

भारत का राजपत्र
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सं. 33] नई दिल्ली, अगस्त 7—अगस्त 13, 2016, शनिवार/ श्रावण 16—श्रावण 22, 1938
No. 33] NEW DELHI, AUGUST 7—AUGUST 13, 2016, SATURDAY/ SRAVANA 16— SRAVANA 22, 1938

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)

वित्त मंत्रालय
(वित्तीय सेवाएं विभाग)
नई दिल्ली, 15 जुलाई, 2016

का.आ. 1618.— राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उपधारा (1) के खण्ड (ड.) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, निम्नलिखित व्यक्तियों को दिनांक 27.07.2016 से तीन वर्ष की अवधि के लिए राष्ट्रीय कृषि और ग्रामीण विकास बैंक (नाबार्ड) के निदेशक मण्डल में निदेशक नियुक्त करती है:-

- (i) अपर मुख्य सचिव-सह-कृषि उत्पाद आयुक्त,
खाद्य सुरक्षा एवं कृषि विभाग,
मन्त्रान भवन,
सिक्किम सरकार।
- (ii) कृषि उत्पाद आयुक्त एवं सचिव,
कृषि एवं सहकारिता (बागवानी एवं रेशम कीटपालन) विभाग,
तेलंगाना सरकार,
सचिवालय, सैफाबाद, हैदराबाद-500 022

[फा. सं. 7/1/2016-बीओ-1]

ज्ञानोत्तोष राय, अवर सचिव

MINISTRY OF FINANCE**(Department of Financial Services)**

New Delhi, the 15th July, 2016

S.O. 1618.—In exercise of the powers conferred by clause (e) of sub-section (1) of Section 6 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government hereby appoints the following persons to be the Directors on the Board of Directors of National Bank for Agriculture and Rural Development (NABARD) for a period of three years w.e.f. **27.07.2016** :-

- i) Additional Chief Secretary cum Agriculture Production Commissioner
Food Security and Agriculture Department
Mannan Bhavan
Government of Sikkim
- ii) APC & Secretary to Government
Agriculture & Co-operation (Horticulture & Sericulture) Department
Government of Telangana
Secretariat, Saifabad, Hyderabad – 500 022

[F. No. 7/1/2016-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 20 जुलाई, 2016

का.आ. 1619.— राष्ट्रीय कृषि और ग्रामीण विकास बैंक अधिनियम, 1981 (1981 का 61) की धारा 6 की उप-धारा (1) के खण्ड (ग) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करके, एतद्वारा, श्री एच.आर. खान के स्थान पर श्री आर. गांधी, उप-गवर्नर, भारतीय रिजर्व बैंक को उनकी नियुक्ति की अधिसूचना की तारीख से अथवा अगले आदेशों तक, जो भी पहले हो, राष्ट्रीय कृषि और ग्रामीण विकास बैंक (नाबार्ड) के निदेशक मण्डल में अंशकालिक निदेशक नामित करती है।

[फा. सं. 7/2/2009-बीओ-1]

ज्ञानोत्तोष राय, अवर सचिव

New Delhi, the 20th July, 2016

S.O. 1619.—In exercise of the powers conferred by clause (c) of sub-section (1) of Section 6 of the National Bank for Agriculture and Rural Development Act, 1981 (61 of 1981), the Central Government, in consultation with the Reserve Bank of India, hereby nominates Shri R. Gandhi, Deputy Governor, Reserve Bank of India as part-time Director on the Board of Directors of National Bank for Agriculture and Rural Development (NABARD) from the date of notification and until further orders whichever is earlier *vice* Shri H.R. Khan.

[F. No. 7/2/2009-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 22 जुलाई, 2016

का.आ. 1620.— भारतीय स्टेट बैंक (समनुषंगी बैंक) अधिनियम, 1959 की धारा 25 की उप-धारा (1) के खण्ड (ड.) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री मिहिर कुमार, निदेशक, वित्तीय सेवाएं विभाग, वित्त मंत्रालय को सुश्री ऐनी जॉर्ज मैथ्यू के स्थान पर, तत्काल प्रभाव से और अगले आदेशों तक, स्टेट बैंक आफ हैदराबाद के निदेशक मण्डल में सरकारी नामिती निदेशक नामित करती है।

[फा. सं. 6/3/2012-बीओ-1]

ज्ञानोत्तोष राय, अवर सचिव

New Delhi, the 22nd July, 2016

S.O. 1620.— In exercise of the powers conferred by clause (e) of Sub-Section (1) of Section 25 of The State Bank of India (Subsidiary Banks) Act, 1959, the Central Government, hereby nominates, Shri Mihir Kumar, Director,

Department of Financial Services, Ministry of Finance, as Government Nominee Director on the Board of Directors of State Bank of Hyderabad with immediate effect and until further orders *vice* Ms. Annie George Mathew.

[F. No. 6/3/2012-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 22 जुलाई, 2016

का.आ. 1621.—राष्ट्रीयकृत बैंक (प्रबंध एवं प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 3 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन एवं अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3 के खंड (ख) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, नीचे दी गई सारणी के कालम (2) में विनिर्दिष्ट व्यक्तियों को उक्त सारणी के कालम (3) में विनिर्दिष्ट व्यक्तियों के स्थान पर कालम (1) में विनिर्दिष्ट बैंकों में तत्काल प्रभाव से और अगले आदेशों तक, सरकारी नामिती निदेशक नामित करती है:-

1.	2.	3.
पंजाब नैशनल बैंक	श्री अनिल कुमार खाची, अपर सचिव, वित्तीय सेवाएं विभाग	श्री मदनेश कुमार मिश्र
यूनियन बैंक आफ इंडिया	श्री मदनेश कुमार मिश्र, संयुक्त सचिव, वित्तीय सेवाएं विभाग	श्री मिहिर कुमार
इण्डियन ओवरसीज बैंक	सुश्री ऐनी जॉर्ज मैथ्यू, संयुक्त सचिव, व्यय विभाग	डॉ. आलोक पाण्डे

[फा. सं. 6/3/2012-बीओ-1]

ज्ञानतोष राय, अवर सचिव

New Delhi, the 22nd July, 2016

S.O. 1621.—In exercise of the powers conferred by clause (b) of Sub-Section (3) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980, read with sub-clause (1) of clause 3 of The Nationalized Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominate the persons specified in column (2) of the table below as Government Nominee Director of the Banks specified in column (1) thereof, in place of the persons specified in column (3) of the said Table, with immediate effect and until further orders:-

(1)	(2)	(3)
Punjab National Bank	Shri Anil Kumar Khachi, Additional Secretary, Department of Financial Services	Shri Madnesh Kumar Mishra
Union Bank of India	Shri Madnesh Kumar Mishra, Joint Secretary, Department of Financial Services	Shri Mihir Kumar
Indian Overseas Bank	Ms. Annie George Mathew, Joint Secretary, Department of Expenditure	Dr. Alok Pandey

[F. No. 6/3/2012-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 26 जुलाई, 2016

का.आ. 1622.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 9(2) के उप-खंड (ख) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3(छ)

द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री संजय कपूर (जन्म तिथि: 10.08.1968) को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, ओरियंटल बैंक आफ कामर्स के निदेशक मण्डल में सनदी लेखाकार (चार्टर्ड अकाउंटेंट) श्रेणी के अंतर्गत अंशकालिक गैर-सरकारी निदेशक नामित करती है।

[फा. सं. 6/51/2015-बीओ-1]

ज्ञानतोष राय, अवर सचिव

New Delhi, the 26th July, 2016

S.O. 1622.—In exercise of the powers conferred by sub-section 3(g) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (b) of clause 9(2) of The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates Shri Sanjay Kapoor (DoB: 10.08.1968) as Part-time Non-official Director under Chartered Accountant category on the Board of Directors of Oriental Bank of Commerce for a period of three years, from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 6/51/2015-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 26 जुलाई, 2016

का.आ. 1623.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 9(2) के उप-खंड (ख) के साथ पठित बैंकारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3(छ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री अनिल शर्मा (जन्म तिथि: 28.12.1954) को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, यूको बैंक के निदेशक मण्डल में सनदी लेखाकार (चार्टर्ड अकाउंटेंट) श्रेणी के अंतर्गत अंशकालिक गैर-सरकारी निदेशक नामित करती है। उनकी नियुक्ति यूको बैंक के बोर्ड में कार्यभार ग्रहण करने से पूर्व केशव सहकारी बैंक लि. के उपाध्यक्ष के पद से उनके त्याग-पत्र के अध्यक्षीन होगी।

[फा. सं. 6/49/2015-बीओ-1]

ज्ञानतोष राय, अवर सचिव

New Delhi, the 26th July, 2016

S.O. 1623.—In exercise of the powers conferred by sub-section 3 (g) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (b) of clause 9(2) of The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates Shri Anil Sharma (DoB: 28.12.1954) as Part-time Non-official Director under Chartered Accountant category on the Board of Directors of UCO Bank for a period of three years, from the date of notification of his appointment or until further orders, whichever is earlier. His appointment is subject to his resignation from the Vice-Chairmanship of Keshav Sahakari Bank Ltd. before joining the Board of UCO Bank.

