registration of vehicle No. DL 6C J 3729 and letter dated 12.06.2009, which documents are Ex. WW1/1 to Ex. WW1/6. These documents may be read in support of my affidavit.

XXXX by Sh. Rajat Arora, Ld. A/R for the management.

No appointment letter was issued by the bank in my favour. No advertisement was issued by the bank in a daily newspaper seeking applications from incumbents for the post of driver. Vol. I was appointed by the concerned officer. It is correct that I was appointed by Sh. Swaroop Singh, Deputy General Manager. Vol. initially I was engaged by Sh. H.P. Singh, Assistant General Manager. Thereafter, I worked with Sh. Swaroop Singh, Sh. Swaroop and Sh. H.P. Singh used to pay wages to me. They had paid my wages from 2-3 years through cheques and for a period of nine years, through receipts. Again said, I was not maintaining any account with the bank, hence I am not in a position to produce pass book in which those cheques were deposited. Payments were made in my favour through receipts like Ex. WW1/1. No other document other than the receipt referred above, were issued in my favour. No termination letter was issued in my favour. My services were dispensed with by Sh. Jaspal Singh Kochhar , General Manager. It is correct that I was driver of Sh. H.P. Singh, Sh. Swaroop Singh and Sh. Kochhar respectively. I had served Sh. V.K. Marwah also. It is correct that I was not an employee of the bank. Vol. the aforesaid officers used to assure me that I would be given employment in the bank Assurances were oral.

I am working as a daily wages as on date and earn Rs. 300.00 per day.

Then workman closed his evidence.

On 4.10.2013 affidavit of MW1 Sh. Brij Mohan was filed. Which was tendered on 20.11.2013. His examination-in-chief is as follows:-

I have filed my affidavit the same is exh. as exh. MW1/A. I also rely upon document exh. MW1/1 and MW1/2 (collectively).

XXX deferred with direction to management to produce original documents filed with affidavit.

On 13.3.2014 management witness was part cross-examined. His part cross-examination is as follows:-

I am working as manager since 1.09.2011. It is incorrect to suggest that workman was working as 'Driver' in the management. It is also incorrect to suggest that workman was working as Driver in the bank situated at 21, Rajendra Place, New Delhi. I can tell about facts relating to my tenure as per personal knowledge. For other matters I can tell on the basis of received from record. It is incorrect to suggest that workman was working as Driver in management since 7.7.1995. It is correct that in 2004 Sh. Swaroop Singh was Deputy, General Manager.

It is incorrect to suggest that salary to workman was given by bank.

And his cross-examination was deferred and he was again cross-examined on 20.11.2014 and his remaining cross-examination is as follows:-

It is correct that Ex. WW1/2 bears the signatures of Sh. Swaroop Singh.

It is incorrect to suggest that workman was paid salary by bank.

It is incorrect to suggest that workman was employee of bank.

It is incorrect to suggest that salary of workman is due on management bank.

I cannot say whether workman use to drive car of management bank or not.

It is also incorrect to suggest that document MW1/2 is forged document.

It is also incorrect to suggest that workman use to work under control and directions of the management.

It is also incorrect to suggest that workman in his tenure of work worked under the direction and control of the management.

It is also incorrect to suggest that I am deposing falsely.

It is incorrect to suggest that management bank dismissed the workman on 3.3.2009.

I have heard the arguments of Ld. A/R's for the parties at length on 3.09.2015 and reserved the Award. Ld. A/R for the workman vehemently argued and stressed that workman was personal driver in S.B.I who was appointed on 7.7.1995 and remained in service upto 3.3.2009 but illegally terminated on 3.3.2009. His salary for 2 days has also with held by management. He placed reliance of documents WW1/1 to WW1/3. He remained in services of bank since 7.7.1995 to 3.3.2009. He was bank employee. Circular filed by management has not been proved by management. So, no benefit can be given to management. While on the other hand Ld. A/R for the management counter contended that personal driver of bank manager shall not be treated as bank employee. He placed reliance on previous circular dated 23.06.1997 and latest circular dated 26.10.2012.

In the instant case question of determination is whether aforesaid circular cited on behalf of management can be looked into or not.

In the light of pleadings of the parties and their evidence on aforesaid circular cited on behalf of management are most relevant facts which cannot be brushed aside as trivial matter.