[F. No. 6/49/2015-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 26 जुलाई, 2016

का.आ. 1624.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 9(2) के उप-खंड (ख) के साथ पठित बैंकारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3(छ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री गोपाल कृष्ण अग्रवाल (जन्म तिथि: 01.06.1962) को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, बैंक आफ बड़ौदा के निदेशक मण्डल में सनदी लेखाकार (चार्टर्ड अकाउंटेंट) श्रेणी के अंतर्गत अंशकालिक गैर-सरकारी निदेशक नामित करती है।

[फा. सं. 6/40/2015-बीओ-1]

ज्ञानतोष राय, अवर सचिव

New Delhi, the 26th July, 2016

S.O. 1624.—In exercise of the powers conferred by sub-section 3 (g) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (b) of clause 9(2) of The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates Shri Gopal Krishan Agarwal (DoB: 01.06.1962) as Part-time Non-official Director under Chartered Accountant category on the Board of Directors of Bank of Baroda for a period of three years, from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 6/40/2015-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 26 जुलाई, 2016

का.आ. 1625.—राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 9(2) के उप-खंड (ख) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3(छ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री दीनदयाल अग्रवाल (जन्म तिथि: 08.06.1968) को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, बैंक आफ महाराष्ट्र के निदेशक मण्डल में सनदी लेखाकार (चार्टर्ड अकाउंटेंट) श्रेणी के अंतर्गत अंशकालिक गैर-सरकारी निदेशक नामित करती है।

[फा. सं. 6/42/2015-बीओ-1]

ज्ञानतोष राय, अवर सचिव

New Delhi, the 26th July, 2016

S.O. 1625.—In exercise of the powers conferred by sub-section 3 (g) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (b) of clause 9(2) of The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates Shri Deendayal Agrawal (DoB: 08.06.1968) as Part-time Non-official Director under Chartered Accountant category on the Board of Directors of Bank of Maharashtra for a period of three years, from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 6/42/2015-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 26 जुलाई, 2016

का.आ. 1626.— राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 9(2) के उप-खंड (ख) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3(छ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, श्री के. रघु (जन्म तिथि: 09.10.1965) को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, इण्डियन ओवरसीज बैंक के निदेशक मण्डल में सनदी लेखाकार (चार्टर्ड अकाउंटेंट) श्रेणी के अंतर्गत अंशकालिक गैर-सरकारी निदेशक नामित करती है।

[फा. सं. 6/46/2015-बीओ-1]

ज्ञानतोष राय, अवर सचिव

New Delhi, the 26th July, 2016

S.O. 1626.— In exercise of the powers conferred by sub-section 3 (g) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (b) of clause 9(2) of The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates Shri K. Raghu (DoB: 09.10.1965) as Part-time Non-official Director under Chartered Accountant category on the Board of Directors of Indian Overseas Bank for a period of three years, from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 6/46/2015-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 26 जुलाई, 2016

का.आ. 1627.— राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 9(2) के उप-खंड (ख) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3(छ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, श्री विजय कुमार गोयल (जन्म तिथि: 24.10.1964) को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, इंडियन बैंक के निदेशक मण्डल में सनदी लेखाकार (चार्टर्ड अकाउंटेंट) श्रेणी के अंतर्गत अंशकालिक गैर-सरकारी निदेशक नामित करती है।

[फा. सं. 6/45/2015-बीओ-1]

ज्ञानोत्तम राय, अवर सचिव

New Delhi, the 26th July, 2016

S.O. 1627.—In exercise of the powers conferred by sub-section 3 (g) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (b) of clause 9(2) of The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates Shri Vijay Kumar Goel (DoB: 24.10.1964) as Part-time Non-official Director under Chartered Accountant category on the Board of Directors of Indian Bank for a period of three years, from the date of notification of his appointment or until further orders, whichever is earlier.

[F. No. 6/45/2015-BO-I]

JNANATOSH ROY, Under Secy.

नई दिल्ली, 26 जुलाई, 2016

का.आ. 1628.— राष्ट्रीयकृत बैंक (प्रबंध और प्रकीर्ण उपबंध) स्कीम, 1970/1980 के खंड 9(2) के उप-खंड (ख) के साथ पठित बैंककारी कंपनी (उपक्रमों का अर्जन और अंतरण) अधिनियम, 1970/1980 की धारा 9 की उप-धारा 3(छ) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्द्वारा, श्री महेश बाबू गुप्ता (जन्म तिथि: 01.02.1959) को उनकी नियुक्ति की अधिसूचना की तारीख से तीन वर्ष की अवधि के लिए अथवा अगले आदेशों तक, जो भी पहले हो, पंजाब नेशनल बैंक के निदेशक मण्डल में सनदी लेखाकार (चार्टर्ड अकाउंटेंट) श्रेणी के अंतर्गत अंशकालिक गैर-सरकारी निदेशक नामित करती है। उनकी नियुक्ति पंजाब नेशनल बैंक के बोर्ड में कार्यभार ग्रहण करने से पूर्व स्पूर्त कैपिटल सर्विसेज प्रा. लि. से उनके त्याग-पत्र के अध्यधीन होगी।

[फा. सं. 6/47/2015-बीओ-1]

ज्ञानोत्तम राय, अवर सचिव

New Delhi, the 26th July, 2016

S.O. 1628.— In exercise of the powers conferred by sub-section 3 (g) of Section 9 of The Banking Companies (Acquisition and Transfer of Undertakings) Act, 1970/1980 read with sub-clause (b) of clause 9(2) of The Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1970/1980, the Central Government, hereby nominates Shri Mahesh Baboo Gupta (DoB: 01.02.1959) as Part-time Non-official Director under Chartered Accountant category on the Board of Directors of Punjab National Bank for a period of three years, from the date of notification of his appointment or until further orders, whichever is earlier. His appointment is subject to his resignation from Board of Spurt Capital Services Pvt. Ltd. before joining the Board of Punjab National Bank.

[F. No. 6/47/2015-BO-I]

JNANATOSH ROY, Under Secy.

(राजस्व विभाग)

(केंद्रीय प्रत्यक्ष कर बोर्ड)

नई दिल्ली, 18 जुलाई, 2016

सं. 58/2016

का.आ. 1629.— सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केंद्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड. के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ मैसर्स भारतीय विज्ञान शिक्षा एवं अनुसंधान संस्थान, मोहाली (पैन:- एएएआई 1781के.) नामक संगठन को निर्धारण वर्ष 2016-17 और इससे आगे की अवधि के लिए निम्नलिखित शर्तों के अधीन अनुसंधान कार्यकलापों में लगे “विश्वविद्यालय कॉलेज अथवा अन्य संस्थान” की श्रेणी में अनुमोदित किया जाता है, नामतः :-

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;
- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग लेखा बहियां रखेगा जिनमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, ऐसी खाता बहियों की उक्त अधिनियम की धारा 288 की उप-धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उपधारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन:-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में यथा उल्लिखित अलग लेखा बहियां रखने में असफल रहता है; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में यथा उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत करने में असफल रहता है; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में यथा उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त धनराशि का विवरण प्रस्तुत करने में असफल रहता है; अथवा
- (घ) अपने अनुसंधान कार्यकलापों को करना बंद कर देता है अथवा इसके अनुसंधान कार्यकलापों को वास्तविक नहीं पाया जाता है; अथवा
- (ड.) उक्त नियमावली के नियम 5ग और 5ड. के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[फा. सं. 203/33/2015-आ.क.नि.-II]

रोहित गर्ग, उप-सचिव

(Department of Revenue)

(CENTRAL BOARD OF DIRECT TAXES)

New Delhi, the 18th July, 2016

No. 58/2016

S.O. 1629.—It is hereby notified for general information that the organization **M/s Indian Institute of Science Education and Research, Mohali (PAN:- AAAAI 1781K)** has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), **from Assessment year 2016-2017 and onwards** under the category of **“University, College or other Institution”** engaged in research activities subject to the following conditions, namely:-

- (i) The sums paid to the approved organization shall be utilized for scientific research;
 - (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
 - (iii) The approved organization shall maintain **separate books of accounts** in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of section 139 of the said Act;
 - (iv) The approved organization shall maintain a **separate statement of donations** received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.
2. The Central Government shall withdraw the approval if the approved organization:-
- (a) fails to maintain **separate books of accounts** referred to in sub-paragraph (iii) of paragraph 1; or
 - (b) fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
 - (c) fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
 - (d) ceases to carry on its research activities or its research activities are not found to be genuine; or
 - (e) ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of section 35 of the said Act read with rules 5C and 5E of the said Rules.

[F. No. 203/33/2015-ITA-II]

ROHIT GARG, Dy. Secy.

नई दिल्ली, 2 अगस्त, 2016

सं. 64/2016

का.आ. 1630.— सर्वसाधारण की जानकारी के लिए एतद्वारा यह अधिसूचित किया जाता है कि केंद्र सरकार द्वारा आयकर नियमावली, 1962 (उक्त नियमावली) के नियम 5ग और 5ड. के साथ पठित आयकर अधिनियम, 1961 (उक्त अधिनियम) की धारा 35 की उपधारा (1) के खंड (ii) के प्रयोजनार्थ मैसर्स भारतीय विज्ञान शिक्षा एवं अनुसंधान संस्थान, पुणे (पैन:- एएएआई 1546 ई.) नामक संगठन को निर्धारण वर्ष 2017-18 और इससे आगे की अवधि के लिए निम्नलिखित शर्तों के अधीन अनुसंधान कार्यकलापों में लगे “विश्वविद्यालय कॉलेज अथवा अन्य संस्थान” की श्रेणी में अनुमोदित किया जाता है, नामतः :-

- (i) अनुमोदित संगठन को प्रदत्त राशि का उपयोग वैज्ञानिक अनुसंधान के लिए किया जाएगा;
- (ii) अनुमोदित संगठन अपने संकाय सदस्यों अथवा अपने नामांकित छात्रों के माध्यम से वैज्ञानिक अनुसंधान करेगा;

- (iii) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए इसके द्वारा प्राप्त राशि के संबंध में अलग लेखा बहियां रखेगा जिनमें अनुसंधान करने के लिए प्रयुक्त राशि दर्शाई गई हो, ऐसी खाता बहियों की उक्त अधिनियम की धारा 288 की उप धारा (2) के स्पष्टीकरण में यथा परिभाषित किसी लेखाकार से लेखा परीक्षा कराएगा और उक्त अधिनियम की धारा 139 की उपधारा (1) के अंतर्गत आय विवरणी प्रस्तुत करने की नियत तिथि तक ऐसे लेखाकार द्वारा विधिवत सत्यापित एवं हस्ताक्षरित लेखा परीक्षा रिपोर्ट मामले में क्षेत्राधिकार रखने वाले आयकर आयुक्त अथवा आयकर निदेशक को प्रस्तुत करेगा;
- (iv) अनुमोदित संगठन वैज्ञानिक अनुसंधान के लिए प्राप्त दान तथा प्रयुक्त राशि का अलग विवरण रखेगा और उपर्युक्त लेखा परीक्षा रिपोर्ट के साथ लेखा परीक्षक द्वारा विधिवत सत्यापित ऐसे विवरण की प्रति प्रस्तुत करेगा।

2. केंद्र सरकार यह अनुमोदन वापस ले लेगी यदि अनुमोदित संगठन:-

- (क) पैराग्राफ 1 के उप-पैराग्राफ (iii) में यथा उल्लिखित अलग लेखा बहियां रखने में असफल रहता है; अथवा
- (ख) पैराग्राफ 1 के उप-पैराग्राफ (iii) में यथा उल्लिखित अपनी लेखा परीक्षा रिपोर्ट प्रस्तुत करने में असफल रहता है; अथवा
- (ग) पैराग्राफ 1 के उप-पैराग्राफ (iv) में यथा उल्लिखित वैज्ञानिक अनुसंधान के लिए प्राप्त दान एवं प्रयुक्त धनराशि का विवरण प्रस्तुत करने में असफल रहता है; अथवा
- (घ) अपने अनुसंधान कार्य कलापों को करना बंद कर देता है अथवा इसके अनुसंधान कार्य कलापों को वास्तविक नहीं पाया जाता है; अथवा
- (ङ.) उक्त नियमावली के नियम 5ग और 5ड. के साथ पठित उक्त अधिनियम की धारा 35 की उपधारा (1) के खंड (ii) के प्रावधानों के अनुरूप नहीं होगा तथा उनका पालन नहीं करेगा।

[फा. सं. 203/38/2015-आ.क.नि.-II]

रोहित गर्ग, उप-सचिव

New Delhi, the 2nd August, 2016

No. 64/2016

S.O. 1630.— It is hereby notified for general information that the organization **M/s Indian Institute of Science Education and Research, Pune (PAN:- AAAAI1546E)** has been approved by the Central Government for the purpose of clause (ii) of sub-section (1) of section 35 of the Income-tax Act, 1961 (said Act), read with Rules 5C and 5E of the Income-tax Rules, 1962 (said Rules), **from Assessment year 2017-2018 and onwards** under the category of **“University, College or other Institution”** engaged in research activities subject to the following conditions, namely:-

- (i) The sums paid to the approved organization shall be utilized for scientific research;
- (ii) The approved organization shall carry out scientific research through its faculty members or its enrolled students;
- (iii) The approved organization shall maintain **separate books of accounts** in respect of the sums received by it for scientific research, reflect therein the amounts used for carrying out research, get such books audited by an accountant as defined in the explanation to sub-section (2) of section 288 of the said Act and furnish the report of such audit duly signed and verified by such accountant to the Commissioner of Income-tax or the Director of Income-tax having jurisdiction over the case, by the due date of furnishing the return of income under sub-section (1) of section 139 of the said Act;
- (iv) The approved organization shall maintain a **separate statement of donations** received and amounts applied for scientific research and a copy of such statement duly certified by the auditor shall accompany the report of audit referred to above.

2. The Central Government shall withdraw the approval if the approved organization:-
- fails to maintain **separate books of accounts** referred to in sub-paragraph (iii) of paragraph 1; or
 - fails to furnish its audit report referred to in sub-paragraph (iii) of paragraph 1; or
 - fails to furnish its statement of the donations received and sums applied for scientific research referred to in sub-paragraph (iv) of paragraph 1; or
 - ceases to carry on its research activities or its research activities are not found to be genuine; or
 - ceases to conform to and comply with the provisions of clause (ii) of sub-section (1) of section 35 of the said Act read with rules 5C and 5E of the said Rules.

[F. No. 203/38/2015-ITA-II]

ROHIT GARG, Dy. Secy.

विदेश मंत्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 2 अगस्त, 2016

का.आ. 1631.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 (1948 का 41) की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश ।

एतद्वारा, केंद्र सरकार भारत के दूतावास, रियाद में श्री हाबिबुर्रहमान, सहायक अनुभाग अधिकारी और श्री श्याम कुमार साहा, सहायक अनुभाग अधिकारी को दिनांक 2 अगस्त, 2016 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है ।

[सं. टी-4330/01/2016]

प्रकाश चन्द, उप सचिव (कौंसुलर)

MINISTRY OF EXTERNAL AFFAIRS

(CPV DIVISION)

New Delhi, the 2nd August, 2016

S.O. 1631.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and Fees) Act, 1948 (41 of 1948), the Central Government hereby appoints (1) Shri Habiburrahman, Assistant Section Officer and (2) Shri Shyam Kumar Saha, Assistant Section Officer as Assistant Consular Officer in the Embassy of India, Riyadh to perform the Consular services with effect from 2nd August, 2016.

[No. T-4330/01/2016]

PRAKASH CHAND, Dy. Secy. (Consular)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय

(कार्मिक और प्रशिक्षण विभाग)

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1632.— केंद्र सरकार, दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए झारखण्ड राज्य सरकार, गृह कारागार और आपदा प्रबंधन विभाग, रांची की सहमति से दिनांक 28 अप्रैल, 2016 की अधिसूचना सं. 10/वीआईवीआईडीएच-1016/2016 2258 के तहत राज्य सरकार के कर्मचारियों, जिन्होंने मैसर्स उषा मार्टिन लिमिटेड को लौह अयस्क हेतु खनन पट्टा प्रदान करने से संबंधित मामले में कार्यवाही की थी, की उपरोक्त अपराधों के संबंध में

भूमिका तथा उपर्युक्त संव्यवहार में किन्हीं अन्य अपराधों का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और अधिकार क्षेत्र का विस्तार पूरे झारखण्ड राज्य पर करती है।

[फा. सं. 228/08/2016-ए.वी.डी.-II]

एल. पी. शर्मा, अवर सचिव

MINISTRY OF PERSONNEL, PUBLIC GRIEVANCES AND PENSIONS

(Department of Personnel and Training)

New Delhi, the 5th August, 2016

S.O. 1632.—In exercise of the powers conferred by sub-section (1) of Section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No.25 of 1946), the Central Government with the consent of the State Government of Jharkhand, Home, Prisons and Disaster Management Department, Ranchi vide Notification No.10/VIVIDH-1016/2016 2258 dated 28th April, 2016, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the state of Jharkhand to investigate the role of State Government Employees who had processed the matter relating to grant of mining lease for iron ore to M/S Usha Martin Limited, the abetment and conspiracy in relation to or in connection with the said offences and any other offences in the aforesaid transaction.

[F. No. 228/08/2016-AVD-II]

L. P. SHARMA, Under Secy.

स्वास्थ्य एवं परिवार कल्याण मंत्रालय

(स्वास्थ्य एवं परिवार कल्याण विभाग)

शुद्धि-पत्र

नई दिल्ली, 3 मार्च, 2016

का.आ. 1633.—इस विभाग की अधिसूचना सं. यू-12012/736/2015-एमई-I दिनांक 15.12.2015 तथा अखिल भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद से परामर्श करके उक्त अधिनियम की प्रथम अनुसूची में, निम्नलिखित और संशोधन करती है, अर्थात् उक्त अनुसूची में—

‘पंजीकरण के लिए संक्षिप्तकरण’ (कालम 3) शीर्षक अंतर्गत “एमजीएम स्वास्थ्य विज्ञान संस्थान, नवी मुम्बई” के समक्ष एमडी (सामाजिक व निवारक औषधि विज्ञान/सामुदायिक औषधि विज्ञान) और एमडी (फार्माकोलॉजी) अर्हता मान्यताप्राप्त आयुर्विज्ञान अर्हता होगी जब यह एमजीएम मेडिकल कॉलेज, नवी मुम्बई के बजाए महात्मा गांधी मेडिकल कॉलेज, औरंगाबाद में प्रशिक्षित किए गए छात्रों के संबंध में एमजीएम स्वास्थ्य विज्ञान संस्थान, नवी मुम्बई द्वारा प्रदत्त होगी।

[फा. सं. यू-12012/736/2015-एमई-I]

डी.वी.के. राव, संयुक्त सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Department of Health and Family Welfare)

CORRIGENDUM

New Delhi, the 3rd March, 2016

S.O. 1633.—In continuation to this Department's Notification No. U-12012/736/2015-ME-I dated 15.12.2015 and 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, namely :—

In the said Schedule—

Against “MGM Institute of Health Sciences, Navi Mumbai” under the heading ‘abbreviation for Registration’ (column 3), the MD (Social & Preventive Medicine/Community Medicine) and MD (Pharmacology) qualification shall be a recognized medical qualification when granted by MGM Institute of Health Sciences, Navi Mumbai in respect of

students being trained at Mahatma Gandhi Mission's Medical College, Aurangabad instead of MGM Medical College, Navi Mumbai'.

[F. No. U-12012/736/2015-ME-I]

D.V.K. RAO, Under Secy.