Moreover section 56 of the Indian Evidence Act empowers this Tribunal to take judicial notice about aforesaid circulars cited on behalf of management. In addition to it claimant /workman must stand on his own legs to prove his case. It is also relevant to mention here that Hon'ble Supreme Court in case of Punjab National Bank V/s Gulam Dastgir (1978) 2SCC 358 held that car driver engaged by Bank Manager who gets car allowance from the Bank is not workman as defined u/s 2(S) of ID. Act.

On the basis of aforesaid discussion I am of considered view that reference is liable to be decided against workman and in favour of management. Which is accordingly decided. Claim statement is liable to be dismissed. Which is accordingly dismissed.

Award is accordingly passed.

Dated:-28/9/2015

HARBANSH KUMAR SAXENA, Presiding Officer

नई दिल्ली, 17 दिसम्बर, 2015

का.आ. 2379.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कार्पोरेशन बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, चण्डीगढ़ के पंचाट (**संदर्भ सं. 5/2012**) को प्रकाशित करती है, जो केन्द्रीय सरकार को 17.12.2015 को प्राप्त हुआ था।

[सं. एल-12012/104/2011-आई आर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 17th December, 2015

S.O. 2379.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 5/2012) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No. 1, Chandigarh* as shown in the Annexure, in the industrial dispute between the management of Corporation Bank and their workman, received by the Central Government on 17/12/2015.

[No. L-12012/104/2011-IR(B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE SHRI SURENDRA PRAKASH SINGH, PRESIDING OFFICER, CENTRAL GOVT. INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT-I, CHANDIGARH.

Case No. ID No. 5 of 2012, Reference no. L-12012/104/2011/IR(B-II) dated 25.06.2012

Sh. Raj Kumar son of shri Sohan Lal, House No.20/175, Mohalla Jaipura, near Shri Hanuman Mandir, Kapurthala-Punjab-144601. Workman.

Versus

1. The Deputy General Manager, Corporation Bank, Madhya Marg, Sector 9D, Chandigarh.
2. The Branch Manager, Corporation Bank, Jalandhar Road, Kapurthala-Punjab. Respondents.

Appearances

For the Workman : None.
For the Management : Shri Ram Niwas Sharma Advocate.

AWARD

Passed on: - 27.10.2015

Government of India Ministry of Labour vide notification No. L-12012/104/2012/IR(DU) dated 25.06.2012 has referred the following dispute to this Tribunal for adjudication:

“Whether the action of the management of Corporation Bank in terminating the services of Shri Raj Kumar son of Shri Sohan Lal, House No. 20/175, Mohalla Jaipura, Near Hanuman Mandir, Kapurthala w.e.f. 02-07-2010 is legal and justified? What relief the workman is entitled to?”

2. Case repeatedly called. None appeared for the workman nor any witness is present on behalf of the workman. For the last several dates, none is appearing on behalf of the workman. It appears that the workman is not interested to pursue the present reference. In view of the above the present reference is disposed off for want of prosecution.

3. Reference is disposed off accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication.

Chandigarh.

27.10.2015

S. P. SINGH, Presiding Officer

नई दिल्ली, 18 दिसम्बर, 2015

का.आ. 2380.—राष्ट्रपति, श्री रंजन कुमार सरन, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय, धनबाद—1 को 01.10.2015 से छः माह की अवधि तक अथवा नियमित आधार पर इस पद के भरे जाने तक अथवा अगले आदेश तक, इनमें जो भी पहले हो, केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय, धनबाद—II के पीठासीन अधिकारी का अतिरिक्त प्रभार सौंपते हैं ।

[सं. ए—11016/03/2009—सी.एल.एस.—II]

एस. के. सिंह, अवर सचिव

New Delhi, the 18th December, 2015

S.O. 2380.—The President is please to entrust the additional charge of the post of Presiding Officer of the Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-II to Shri Ranjan Kumar Saran, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Dhanbad-I for a period of six months with effect from 01.10.2015 or till appointment of a regular incumbent or until further orders, whichever is the earlist.