नई दिल्ली, 3 जून, 2016

का.आ. 1634.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उप धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद से परामर्श करके उक्त अधिनियम की प्रथम अनुसूची में, निम्नलिखित, और संशोधन करती है, अर्थात्:-

उक्त प्रथम अनुसूची में 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' [जिसे इसके आगे कालम (2) कहा गया है] शीर्षक के अधीन "डॉ.एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्र प्रदेश" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [जिसे इसके आगे कालम (3) कहा गया है] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात्:-

(2)	(3)
डॉक्टर ऑफ मेडिसिन (हृदयरोग)	डीएम (हृदयरोग) (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह नारायणा मेडिकल कॉलेज, नेल्लोर, में प्रशिक्षित किए गए छात्रों के संबंध में फरवरी, 2012 को या बाद में डॉ.एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्र प्रदेश द्वारा प्रदत्त होगी।

- नोट:** 1. ऐसी दी गई मान्यता अधिकतम 5 वर्ष के लिए होगी और उसके बाद इसका नवीकरण करवाना होगा।
2. मान्यता के 'नवीकरण' की प्रक्रिया वही होगी जो मान्यता प्रदान करने के लिए लागू होती है।
3. अपेक्षित मान्यता का समय से नवीकरण करवाने में विफल रहने पर, परिणाम स्वरूप, निरपवाद रूप से संबंधित अधोस्नातक कोर्स में प्रवेश बंद हो जाएगा।

[फा. सं. यू-12012/736/2016-एमई-1]

अमित बिस्वास, अवर सचिव

New Delhi, the 3rd June, 2016

S.O. 1634.—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, namely:-

In the said First Schedule against "Dr NTR University of Health Sciences, Vijaywada, Andhra Pradesh" under the heading 'Recognized Medical Qualification' [hereinafter referred to as column (2)] after the last entry and entry relating thereto under the heading 'Abbreviation for Registration' [hereinafter referred to as column (3)], the following shall be inserted, namely:-

(2)	(3)
"Doctor of Medicine (Cardiology)"	DM (Cardiology) (This shall be a recognized medical qualification when granted by Dr NTR University of Health Sciences, Vijaywada, Andhra Pradesh in respect of students admitted at Narayana Medical College, Nellore on or after 2012).

- Note:** 1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.
2. The procedure for 'Renewal' of recognition shall be same as applicable for the award of recognition.
3. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

[No. U.12012/736/2016-ME-I]
AMIT BISWAS, Under Secy.

नई दिल्ली, 30 जून, 2016

का.आ. 1635.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, माननीय उच्च न्यायालय, केरल द्वारा 2015 की रिट याचिका (सिविल) सं. 23292, 21654 और 28615 में दिनांक 8.4.2016 और 29.4.2016 को दिए गए निर्णय के अनुसार में केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद से परामर्श करके उक्त अधिनियम की प्रथम अनुसूची में, निम्नलिखित, और संशोधन करती है, अर्थात:-

उक्त प्रथम अनुसूची में 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' शीर्षक के अधीन [कालम(2) में] "केरल स्वास्थ्य विज्ञान विश्वविद्यालय, तृशूर, केरल" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [कालम(3) में] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा. अर्थात:-

(2)	(3)
बेचलर ऑफ मेडिसिन और बेचलर ऑफ सर्जरी	एम. बी. बी. एस. (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह मालाबार मेडिकल कॉलेज और रिसर्च केन्द्र, कालीकट, केरल में प्रशिक्षित किए गए छात्रों के संबंध में 2010-11 और 2011-12 को या बाद में (100 छात्र प्रत्येक) केरल स्वास्थ्य विज्ञान विश्वविद्यालय, तृशूर, केरल प्रदेश द्वारा प्रदत्त होगी।

[फा. सं. यू-12012/79/2015-एमई-I (भाग-2)]

डी. वी. के. राव, संयुक्त सचिव

New Delhi, the 30th June, 2016

S.O. 1635.—In exercise of the powers conferred by sub-section (2) of the section 11 of the Indian Medical Council Act, 1956 (102 of 1956), and in compliance to the orders dated 8.4.2016 and 29.4.2016, of Hon'ble High Court of Kerala in W. P. © Nos. 23292, 2154 and 28615 of 2015, the Central Government hereby makes the following further amendments in the First Schedule to the said Act, namely:-

In the said First Schedule against "Kerala University of Health Sciences, Thrissur, Kerala" 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 Kerala University of Health Sciences, Thrissur, Kerala in respect of students of batches of 2010-11 and 2011-12 (100 students each) being trained at Malabar Medical College and Research Centre, Calicut, Kerala.

[F. No. U-12012/79/2015-ME-I (Pt. 2)]
D. V. K. RAO, Under Secy.

नई दिल्ली, 5 जुलाई, 2016

का.आ. 1636.—भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 (1956 का 102) की धारा 11 की उप-धारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय आयुर्विज्ञान परिषद से परामर्श करके उक्त अधिनियम की प्रथम अनुसूची में, निम्नलिखित, और संशोधन करती है, अर्थात् :-

उक्त प्रथम अनुसूची में 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' [जिसे इसके आगे कालम(2) कहा गया है] शीर्षक के अधीन "डॉ. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्रप्रदेश" के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [जिसे इसके आगे कालम(3) कहा गया है] से संबंधित प्रविष्टि के संबंध में निम्नलिखित अंतःस्थापित किया जाएगा अर्थात् :-

(2)	(3)
“डॉक्टर ऑफ मेडिसिन (मेडिकल गेस्ट्रोएंटरॉलोजी)	डीएम (मेडिकल गेस्ट्रोएंटरॉलोजी) (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह नारायणा मेडिकल कॉलेज, नेल्लोर, में प्रशिक्षित किए गए छात्रों के संबंध में फरवरी, 2012 को या बाद में डॉ. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्र प्रदेश द्वारा प्रदत्त होगी।
मजिस्ट्रार चिरुगी (सर्जिकल गेस्ट्रोएंटरॉलोजी)	एम. सीएज (सर्जिकल गेस्ट्रोएंटरॉलोजी) (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह नारायणा मेडिकल कॉलेज, नेल्लोर, में प्रशिक्षित किए गए छात्रों के संबंध में फरवरी, 2012 को या बाद में डॉ. एनटीआर स्वास्थ्य विज्ञान विश्वविद्यालय, विजयवाड़ा, आंध्र प्रदेश द्वारा प्रदत्त होगी।”

- नोट:** 1. ऐसी दी गई मान्यता अधिकतम 5 वर्ष के लिए होगी और उसके बाद इसका नवीकरण करवाना होगा।
 2. मान्यता के 'नवीकरण' की प्रक्रिया वही होगी जो मान्यता प्रदान करने के लिए लागू होती है।
 3. अपेक्षित मान्यता का समय से नवीकरण करवाने में विफल रहने पर, परिणाम स्वरूप, निरपवाद रूप से संबंधित अधोस्नातक कोर्स में प्रवेश बंद हो जाएगा।

[फा. सं. यू-12012/736/2016-एमई-1]

डी. वी. के. राव, अवर सचिव

New Delhi, the 5th July, 2016

S.O. 1636.—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 of the said Act, namely :-

In the said First Schedule against “Dr. NTR University of Health Sciences, Vijaywada, Andhra Pradesh” under the heading ‘Recognized Medical Qualification’ [hereinafter referred to as column (2)] after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column (3)], the following shall be inserted, namely :-

(2)	(3)
“Doctor of Medicine (Medical Gastroenterology)	DM (Medical Gastroenterology) (This shall be a recognized medical qualification when granted by Dr. NTR University of Health Sciences, Vijaywada, Andhra

Magistrar Chirurgiae (Surgical Gastroenterology)	Pradesh in respect of students being trained at Narayana Medical College, Nellore on or after 2012)
	M. Ch (Surgical Gastroenterology)
	(This shall be a recognized medical qualification when granted by Dr. NTR University of Health Sciences, Vijaywada, Andhra Pradesh in respect of students being trained at Narayana Medical College, Nellore on or after 2012)''

- Note:** 1. The recognition so granted to a Postgraduate Course shall be for a maximum period of 5 years, upon which it shall have to be renewed.
2. The procedure for 'Renewal' of recognition shall be same as applicable for the award of recognition.
3. Failure to seek timely renewal of recognition as required shall invariably result in stoppage of admissions to the concerned Postgraduate Course.

[No. U-12012/736/2016-ME-I]

D. V. K. RAO, Under Secy.

नई दिल्ली, 27 जुलाई, 2016

का.आ. 1637.—जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च अधिनियम, 2008 (2008 का 19) की धारा 24 के अधीन मई, 2008 को अथवा उसके पश्चात जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी द्वारा प्रदान की गई निम्नलिखित आयुर्विज्ञान अर्हताएं, भारतीय आयुर्विज्ञान परिषद अधिनियम, 1956 के प्रयोजन हेतु 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' मानी जाएंगी और प्रथम अनुसूची में 'मान्यता प्राप्त आयुर्विज्ञान अर्हता' [जिसे इसके आगे कालम(2) कहा गया है] शीर्षक के अधीन के सामने अंतिम प्रविष्टि के पश्चात और 'पंजीकरण के लिए संक्षिप्तिकरण' [जिसे इसके आगे कालम (3) कहा गया है], में शामिल मानी जाएंगी :-

(2)

(3)

बेचलर ऑफ मेडिसिन और बेचलर ऑफ सर्जरी	एम.बी.बी.एस. (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)
मजिस्ट्रार चिरुर्गी (कार्डियो-थोरेसिक एंड वेस्कुलर सर्जरी)	एम.सीएच (कार्डियो-थोरेसिक एंड वेस्कुलर सर्जरी) (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)
“मजिस्ट्रार चिरुर्गी (यूरोलोजी)”	एम.सीएच (यूरोलोजी)” (यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मजिस्ट्रार चिरुरगी (न्यूरो सर्जरी)”

एम.सीएच (न्यूरो सर्जरी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मजिस्ट्रार चिरुरगी (सर्जिकल गैस्ट्रोएंटेरोलॉजी)”

एम.सीएच (सर्जिकल गैस्ट्रोएंटेरोलॉजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मजिस्ट्रार चिरुरगी (पेडिएट्रिक सर्जरी)”

एम.सीएच (पेडिएट्रिक सर्जरी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मजिस्ट्रार चिरुरगी (प्लास्टिक सर्जरी)”

एम.सीएच (प्लास्टिक सर्जरी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मजिस्ट्रार चिरुरगी (जेनिटोरियरिनरी सर्जरी)”

एम.सीएच (जेनिटोरियरिनरी सर्जरी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मजिस्ट्रार चिरुरगी (सर्जिकल ऑनकोलॉजी)”

एम.सीएच (सर्जिकल ऑनकोलॉजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (कार्डियॉलॉजी)”

एमडी (कार्डियॉलॉजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (क्लीनिकल इम्यूनॉलोजी)”

एमडी (क्लीनिकल इम्यूनॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (क्लीनिकल फार्माकॉलोजी)”

डीएम (क्लीनिकल फार्माकॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (नियोनेटॉलोजी)”

डीएम (नियोनेटॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (पेडिएट्रिक क्लीनिकल केयर)”

डीएम (क्लीनिकल इम्यूनॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (न्यूरोलोजी)”

एमडी (न्यूरोलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (क्लीनिकल हेमाटॉलोजी)”

डीएम (क्लीनिकल हेमाटॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (मेडिकल ऑनकोलोजी)”

डीएम (मेडिकल ऑनकोलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (नेफ्रॉलोजी)”

डीएम (नेफ्रॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (एंडोक्रिनॉलोजी)”

डीएम (एंडोक्रिनॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (पैथॉलोजी)”

एमडी (पैथॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (फार्माकॉलोजी)”

एमडी (फार्माकॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (फिजियॉलोजी)”

एमडी (फिजियॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (बायोकेमिस्ट्री)”

एमडी (बायोकेमिस्ट्री)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (जनरल मेडिसन)”

एमडी (जनरल मेडिसन)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (पेडिएट्रिक्स)”

एमडी (पेडिएट्रिक्स)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (बैक्टीरियॉलोजी)”

एमडी (बैक्टीरियॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (एनॉटमी)”

एमडी (एनॉटमी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (एनेस्थियॉलोजी)”

एमडी (एनेस्थियॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (माइक्रोवॉयलोजी)”

एमडी (माइक्रोवॉयलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (डर्मेटॉलोजी वेनरोलाजी एंड लेप्रोलजी)”

एमडी (डर्मेटॉलोजी वेनरोलाजी एंड लेप्रोलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (कम्युनिटी मेडिसन)”

एमडी (कम्युनिटी मेडिसन)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (रेडियो डायग्नोसिस)”

एमडी (रेडियो डायग्नोसिस)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (रेडियोलोजी)”

एमडी (रेडियोलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (साइकेटरी)”

एमडी (साइकेटरी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (प्लमोनरी मेडिसिन)”

एमडी (प्लमोनरी मेडिसिन)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (रेडियोथैरेपी)”

एमडी (रेडियोथैरेपी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (ब्लड ट्रांसफ्यूजन एंड इम्युनो हेमाटॉलोजी)”

एमडी (ब्लड ट्रांसफ्यूजन एंड इम्युनो हेमाटॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (फॉरेंसिक मेडिसिन)”

एमडी (फॉरेंसिक मेडिसिन)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (न्यूक्लियर मेडिसिन)”

एमडी (न्यूक्लियर मेडिसिन)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ मेडिसिन (इमरजेंसी मेडिसिन)”

एमडी (इमरजेंसी मेडिसिन)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ सर्जरी (जनरल सर्जरी)”

एमएस (जनरल सर्जरी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मास्टर ऑफ सर्जरी (ऑब्स्टेट्रिक्स एंड गॉयनेकॉलोजी)”

एमएस (ऑब्स्टेट्रिक्स एंड गॉयनेकॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मास्टर ऑफ सर्जरी (ईएनटी)”

एमएस ईएनटी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मास्टर ऑफ सर्जरी (ऑर्थोपिडिक्स)”

एमएस (ऑर्थोपिडिक्स)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मास्टर ऑफ सर्जरी (ऑफ्थैल्मॉलॉजी)”

एमएस (ऑफ्थैल्मॉलॉजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ फिलॉसोफी (फिजियॉलोजी)”

पीएच.डी (फिजियॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ फिलॉसोफी (माइक्रोबायोलोजी)”

पीएच.डी (माइक्रोबायोलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ फिलॉसोफी (एनाटॉमी)”

पीएच.डी (एनाटॉमी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ फिलॉसोफी (फॉर्मिकालोजी)”

पीएच.डी (फॉर्मिकालोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ फिलॉसोफी (बायोकैमिस्ट्री)”

पीएच.डी (बायोकैमिस्ट्री)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ फिलॉसोफी (पैथॉलोजी)”

पीएच.डी (पैथॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ फिलॉसोफी (क्लीनिकल इम्यूनॉलोजी)”

पीएच.डी (क्लीनिकल इम्यूनॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ फिलॉसोफी (पेडिएट्रिक्स)”

पीएच.डी (पेडिएट्रिक्स)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“डॉक्टर ऑफ फिलॉसोफी (मेडिसिन)”

पीएच.डी (मेडिसिन)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“फेलोशिप इन डाइबेटॉलोजी”

“फेलोशिप इन डाइबेटॉलोजी”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“फेलोशिप इन मेडिकल ऑनकॉलोजी”

“फेलोशिप मेडिकल ऑनकॉलोजी”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“फेलोशिप इन पेडिएट्रिक्स क्लीनिकल एंड इमरजेंसी केयर”

“फेलोशिप इन पेडिएट्रिक्स क्लीनिकल एंड इमरजेंसी केयर”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“फेलोशिप इन कार्डियक एंड न्युरो एनेस्थेसियॉलोजी”

“फेलोशिप इन कार्डियक एंड न्युरो एनेस्थेसियॉलोजी”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“फेलोशिप इन क्लीनिकल केयर”

“फेलोशिप इन क्लीनिकल केयर”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“फेलोशिप इन ट्रॉपिकल पैरासाइटोलोजी”

“फेलोशिप इन ट्रॉपिकल पैरासाइटोलोजी”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मास्टर ऑफ साइंस (मेडिकल बायोकैमिस्ट्री)”

एस एससी (मेडिकल बायोकैमिस्ट्री)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मास्टर ऑफ साइंस (मेडिकल फिजीयॉलोजी)”

एस एससी (मेडिकल फिजीयॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुद्दुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मास्टर ऑफ साइंस (मेडिकल फिजिक्स)”

एस एससी (मेडिकल फिजिक्स)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुदुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मास्टर ऑफ साइंस-एमएलटी (माइक्रोबायोलोजी)”

एस एससी एमएलटी (माइक्रोबायोलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुदुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

“मास्टर ऑफ साइंस-एमएलटी (साइटो पैथॉलोजी)”

एस एससी एमएलटी (साइटो पैथॉलोजी)”

(यह एक मान्यता प्राप्त आयुर्विज्ञान अर्हता होगी जब यह जवाहरलाल इंस्टिट्यूट ऑफ पोस्ट ग्रेजुएट मेडिकल एज्युकेशन एंड रिसर्च, पुदुचेरी में प्रशिक्षित छात्रों के संबंध में इसी संस्थान द्वारा प्रदत्त होगी।)

[सं. ए-12034/03/2014-एमई-III]

डी.वी.के. राव, अवर सचिव

New Delhi, the 27th July, 2016

S.O. 1637—In terms of Section 24 of Jawaharlal Institute of Post-Graduate Medical Education and Research Act, 2008 (19 of 2008), the following medical qualifications granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry on or after May, 2008 are recognized as Medical Qualifications for the purpose of the Indian Medical Council Act, 1956 and shall be deemed to be included in the first Schedule under the heading “Recognized Medical Qualification” [hereinafter referred to as column (2)] after the last entry and entry relating thereto under the heading ‘Abbreviation for Registration’ [hereinafter referred to as column(3)] :

(2)	(3)
“Bachelor of Medicine and Bachelor of Surgery	MBBS” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.
“Magistrar Chirurgiae (Cardio-Thoracic and Vascular Surgery)	M. Ch (Cardio-Thoracic and Vascular Surgery)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.
“Magistrar Chirurgiate (Urology)”	M. Ch. (Urology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.
“Magistrar Chirurgiae (Neuro-Surgery)”	M. Ch. (Neuro-Surgery)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.