[No. A-11016/03/2009-CLS-II]

S. K. SINGH, Under Secy.

नई दिल्ली, 15 दिसम्बर, 2015

का.आ. 2381.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1, धनबाद के पंचाट (संदर्भ सं. 27/2008) को प्रकाशित करती है जो केन्द्रीय सरकार को 15.12.2015 को प्राप्त हुआ था।

[सं. एल—20012/47/2008—आई आर (सीएम—I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 15th December, 2015

S.O. 2381.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. 27/2008) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workman, received by the Central Government on 15.12.2015.

[No. L-20012/47/2008-IR(CM-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. 27 of 2008

Employer in relation to the management of kustore Area of M/s BCCL

AND

Their workman

Present : Sri R. K. Saran, Presiding Officer**Appearances :-**

For the Employers : Shri D. K. Verma, Advocate

For the Workman : Shri K. N. Singh, Rep.

State :- Jharkhand.

Industry :- Coal

Dated 18/9/2015

AWARD

By order No. L-20012/47/2008-IR (CM-I), dated 28/5/2008 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 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal :

SCHEDULE

“(1) Whether the action of the management of Burragarh Colliery of M/s BCCL in denying wages and other fringe and consequential benefits to Sh. Asb. Mohammad Line Mistry for the period from 01.07.1995 to 11.04.2001 is justified? (iii) To what relief to the concerned workman entitled?”

2. The case is received from the Ministry of Labour on 2.6.2008. After receipt of reference, both parties are noticed. The workman/Union files their written statement on 5.10.2010. After long delay the management files their written statement-cum-rejoinder on 24.8.2012. No witness examined from both side. Documents of the management marked as M-1 to M-2 and documents of workman marked as W-1 to W-6.
3. Case of the workman is that the concerned workman was initially appointed as Line Mistry at Burragarh Colliery of BCCL on 17.10.1991. At the time of appointment the workman put his thumb impression in almost all service records and stated his parentage and permanent address. In which his date of birth was wrongly recorded as 1935 in place of 1945. He was quite ignorant about his date of birth recorded in his service records. But when he came to know that his date of birth is wrongly entered in the record as 1935 the dispute arose.
4. The concerned workman filed T.S. No. 136/1995 which was disposed in favour of workman. But the management did not taken steps for examination of the workman by the medical board. The workman concerned got himself examined in the government Hospital by the civil surgeon at Dhanbad on 20.2.98.
5. The management preferred Title Appeal No. 23 of 1997 and the said appeal was allowed and the order of civil judge was set a side. Thereafter one settlement arrived between Union and the management. The workman ordered to appear before the Apex Medical Board and it was determined by the Apex Medical Board as 60 years as on 11.4.2001 which is challenged by the workman before the Hon'ble High Court Ranch in WP (S) No. 1998 of 2004 the court was pleased to dispose of the same by his order dated 2/13.4.2004 saying that since the impugned letter has been issued on the basis of settlement the court cannot grant any relief to the petitioner in exercise of jurisdiction under Article 226 of the constitution.
6. The case of the management is that in 1987, the concerned workman alongwith other workman werw issued service exert having full service details, the date of birth of the workman was also shown as 1935. The workman concerned had duly signed on the relevant portion of service exert and returned to colliery officials without any objection.
7. Thereafter Janta Mazdoor Sangh raised an industrial Dispute before the management and it was deceded by the management at corporate level. A settlement was arrived between the management of Kustore Area and the concerned workman alongwith Janta Mazdoor Sangh. As per the terms of settlement the workman was sent to Apex Medical Board for assessment of his age in the year 2000. The Apex Medical Board of BCCL, assessed his age more than 60 years as on 11.4.2001.

8. That on the basis of the DOB recorded in form “B” register and age assessed by the Apex Medical Board the workman was not found either re-instatement or for payment of any back wages. The decision of the management was duly intimated to the workman. The writ filed by the workman was dismissed by the writ court.
9. Therefore on perusal, the workman claimed that he is 10 years younger from the date recorded in his service exert i.e. form “B” register. He fought the case in civil court and lost. An agreement arrived by the parties marked as Ext. W-2 it is on record.
10. He also challenged the order of the management in high court and lost. There is nothing in the agreement that the workman will get his dues from 01.07.1995 to 11.04.2001. He could not satisfy this Tribunal, how he is entitled for wage for that period. He even did not prove that he worked from 01.07.95 to 11.04.2001.
11. Considering the facts and circumstances of this case, I hold that the action of the management of Burragarh Colliery of M/s BCCL in denying wages and other fringe and consequential benefits to Sh. Ash. Mohammad Line Mistry for the period from 01.07.1995 to 11.04.2001 is justified. Therefore this Tribunal unable to give the workman any relief.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 15 दिसम्बर, 2015

का.आ. 2382.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1, धनबाद के पंचाट (संदर्भ सं. 221/1994) को प्रकाशित करती है जो केन्द्रीय सरकार को 15.12.2015 को प्राप्त हुआ था।

[सं. एल-20012/339/1993-आई आर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 15th December, 2015

S.O. 2382.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 221/1994) as shown in the Annexure, in the industrial dispute between the employers in relation to management of M/s. BCCL and their workman, received by the Central Government on 15.12.2015.

[No. L-20012/339/1993-IR(CM-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.

Reerence No. 221 of 1994

Employer in relation to the management of Maduban Colliery of M/s BCCL.

AND

Their workmen

Present : Sri R.K. Saran, Presiding Officer

Appearances :-

For the Employers : Shri Ganesh Prasad, Advocate

For the Workman : None

State : Jharkhand

Industry :- Coal

Dated 17/9/2015

AWARD

By Order No. L-20012/339/1993-IR(CM-I) dated 25-08-1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 referred the following dispute for adjudication to this Tribunal.

“Whether the action of the General Manager Barora Area 1 of M/s BCCL, P.O. Nawagarh, Dist-Dhanbad in denying employment to the dependant of Sh. Ram Nandan Singh, Ex-Peon of Madhuband Colliery declared medically unfit during the tenure of his service is justified? If not, to what relief is the concerned workman entitled?”

2. After receipt of the reference both parties are noticed. But appearing for certain dates, none appears subsequently. Case remain pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence pass a No disputed Award is passed. Communicate to the Ministry.

R. K. SARAN, Presiding Officer

नई दिल्ली, 27 नवम्बर, 2015

का.आ. 2383.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1, धनबाद के पंचाट (संदर्भ सं. 12/2014) को प्रकाशित करती है जो केन्द्रीय सरकार को 15.11.2015 को प्राप्त हुआ था।

[सं. एल-20012/79/2013-आई आर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 27th November, 2015

S.O. 2383.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. 12 of 2014) as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workman, received by the Central Government on 15.11.2015.

[No. L-20012/79/2013-IR(CM-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. 12 of 2014

Employer in relation to the management of Barora Area of M/s. BCCL

AND

Their workman

Present : Sri R.K. Saran, Presiding Officer

Appearances :-

For the Employers : Shri D. K. Verma, Advocate

For the Workman : Shri S. C. Gour. Rep.

State : Jharkhand Industry : Coal

Industry :- Coal

Dated 28/9/2015

AWARD

By Order No. L-20012/79/2013 IR (CM-I) dated the Central Government in the Ministry of Labour has in exercise of the powers conferred by clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of Barora Area of M/s BCCL in not providing employment to Sri Swapan Majumadar, husband of Late Konika Majumdar under the provisions of NCWA is fair and justified? To what extent the relief Sri Swapan Maumadar, husband of Late Konika Majumdar is entitled to?”

2. This case is received from the Ministry of Labour on 24.2.2014. After receipt of reference both parties are noticed. The Sponsoring Union files their written statement on 24.03.2014. The management files their written statement-cum rejoinder on 18-2-2015. One witnesses examined by both side and workmen document marked as W-1 to W-6.
3. The case of the workman is that, the concerned workman's wife konika karmakar/Majumdar was employed by M/s BCCL and working in the capacity of Senior Nurse in the Regional Hospital, Baghmara of M/s BCCL and she was unmarried at the time of her initial employment and got married to one Swapan Majumdar in year 2000. While in service, Konika Karmakar/Majumdar passed away on 22.07.2012 , leaving behind Swapan Majumdar, her husband, without any issue. The concerned workman claimed for employment, under the provision of NCW A, as dependent.
4. The management's case is that there was no employee namely Konika Majumdar, rather one Konika Karmakar was an employee having personnel No. 01148238 was employed as staff Nurse, at Regional Hospital, Baghmara, who died on 22.07.2012. According to the service record of Konika Karmakar, was unmarried and she had never informed the management regarding her marriage with Swapan Majumdar. During her life time she has submitted service excerpt mentioning the name of her family members. The name of family members of Konika Karmakar is mentioned below :