“Magistrar Chirurgiae (Surgical Gastroenterology)”	M. Ch. (Surgical Gastroenterology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Magistrar Chirurgiae (Pediatric Surgery)”	M. Ch. (Pediatric Surgery)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Magistrar Chirurgiae (Plastic Surgery)”	M. Ch. (Plastic Surgery)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Magistrar Chirurgiae (Genitourinary Surgery)”	M. Ch. (Genitourinary Surgery)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Magistrar Chirurgiae (Surgical Oncology)”	M. Ch. (Surgical Oncology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Cardiology)”	MD (Cardiology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Clinical Immunology)”	DM (Clinical Immunology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Clinical Pharmacology)”	DM (Clinical Pharmacology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Neonatology)”	DM (Neonatology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Pediatric Clinical Care)”	DM (Pediatric Clinical Care)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)

“Doctor of Medicine (Neurology)”	MD (Neurology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Clinical Hematology)”	DM (Clinical Hematology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Medical Oncology)”	DM (Medical Oncology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Nephrology)”	DM (Nephrology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Endocrinology)”	DM (Endocrinology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Pathology)”	MD (Pathology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Pharmacology)”	MD (Pharmacology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Physiology)”	MD (Physiology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Bio Chemistry)”	MD (Bio Chemistry)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (General Medicine)”	MD (General Medicine)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)

“Doctor of Medicine (Pediatrics)”	MD (Pediatrics)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Bacteriology)”	MD (Bacteriology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Anatomy)”	MD (Anatomy)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Anesthesiology)”	MD (Anesthesiology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Microbiology)”	MD (Microbiology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Dermatology Venerology and Leprology)”	MD (Dermatology Venerology and Leprology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Community Medicine)”	MD (Community Medicine)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Radio Diagnosis)”	MD (Radio Diagnosis)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Radiology)”	MD (Radiology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Psychiatry)”	MD (Psychiatry)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)

“Doctor of Medicine (Pulmonary Medicine)”	MD (Pulmonary Medicine)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Radiotherapy)”	MD (Radiotherapy)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Blood Transfusion and Immuno Hematology)”	MD (Blood Transfusion and Immuno Hematology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Forensic Medicine)”	MD (Forensic Medicine)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Nuclear Medicine)”	MD (Nuclear Medicine)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Medicine (Emergency Medicine)”	MD (Emergency Medicine)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Master of Surgery (General Surgery)”	MS (General Surgery)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Master of Surgery (Obstetrics and Gynecology)”	MS (Obstetrics and Gynecology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Master of Surgery (ENT)”	MS (ENT)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Master of Surgery (Orthopedics)”	MS (Orthopedics)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)

“Master of Surgery (Ophthalmology)”	MS (Ophthalmology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Philosophy (Physiology)”	Ph. D (Physiology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Philosophy (Microbiology)”	Ph. D (Microbiology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Philosophy (Anatomy)”	Ph. D (Anatomy)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Philosophy (Pharmacology)”	Ph. D (Pharmacology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Philosophy (Biochemistry)”	Ph. D (Biochemistry)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Philosophy (Pathology)”	Ph. D (Pathology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Philosophy (Clinical Immunology)”	Ph. D (Clinical Immunology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Philosophy (Pediatrics)”	Ph. D (Pediatrics)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Doctor of Philosophy (Medicine)”	Ph. D (Medicine)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Fellowship in Diabetology”	“Fellowship in Diabetology” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)

“Fellowship in Medical Oncology”	“Fellowship in Medical Oncology” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Fellowship in Pediatric Clinical and Emergency Care”	“Fellowship in Pediatric Clinical and Emergency Care” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Fellowship in Cardiac and Neuro Anesthesiology”	“Fellowship in Cardiac and Neuro Anesthesiology” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Fellowship in Clinical Care”	“Fellowship in Clinical Care” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Fellowship in Tropical Parasitology”	“Fellowship in Tropical Parasitology” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Master of Science (Medical Biochemistry)”	M. Sc. (Medical Biochemistry)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Master of Science (Medical Physiology)”	M. Sc. (Medical Physiology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Master of Science (Medical Physics)”	M. Sc. (Medical Physics)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Master of Science-MLT (Microbiology)”	M. Sc.-MLT (Microbiology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)
“Master of Science-MLT (Cyto Pathology)”	M. Sc.-MLT (Cyto Pathology)” (This shall be a recognized medical qualification when granted by Jawaharlal Institute of Post-Graduate Medical Education and Research, Puducherry in respect of students being trained at the institute.)

[No. A. 12034/03/2014-ME-III]

D.V.K. RAO, Under Secy.

नई दिल्ली, 29 जुलाई, 2016

का.आ. 1638.—जबकि भारतीय आयुर्विज्ञान परिषद (संशोधन) अध्यादेश, 2013 की धारा 3क की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 6 नवंबर, 2013 को भारतीय आयुर्विज्ञान परिषद का पुनर्गठन किया गया था।

और जबकि भारतीय आयुर्विज्ञान अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खंड (ख) के अनुसरण में तथा संबंधित विश्वविद्यालयों/स्वास्थ्य विज्ञान विश्वविद्यालयों द्वारा सूचित अनुसार निम्नलिखित को 05.11.2018 तक की अवधि तक भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में इस अधिसूचना के जारी होने से नामित किया जाता है।

अब, इसलिए, उपर्युक्त अधिनियम की धारा 3 की उप-धारा (1) के प्रावधान के अनुसरण में केंद्र सरकार एतद् द्वारा भारत सरकार तत्कालीन स्वास्थ्य मंत्रालय के दिनांक 9 जनवरी, 1960 के का.आ.सं. 138 में निम्न संशोधन करती है, नामतः :-

स्वास्थ्य एवं परिवार कल्याण मंत्रालय, भारत सरकार की दिनांक 6 नवंबर, 2013 की का.आ. 3325 (अ) की अधिसूचना तथा इसमें किए गए संशोधनों में अंतिम प्रविष्टि के बाद तथा इससे संबंधित प्रविष्टि में निम्नलिखित को शामिल किया जाए, नामतः

क्रम सं.	राज्य सरकार का नाम	नामित सदस्य का विवरण	चयन प्रक्रिया
12.	गोवा विश्वविद्यालय	डॉ. जगदीश ए. काकोडकर, सहायक प्रोफेसर तथा एचओडी, पीएसएम विभाग, गोवा मेडिकल कॉलेज, बैम्बोलिम, गोवा	न्यायालय द्वारा सर्वसम्मति से निर्वाचित

[सं. वी. 11013/02/2015-एमईपी]

अमित बिस्वास, अवर सचिव

New Delhi, the 29th July, 2016

S.O. 1638.— Whereas on 6th November, 2013, the Medical Council of India was re-constituted in exercise of the powers conferred by sub-section (1) of section 3A of the Indian Medical Council (Amendment) Ordinance, 2013;

And, whereas the Central Government, in pursuance of Clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and as informed by the respective universities/health sciences universities, the following has been elected to be a member of the Medical Council of India for the period upto 05-11-2018 from the date of issue of this notification.

Now, therefore, in pursuance of the provision of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138 dated 9th January, 1960, namely :-

In the notification of the Government of India in the Ministry of Health and Family Welfare number S.O. 3325(E) dated 6th November, 2013 and amendments thereto, after the last entry and entry relating thereto, the following shall be inserted, namely :

S. No.	Name of the University	Details of the Elected Member	Mode of Election
12.	Goa University	Dr. Jagadish A. Cacodcar, Associate Professor and HoD, Dept. of PSM, Goa Medical College, Bambolim, Goa.	Elected unanimously by Court.

[No. V. 11013/02/2015-MEP]

AMIT BISWAS, Under Secy.

नई दिल्ली, 29 जुलाई, 2016

का.आ. 1639.—जबकि भारतीय आयुर्विज्ञान परिषद (संशोधन) अध्यादेश, 2013 की धारा 3क की उप-धारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए दिनांक 6 नवंबर, 2013 को भारतीय आयुर्विज्ञान परिषद का पुनर्गठन किया गया था।

और जबकि भारतीय आयुर्विज्ञान अधिनियम, 1956 (1956 का 102) की धारा 3 की उप-धारा (1) के खंड (क) के अनुसरण में तथा संबंधित राज्य सरकार के परामर्श से निम्नलिखित को 05.11.2018 तक की अवधि तक भारतीय आयुर्विज्ञान परिषद के सदस्य के रूप में नामित किया जाता है जो कि इस अधिसूचना के जारी होने की तिथि से प्रभावी होगा।

अब, इसलिए, उपर्युक्त अधिनियम की धारा 3 की उप-धारा (1) के प्रावधान के अनुसरण में केंद्र सरकार एतद् द्वारा भारत सरकार तत्कालीन स्वास्थ्य मंत्रालय के दिनांक 9 जनवरी, 1960 के का.आ.सं. 138 में निम्न संशोधन करती है, नामतः:

स्वास्थ्य एवं परिवार कल्याण मंत्रालय, भारत सरकार की दिनांक 6 नवंबर, 2013 की का.आ. 3323 (अ) की अधिसूचना तथा इसमें किए गए संशोधनों में अंतिम प्रविष्टि के बाद तथा इससे संबंधित प्रविष्टि में निम्नलिखित को शामिल किया जाए, नामतः :-

क्रम सं.	राज्य सरकार का नाम	नामित सदस्य का विवरण
6.	गोवा	डॉ. प्रदीप जी. नाईक, डीन, गोवा मेडिकल कॉलेज, बैम्बोलिम, गोवा

[सं. वी. 11013/01/2015-एमईपी(पार्ट)]

अमित बिस्वास, अवर सचिव

New Delhi, the 29th July, 2016

S.O. 1639.— Whereas on 6th November, 2013, the Medical Council of India was re-constituted in exercise of the powers conferred by sub-section (1) of section 3A of the Indian Medical Council (Amendment) Ordinance, 2013;

And, whereas the Central Government, in pursuance of Clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the respective State Government has nominated the following to be a member of the Medical Council of India for the period upto 05-11-2018 with effect from the date of issue of this notification.

Now, therefore, in pursuance of the provision of sub-section (1) of Section 3 of the said Act, the Central Government hereby makes the following amendment in the Notification of the Government of India in the then Ministry of Health number S.O. 138 dated 9th January, 1960, namely ;

In the notification of the Government of India in the Ministry of Health and Family Welfare number S.O. 3323(E) dated 06th November, 2013 and amendments thereto, after the last entry and entry relating thereto, the following shall be inserted, namely :

S. No.	Name of the University	Details of the Elected Member
6.	Goa	Dr. Pradeep G. Naik, Dean, Goa Medical College, Bambolim, Goa.

[No. V. 11013/01/2015-MEP(Pt.)]

AMIT BISWAS, Under Secy.