Sl. No.	Name	Relation
1.	A. B. Karmkar	Father
2.	Smt. Sukashani Karmkar	Mother
3.	Tapas Karmakar	Brother
4.	Sri Ravindra Nath Karmakar	Brother
5.	Mansa Karmakar	Sister
6.	Manjusa Karmakar	Sister

5. Late Konika Karmakar has nominated her father Sri A.B.Karmkar in Form "F" under the payment of Gratuity Act 1972 in her life time as her nominee and during the life time late Konika Karmakar she never informed to the management regarding her marriage with Swapan Majumdar.
6. Claim for employment to the dependant on compassionate ground is proceeded only whose name appears in the service record of the Ex- employee. In the present case no name mentioned in the service record of late Konika Karmkar. The applicant Swapan Majumdar has not produced Succession Certificate duly granted by the competent Authority or granted by Competent Court of Law to prove that he is only legal heir and dependant of Konika Karmkar. In any view of the matter Swapan Majumdar is not entitled for employment in BCCL
7. The claimant claimed for job as the husband of Late Konika Karmkar/Majumdar Ex-Senior Nurse of M/S BCCL Regional Hospital. The claimant claimed a job as he was dependant on heirs deceased as he also received the Gratuity of her so called wife Konika Karmakar.
8. The claimant has filed photo copies of BDO's certificate and Voter Identity Card of Konika, which has been marked as Ext. w-4 . But from the company records, it appears that Konika never declared that she was married, and in her service excerpts, her parents, brothers and sister name appear.
9. It has been clearly stated by the claimant, that he has not obtained any succession certificate. On scrutiny of photocopy of Voter I.D.Card , it is seen that the deceased Konika Karmakar IMajumdar is at 46 years as on 01.01.2011 and at the time of death she is aged about 47 years and 6 month. But as per evidence of Sri Swapan Majumdar (WW - I) he is 35 years of age on April 2015. It means he is about 32 years at the time of her death.
10. It is clear that she is about 16 years older than the claimant i.e the so called husband. It means at the time of so called marriage his age about 20 years, The claimant has also not examined any of her in laws and says in his evidence that he will not examine any of them.
11. As per Cross examination of Dr. Ram Chandra Yadav (MW-I) Doctor of Baghmara Hospital says that, I never saw her husband as she was bachelor and her service records show that she was bachelor.
12. As per W-5 in the order of Gratuity, Sri Swapan maujumdar stated that she was appointed on 14.03. 1990 and died on 22.07.2012. He also stated at the time of cross examination, that the name of brother of Konika is Mrityunjay Karmakar and sister's name is Mira Karmakar, Dhira Karmakar, Mansa Karmakar and Menoka Karmakar i.e four sisters of Konika Karmakar. But as per service record she had only two sisters.

13. In Order of Gratuity, he was not aware about Tapas Karnakar and Rabindra Nath Karmakar. At the time of Cross examination he stated that his marriage with Konika Karmakar on 27.02.2001 but as per his written statement and evidence of WW-1 his marriage is on year 2000. The evidence and pleadings is totally different which is suspicious.

14. It is stange that the ALC, without asking for succession certificate granted huge gratuity amount. It is not known whether parents of the deceased who are class-I heir of the deceased, were noticed at least through paper publication. How the management without challenging the order of Gratuity in higher forum or raising dispute as per Schedule III of the I.D Act. released the money. There appears unholy alliance between ALC & the management, and the workman in this case, on the basis of that an imposter is asking for job.

15. However this Tribunal, held that the order of Gratuity is no bearing on it. The claimant failed to establish that he is the husband of the deceased and since the claimant has not stated in his evidence specifically that he was dependent on any way on the deceased.

16. Considering the facts and circumstance of this case, I hold that the action of the management of Barora Area of M/s BCCL in not providing employment to Sri Swapan Majumdar so called husband of Late Konika Majumdar under the provisions of NCWA is fair and justified, Hence he is not entitled to get any relief. Claim refused.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 22 दिसम्बर, 2015

का.आ. 2384.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार **हेड पोस्ट** ऑफिस, हरियाणा के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 1, चंडीगढ़ के पंचाट (संदर्भ सं. 100/2013, 101/2013, 102/2013, एवं 103/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22.12.2015 को प्राप्त हुआ था।

[सं. एल-40012/58/2013-आई आर (डीयू)]

सं. एल-40012/59/2013-आई आर (डीयू)

सं. एल-40012/60/2013-आई आर (डीयू)

सं. एल-40012/61/2013-आई आर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 22nd December, 2015

S.O. 2384.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. Nos. 100/2013, 101/2013, 102/2013 and 103/3013) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Chandigarh now as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Head Post Office, Haryana and their workman, which was received by the Central Government on 22.12.2015.

[No. L-40012/58/2013-IR(DU)]

No. L-40012/59/2013-IR(DU)

No. L-40012/60/2013-IR(DU)

No. L-40012/61/2013-IR(DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

BEFORE SHRI SURENDRA PRAKASH SINGH, PRESIDING OFFICE, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL- CUM-LABOUR COURT-I, CHANDIGARH.

Case No. ID No.:100, 101,102 ,103 of 2013, (4 references] as per detail given below:

(1).10 100 of 2013 Narendra Kumar S/o Prem Kumar Saini, C/o R.P.Mehra, 770/19,Arya Nagar, Rohtak - 124001(Haryana)

Vs.

1. Senior Supdt. of Post Offices, Head Post Offices, Rohtak (Haryana)
2. The Chief Postmaster General, Haryana Circle, Ambala(Haryana)-O
3. The Sr. Post Master, Head Post Offices, Rohtak (Haryana)

Reference No. L-40012/58/2013-IR(DU) dated 12.09.2013

"Whether the demand of Shri Narender Kumar S/o Prem Kumar Saini, Ex-Postman for reinstatement and regularisation in services with full back wages(worked for the period Oct. 2004- Oct. 2005) with the management of Sr. Superintendent of Post Offices, Rohtak Division, Rohtak is just fair and legal? To what relief the workman is entitled to & from what date?"

- (2) ID 101 of 2013 Praveen Kumar S/o Prem Parkash, C/o R. P. Mehra, 770/19, Arya Nagar, Rohtak -124001(Haryana)

Vs.

1. Senior Supdt. of Post Offices, Head Post Offices, Rohtak (Haryana)
2. The Chief Postmaster General, Haryana Circle, Ambala(Haryana)-O
3. The Sr. Post Master, Head Post Offices, Rohtak (Haryana)

Reference No. L-40012/59/2013-IR(DU) dated 12.09.2013

"Whether the demand of Shri Parveen Kumar S/o Prem, Parkash, Ex-Postman for reinstatement and regularisation in services with full back wages(worked for the period Oct. 2004-Oct.2005) with the management of Sr. Superintendent of Post Offices, Rohtak Division, Rohtak is just fair and Jegal? To what relief the workman is entitled to & from what date?"

3. ID 102 of 2013 Sajjan Kumar Bhardwaj S/o Ramesh Bhardwaj, C/o R. P. Mehra, 770/19, Arya Nagar, Rohtak-124001 (Haryana)

Vs.

1. Senior Supdt. of Post Offices, Head Post Offices, Rohtak (Haryana)
2. The Chief Postmaster General, Haryana Circle, Ambala (Haryana) – 0
3. The Sr. Post master, Head Post Offices, Rohtak (Haryana)

Reference No. L-40012/60/2013-IR(DU) dated 12.09.2013

“Whether the demand of Shri Sajjan Kumar Bhardwaj, Ex-Postman for reinstatement and regularisation in services with full back wages with the management of Sr. Superintendent of Post Offices, Rohtak Division, Rohtak is just fair and legal? To what relief the workman is entitled to & from what date?”

- (4) ID 103 of 2013 Shri Khushi Ram, S/o Balli Ram, C/o R.P. Mehra, 770/19, Arya Nagar, Rohtak- 124001 (Haryana)

Vs.

1. Senior Sudt. of Post Offices, Head Post Offices, Rohtak (Haryana)
2. The Chief Postmaster General, Haryana Circle, Ambala (Haryana) – 0
3. The Sr. Post Master, Head Post Offices, Rohtak (Haryana)

Reference No. L-40012/61/2013-IR(DU) dated 12.09.2013

“Whether the demand of Shri Khushi Ram S/o Shri Balli Ram, Ex-Postman for reinstatement and regularisation in services with full back wages (worked for the period Oct. 2004 – Oct. 2005) with the management of Sr. Superintendent of Post Offices, Rohtak Division, Rohtak is just fair and legal? To what relief the workman is entitled to & from what date?”