नई दिल्ली, 1 अगस्त, 2016

का.आ. 1640.—दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 3 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए केंद्र सरकार, स्वास्थ्य एवं परिवार कल्याण मंत्रालय, भारत सरकार की दिनांक 24 जनवरी, 1948 की अधिसूचना सं. का.आ. 430 में एतद्वारा निम्न संशोधन करती है, अर्थात् :

2. उक्त अधिसूचना में “धारा 3 के खंड (घ) के तहत निर्वाचित” शीर्ष के अंतर्गत उसमें निम्नलिखित को अंतर्विष्ट किया जाएगा, अर्थात्:-

प्रोफेसर, (डॉ.) सरनजीत सिंह भसीन, डीन दंत चिकित्सा फैकल्टी, जामिया मिलिया इस्लामिया, नई दिल्ली।	निर्वाचित	जामिया मिलिया इस्लामिया, नई दिल्ली	30.11.2015
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[फा.सं. वी. 12025/144/2015-डीई]

प्रदीप कुमार पाल, अवर सचिव

New Delhi, the 1st August, 2016

S.O. 1640.— In exercise of the powers conferred under Section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Welfare No. SO 430 dated 24th January, 1984, namely :

2. In the said notification under head “elected under clause (d) of Section 3”, the following shall be inserted therein, namely :

Prof. (Dr.) Saranjit Singh Bhasin Dean, Faculty of Dentistry, Jamia Millia Islamia, New Delhi.	Elected	Jamia Millia Islamia, New Delhi.	30.11.2015
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[F. No. V. 12025/144/2015-DE]

PRADIP KUMAR PAL, Under Secy.

कोयला मंत्रालय

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1641.—केन्द्रीय सरकार ने, कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 4 की उप-धारा(1) के अधीन जारी, भारत के राजपत्र, भाग II, खंड 3, उप-खंड (ii), तारीख 21 जनवरी, 2016 में प्रकाशित भारत सरकार के कोयला मंत्रालय की अधिसूचना संख्या का. आ.201(अ), तारीख 27 अगस्त, 2015 द्वारा, उस अधिसूचना से संलग्न अनुसूची में विनिर्दिष्ट परिक्षेत्र में 2.91 हेक्टर (लगभग) या 7.19 एकड़ (लगभग) माप की भूमि में कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

और, केन्द्रीय सरकार का यह समाधान हो गया है, कि इस अधिसूचना से संलग्न अनुसूची में विहित उक्त भूमि के भाग में कोयला अभिप्राप्य है;

अतः, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, इससे संलग्न अनुसूची में वर्णित 2.91 हेक्टर (लगभग) या 7.19 एकड़ (लगभग) माप वाली भूमि या उस पर के अधिकार का अर्जन करने की, अपने आशय की सूचना देती है।

टिप्पण 1 : इस अधिसूचना के अधीन आने वाले क्षेत्र के रेखांक संख्या ईसीएल/ आरजीओएम / जीएम(आई/सी)/पीसीडी एण्ड ई/सीबीए(चरण-XI)/78, तारीख 5 मई, 2016 उपायुक्त, जिला गोड्डा (झारखंड) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता - 700 001 के कार्यालय में या निदेशक तकनीकी (प्रचालन), ईस्टर्न कोलफील्ड्स लिमिटेड, संकतोड़िया, डाकघर दिशेरगढ़, जिला बर्द्धवान-713 333 (पश्चिम बंगाल) के कार्यालय में किया जा सकता है।

टिप्पण 2 : उक्त अधिनियम की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध है :-

अर्जन की बाबत आपत्तियाँ.-

“8. (1) कोई व्यक्ति जो किसी भूमि में, जिसकी बाबत धारा 7 के अधीन अधिसूचना निकाली गई है, हितबद्ध है, अधिसूचना निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किसी भाग या ऐसी भूमि में या उस पर के किन्हीं अधिकारों का अर्जन किए जाने के बारे में आपत्ति कर सकेगा।

स्पष्टीकरण.- इस धारा के अंतर्गत यह आपत्ति नहीं मानी जाएगी, कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करना चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक आपत्ति सक्षम अधिकारी को लिखित रूप में की जाएगी और सक्षम अधिकारी, आपत्तिकर्ता को स्वयं सुने जाने, विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है, वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनिश्चय के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का दावा करने का हकदार हो, यदि भूमि या ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अर्जित कर लिए जाते हैं।”

टिप्पण 3 : केन्द्रीय सरकार द्वारा कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कोलकाता - 700001 को उक्त अधिनियम की धारा 3 के अधीन अधिसूचना संख्यांक का. आ. 2520, तारीख 11 जून, 1983 द्वारा भारत सरकार के राजपत्र भाग II, खंड 3, उपखंड (ii) में प्रकाशित की गयी थी, द्वारा सक्षम प्राधिकारी नियुक्त गया किया है।

अनुसूची

ललमटिया कोल खनन ब्लॉक (चरण- XI)

जिला- गोड्डा (झारखण्ड)

(रेखांक संख्या ईसीएल/ आरजीओएम/जीएम(आई/सी)/पीसीडी एण्ड ई/सीबीए (चरण-XI)/78, तारीख 5 मई, 2016)
सभी अधिकार:

क्रम	मौजा/ग्राम	थाना	ग्राम संख्या	जिला	क्षेत्र हेक्टेयर में (लगभग)	क्षेत्र एकड़ में (लगभग)	टिप्पणियां
1.	पहाड़पुर	ललमटिया	32	गोड्डा	2.91	7.19	भाग
कुल क्षेत्र :					2.91	7.19	

मौजा पहाड़पुर न. 32 में अर्जित किए जाने वाले प्लॉट संख्या : 1 से 13.

सीमा - वर्णन :

- [illegible]

- [illegible]

- ड9-ड10 रेखा, मौजा पहाड़पुर न. 32 के प्लॉट संख्यांक 13 का पश्चिमी सीमा पर स्थित बिन्दु ड9 से शुरू होकर, प्लॉट संख्यांक 13 का पश्चिमी सीमा से गुजरते हुए, उसी प्लॉट संख्यांक 13 का दक्षिण-पश्चिमी कोना पर स्थित ड10 पर मिलती है।
- ड10-ड11 रेखा, मौजा पहाड़पुर न. 32 के प्लॉट संख्यांक 13 का दक्षिण-पश्चिमी कोना पर स्थित बिन्दु ड10 से शुरू होकर, प्लॉट संख्यांक 13 का दक्षिण सीमा से गुजरते हुए, उसी प्लॉट संख्यांक का दक्षिण-पूर्वी कोना पर स्थित ड11 पर मिलती है।
- ड11-ड12 रेखा, मौजा पहाड़पुर न. 32 के प्लॉट संख्यांक 13 का दक्षिण-पूर्वी कोना पर स्थित बिन्दु ड11 से शुरू होकर, उसी प्लॉट संख्यांक की पूर्वी सीमा से गुजरते हुए उत्तर-पूर्वी कोना पर स्थित ड12 पर मिलती है।
- ड12-ड13 रेखा, मौजा पहाड़पुर न. 32 के प्लॉट संख्यांक 13 का उत्तर-पूर्वी कोना पर स्थित बिन्दु ड12 से शुरू होकर, प्लॉट संख्यांक 12 की पूर्वी सीमा से गुजरते हुए प्लॉट संख्यांक 12 का उत्तर-पूर्वी कोना पर स्थित ड13 पर मिलती है।
- ड13-ड14 रेखा, मौजा पहाड़पुर न. 32 के प्लॉट संख्यांक 12 का उत्तर-पूर्वी कोना पर स्थित बिन्दु ड13 से शुरू होकर, प्लॉट संख्यांक 12 की उत्तर सीमा से गुजरते हुए प्लॉट संख्यांक 12 का उत्तरी सीमा पर स्थित बिन्दु ड14 पर मिलती है।
- ड14-ड15 रेखा, मौजा पहाड़पुर संख्यांक 32 के प्लॉट संख्यांक 12 का उत्तरी सीमा पर स्थित बिन्दु ड14 से शुरू होकर प्लॉट संख्यांक 11 के पूर्वी सीमा से गुजरते हुए मौजा पहाड़पुर संख्यांक 32 और मौजा बड़ा भोड़ाय संख्यांक 18 का सम्मिलित सीमा पर स्थित बिन्दु ड15 पर मिलती है।
- ड15-ड1 रेखा, पहाड़पुर संख्यांक 32 और बड़ा भोड़ाय संख्यांक 18 का सम्मिलित सीमा पर स्थित बिन्दु ड15 शुरू होकर, पहाड़पुर संख्यांक 32 और बड़ा भोड़ाय संख्या 18 की उसी सम्मिलित सीमा से गुजरते हुए सम्मिलित सीमा पर स्थित बिन्दु ड1 पर मिलती है।

[फा.सं. 43015/10/2015-पी.आर.आई.डब्ल्यू-1]

सुजीत कुमार, अवर सचिव

MINISTRY OF COAL

New Delhi, the 8th August, 2016

S.O. 1641.— Whereas by the notification of the Government of India in the Ministry of Coal number S.O. 201(E), dated the 27th August, 2015 issued under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said act), and published in the Gazette of India Part II, section 3, sub-section (ii), dated the 21st January, 2016, the Central Government gave notice of its intention to prospect for coal in 2.91 hectares (approximately) or 7.19 acres (approximately) of the lands in the locality specified in the Schedule annexed to that notification;

And, whereas, the Central Government is satisfied that Coal is obtainable in a part of the said lands prescribed in the Schedule appended to this notification;

Now, therefore, in exercise of the powers conferred by sub-section(1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the land measuring 2.91 hectares (approximately) or 7.19 acres (approximately) and all rights in or over the land described in the said Schedule appended hereto.

Note 1: The plan bearing number ECL/ RGOM/ GM(I/C)/ PCD&E/ CBA(Phase – XI) /78, dated the 5th May, 2016 of the area covered by this notification may be inspected in the office of the Deputy Commissioner, District Godda (Jharkhand), or in the office of the Coal controller, 1, Council House Street, Kolkata – 700 001 or in the office of the Director Technical (Operation), Eastern Coalfields Limited, Sanctoria ,P.O. Dishergarh, District Burdwan -713 333(West Bengal).