APPEARANCES :

For the workmen ; Shri R. P. Mehra, Advocate
For the management : Shri Sanjeev Sharma, Advocate.

AWARD

Passed on 16.12.2015

2. All the above four references mentioned above are similar in nature as the facts of all the cases are same and references referred to this Tribunal are also similar. In all the above references, the workmen claiming benefits of reinstatements and regularization in services with full back wages from the management of Sr. Superintendent of Post Offices, Rohtak Division, Rohtak. All the references are taken together and are being answered by joint award.

3. The workmen in all the cases submitted in claim statements that they were appointed as Postman by Senior Post Master Head Post Office Rohtak during the month of October 2004. They filed labour claim application before the Labour Court and on 22-7-2009 a settlement arrived at in Lok Adalat which is as under:

"22/7/2009 - Case taken up in Lok Adalat. In the conciliation proceedings, it has been agreed upon between the rescribed authority and the petitioners as well and the learned counsel, the petitioners have agreed to withdraw the petition under Section 33(c)(2) of the Act 1947 on the condition to raise the appropriate Industrial Dispute, if required and that they shall move an application to the Senior Superintendent of Post Offices (present in the conciliation proceedings) for their reengagement subject to the availability of the vacancy and as per the Rules of the Department. The prescribed authority has also agreed to consider their application on priority for their reengagement subject to the availability of vacancies and according to the Rules of the Department on similar terms and conditions on which the workmen were engaged earlier."

Sd/-

Sd/-

P.O.Chd. 22-7-2009

SSPO

22-7-2009"

4. As per settlement the workmen submitted application on 10-8-2009 to engage them as postmen but they were offered the post of GDS MD which were accepted by them. It is submitted in the claim statement that there were as many as 19 vacancies but they were denied appointment by the management. The management has violated Section 25-F, G and H of the I.D. Act as certain postman have been allowed to work by the management. The workmen prayed that they may be reinstated in service along with arrear of pay and allowances of the post of postman from the date of termination along with interest and order for regularisation for their services.

5. The management filed written statement. Preliminary objection has been taken that Department of post is not an industry and its employees are not workman. It is also pleaded that workmen worked as substitute of postman during the period of leave/vacant posts for a short period against the short terms arrangement/vacancies in postman cadre for the period October, 2004 to October 2005 in different spell. It is further pleaded that in view of the settlement in Lok Adalat dated 22-7-2009 the Competent Authority considered the applications of the workmen for their re-engagement subject to availability of vacancies and as per rules of department on similar terms and conditions on which they were engaged earlier. The present dispute is not maintainable as substitute arrangement against short terms arrangements are not entitled for any benefits and demand of the applicants has no merits.

6. On merits it is pleaded that the workmen were not given any appointment letter and they were engaged as an outsider against the leave arrangement/short term vacancies of postman cadre at Rohtak head post office during acute shortage of staff and they are not entitled to HRA, Transport allowance and washing allowance at par with the regular staff and there is no provision in the departmental instructions to engage an outsider against the post of postman and the post of gramin dak sevaks were filled up only after observing the proscribed procedure and the post of postman were filled after observing the rescribed procedure of examination meant for multi tasking staff (group D). As the workmen are neither MTS(Group D) nor gramin dak sevak, therefore, not eligible for the post of postman. The settlement dated 22.7.2009 fully complied with. It is prayed that the workmen are not entitled to any relief and their references deserves rejection.

7. The workmen filed rejoinder stating therein that department of post is an industry as held by the Apex Court in Bangalore Water Supply and Sewerage Board Versus A.Rajappa and others (1978) 2 SSC 213 and finally in the case of General Manager Telecom and another Versus S. Srinivasan Rao and others 1997 (2) G.L.H. 990.

8. Both the parties filed their respective affidavits in support of their pleadings. Both the parties vide statement on 17-11-2015 stated that documentary evidence is already on record and the same may be treated as evidence and cases may be fixed for arguments.

9. In view of the statements of the parties, I have heard the arguments gone through the settlement dated 22-7-2009 and record.

10. The management in its reply raised the preliminary objection that department of posts is not an industry and its employees are not workman under the provisions of the Industrial disputes Act, 1947 vide the Supreme Court Judgment in Civil Appeal No. 3885-86 of 1996 arising out of SLP No. 567-568 of 1992 Supreme court Judgement dated 2.2.1996 and the workman was required to approach the Central Administrative Tribunal. The workman opposed this contention and cited the judgment 2008(4) SCT 34 Telecom District Manager and others Vs. Keshab Deb. The Hon'ble Supreme Court in this case ruled that the workman has an option to choose his own forum and Section 28 does not bar the jurisdiction of the Central Admn. Tribunal. An employee who claims himself to be a workman, therefore, will have a right of selection in the matter of choice of forum. With this law principle, the jurisdiction of this Tribunal can not be denied.

11. During arguments it is submitted by the learned counsel for the workmen that the workmen were not given the post of postman although, there were vacancies available with the management and the management violated the settlement dated 22.7.2009. As per settlement the management to consider the cases of the workmen on priority basis but the management reengage the workman on the same posts which they were holding prior to the settlement dated 22.7.2009. On the other hand, the learned counsel for the management submitted during arguments that as per settlement the cases of the workmen were considered by the competent authority subject to the availability of the vacancies and according to the rules of the department on similar terms and condition on which the workmen were engaged earlier and in view of the provisions in the departmental instructions that gramin dak sevaks should be engaged as paid substitutes against the vacancy/leave of postman, the willing and eligible Gramin Dak Sevaks were engaged as paid substitute and the workmen were not eligible and the posts of postman were to be filled up after observing the prescribed procedure of examination meant for MTS (Group D) and Gramin Dak Sevaks. It is further submitted that as the workmen are neither a MTS (group D) nor a Gramin Dak Sevaks, therefore, they were not eligible for the post of postman as there is no provision in the rules of the department to engage an outsider against the leave/vacancy of postman, therefore, the workmen could not be engaged as postmen.

12. From the settlement arrived at between the parties on 22.1.2009, it is revealed that workmen agreed to withdraw the petition U/S33C(2) of the I.D.Act on the condition to raise the appropriate industrial dispute, if required and they shall move an application to the Senior superintendent of Post Officer who was present in the conciliation proceedings for their re-engagement subject to the availability of the vacancy and as per the rules of the department and the competent authority has also agreed to consider their application on priority for their reengagement subject to the availability of vacancies and according to the rules of the department on similar terms and conditions on which the workmen were engaged earlier. It is the case of the workmen that they moved the applications on 10.8.2009 in terms of the settlement and they were offered the post of GDSMD/MC which was accepted by Khushi Ram, Narinder Kumar and Prem Kumar, the three workmen and Sajjan Kumar Bhardwaj workman refused the offer. Narinder Kumar, Praveen Kumar and Khushi Ram were re-engaged on the similar terms and conditions on which they were working earlier. One Sajjan Kumar Bhardwaj did not accept the offer. The offer made by the management was in accordance with the settlement dated 22.7.2009. The contention of the learned counsel for the workman for offering them the post of postman is devoid of merit because the post of postman could only be filled from MTS or Gramin Dak Sevaks as per departmental examination and as per departmental recruitment rules.

13. In view of the facts and circumstances of the cases, it is held that the management has complied the settlement dated 22.7.2009 and in compliance of the settlement considered the applications for the re-engagement on similar posts as per settlement. Three workmen Narinder Kumar, Praveen Kumar and Khushi Ram accepted the offer of the management and joined the post as offered. Sajjan Kumar was also offered the post by the management but Sajjan Kumar did not accept the offer. In these circumstances, it cannot be said that management violated the terms of the settlement dated 22.07.2009.

14. In view of the above, the management complied the terms and conditions of the settlement dated 22.07.2009, therefore, the workmen are not entitled to any relief.

15. The above four references are disposed off accordingly. Central Govt. be informed. Soft copy as well as hard copy be sent to the Central Govt. for publication. Original award be kept in ID No.100 of 2013 Narinder Kumar Vs. Post offices and a copy of this award be placed in other three references .

Chandigarh.

16.12.2015

S. P. SINGH, Presiding Officer