Note 2. : Attention is hereby invited to the provisions of Section 8 of the said Act which provided as follows:-

Objection to acquisition.-

“8 (1) Any person interested in any land in respect of which a notification under section 7 has been issued, may, within thirty days of the issue of the notification, object to the acquisition of the whole or any part of the land or any rights in or over the such land.

Explanation .-It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operation in the land for the production of coal and that such operations should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 or of rights in or over such land, or make different reports in respect of different parcels or such lands or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, the decision of that Government.

(3) For the purposes of this section, a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act.”

Note 3: The Coal Controller, 1, Council House Street, Kolkata- 700001 has been appointed by the Central Government as the competent authority under section 3 of the said Act, vide Notification number S.O. 2520, dated the 11th June, 1983 published in part II, section 3, sub-section (ii) of the Gazette of India.

SCHEDULE

Lalmatia Coal Mining Block (Phase – XI)

District Godda (Jharkhand)

(plan bearing number ECL/RGOM/GM(I/C)/PCD&E/CBA(Phase – XI)/78,dated the 5th May, 2016)

All Rights:

Sl. No.	Mouza / Village	Thana	Village number	District	Area in hectares (approximate)	Area in acres (approximate)	Remarks
1.	Paharpur	Lalmatia	32	Godda	2.91	7.19	Part
Total Area:					2.91	7.19	

Plot numbers to be acquired in Mouza Paharpur No. 32 : 1 to 13.**Boundary description:**

- A1-A2 Line starts from point No. A1 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18, passes along north-western boundary of plot No.1 of mouza Paharpur No. 32 and meets at point No. A2 situated at western corner of plot No. 1 mouza Paharpur No. 32.
- A2-A3 Line starts from point No. A2 situated on western corner of plot No. 1 of mouza Paharpur No. 32, passes along southern boundary of plot No. 1 and meets at point No. A3 situated at south-eastern corner of the same plot of mouza Pharpur No. 32.

A3-A4	Line starts from point No. A3 situated at south-eastern corner of plot No. 1 of mouza Pharpur No. 32, passes along southern-eastern boundary of the same plot and meets at point No. A4 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18.
A4-A1	Line starts at point No. A4 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18, passes along the same common mouza boundary and meets at point No. A1 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18.
B1-B2	Line starts from point No. B1 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18, passes along north-western and western boundary of plot No. 2 of mouza Paharpur No. 32 and meets at point No. B2 situated at south-western corner of the same plot of mouza Paharpur No. 32.
B2-B3	Line starts from point No. B2 situated at south-western corner of plot No. 2 of mouza Paharpur No. 32, passes along southern boundary of the same plot and meets at point No. B3 situated at south-eastern corner of plot No. 2 of mouza Paharpur No. 32.
B3-B4	Line starts from point No. B3 situated at south-eastern corner of plot No. 2 of mouza Paharpur No. 32, passes along eastern boundary of the same plot and meets at point No. B4 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18.
B4-B1	Line starts from point No. B4 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18, passes along the same common mouza boundary and meets at point No. B1 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18.
C1-C2	Line starts from point No. C1 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18, passes along western boundary of plot No. 3 of mouza Paharpur No. 32 and meets at point No. C2 situated at south-western corner of the same plot of mouza Paharpur No. 32.
C2-C3	Line starts from point No. C2 situated at south-western corner of plot No. 3 of mouza Paharpur No. 32, passes along southern boundary of the same plot and meets at point No. C3 situated at south-eastern corner of plot No. 3 of mouza Paharpur No. 32.
C3-C4	Line starts from point No. C3 situated at south-eastern corner of plot No. 3 of mouza Paharpur No. 32, passes along eastern and south-eastern boundary of the same plot and meets at point No. C4 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18.
C4-C1	Line starts at point No. C4 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18, passes along the same common mouza boundary and meets at point No. C1 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18.
D1-D2	Line starts from point No. D1 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18, passes along north-western boundary of plot No. 4 of mouza Paharpur No. 32 and meets at point No. D2 situated at western corner of plot No. 4 of mouza Paharpur No. 32.
D2-D3	Line starts from point No. D2 situated at western corner of plot No. 4 of mouza Paharpur No. 32, passes along southern boundary of plot No. 4 and meets at point No. D3 situated at south-eastern corner of the same plot of mouza Paharpur No. 32.
D3-D4	Line starts from point No. D3 situated at south-eastern corner of plot No. 4 of mouza Paharpur No. 32, passes along south-eastern boundary of same plot and meets at point No. D4 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18.
D4-D1	Line starts from point No. D4 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18, passes along the same common mouza boundary and meets at point No. D1 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18.
E1-E2	Line starts from point No. E1 situated on common mouza boundary of Paharpur No. 32 and Bara Bhorai No. 18, passes along the western boundary of plot No. 5 situated of mouza Paharpur No. 32 and meets at point No. E2 situated at south-western corner of the same plot of mouza Paharpur No. 32.

E2-E3	Line starts from point No. E2 situated at south-western corner of plot No. 5 of mouza Paharpur No. 32, passes along the western boundary of plot No. 6 and meets at point No. E3 situated at south-western corner of plot No. 6 of mouza paharpur No. 32.
E3-E4	Line starts from point No. E3 situated at south-western corner of plot No. 6 of mouza Paharpur No. 32, passes along the south- western boundary of plot and meets at point No. E4 situated at south-eastern boundary of the same plot.
E4-E5	Line starts from point No. E4 situated at south-eastern corner of plot No. 6 of mouza Paharpur No. 32, passes along the south- western boundary of plot No. 7 and meets at point No. E5 situated at south-western corner of plot No. 7.
E5-E6	Line starts from point No. E5 situated at south-western corner of plot No. 7, passes along the southern boundary of plot and meets at point No. E6 situated at southern corner of plot No. 7.
E6-E7	Line starts from point No. E6 situated at southern corner of plot No. 7 of mouza Paharpur No. 32, passes along the south- eastern boundary of the same plot and meets at point No. E7 situated at south-eastern corner of plot No. 7.
E7-E8	Line starts from point No. E7 situated at south-eastern corner of plot No. 7 of mouza Paharpur No. 32, passes along the eastern boundary of plot and meets at point No. E8 situated on eastern boundary of plot No. 7.
E8-E9	Line starts from point No. E8 situated on eastern boundary of plot No. 7 of mouza Paharpur No. 32, passes along the southern boundary of plot No. 12 and meets at point No. E9 situated on western boundary of plot No. 13.
E9-E10	Line starts from point No. E9 situated on western boundary of plot No. 13 of mouza Paharpur No. 32, passes along the western boundary of plot No. 13 and meets at point No. E10 situated on south-western corner of plot No. 13.
E10-E11	Line starts from point No. E10 situated on south-western corner of plot No. 13 of mouza Paharpur No. 32, passes along southern boundary of plot No. 13 and meets at point No. E11 situated at south-eastern corner of the same plot.
E11-E12	Line starts from point No. E11 situated at south-eastern corner of plot no. 13 of mouza Paharpur No. 32, passes along the eastern boundary of the plot and meets at point No. E12 situated at north-eastern corner of the same plot.
E12-E13	Line starts from point No. E12 situated at north-eastern corner of plot no. 13 of mouza Paharpur No. 32, passes along the eastern boundary of the plot No. 12 and meets at point No. E13 situated at north-eastern corner of plot No. 12.
E13-E14	Line starts from point No. E13 situated at north-eastern corner of plot no. 12 of mouza Paharpur No. 32, passes along the northern boundary of the plot No. 12 and meets at point No. E14 situated at north-eastern corner of plot No. 12.
E14-E15	Line starts from point no. E14 situated on northern boundary of plot No. 12 of mouza Paharpur No. 32, passes along eastern boundary of plot No. 11 and meets at point No. E15 situated on common mouza boundary of Paharpur No.32 and Bara Bhorai No. 18.
E15-E1	Line starts from point no. E15 situated on common mouza boundary of mouza Paharpur No. 32 and Bara Bhorai No. 18, passes along same common boundary and meets at point No. E1 situated on common mouza boundary of Paharpur No.32 and Bara Bhorai No. 18.

[F.No. 43015/10/2015-PRIW-I]

SUJEET KUMAR, Under Secy.

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1642.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीसीएल के प्रबंधन 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 संख्या 50/2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/213/2005-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 5th August, 2016

S.O. 1642.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 50 of 2006) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/213/2005-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

Ref. No. 50/2006

Employer in relation to the management of B & K Area, M/s. CCL

AND

Their workman

Present:- Shri R. K. Saran, Presiding Officer**Appearances :**

For the Employers : Shri D.K. Verma, Advocate

For the workman : Shri U.N. Lall, Advocate

State : Jharkhand

Industry:-Coal

Dated 18.04.2016

AWARD

By order No. L-20012/213/2005-IR (C-1) dated 01.06.2006, 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:

SCHEDULE

“Whether the demand of the Union from the management of G.M. Unit B&K Area of M/s CCL to provide employment to Rubia Khatoon, dependent daughter of Late Md. Idris, deceased workman of G.M. Unit B&K Area under the provision of Para 9.4.2 of NCWA is legal and justified? If so, to what relief is the said Rubia Khatoon entitled?”

2. The case is received from the Ministry of Labour on 20.06.2006. After receipt of reference, both Parties are noticed, The workman files his written statement on 04.09.2006. The management files their written statement-cum-rejoinder on 30.09.2008. One witness from each side has been examined. Document of workman is marked as W-1 to W-3 as exhibit..

3. The case of the workman is that Md. Idrish was in permanent employment of B&K Unit of M/s. CCL and he was appointed as Tole Fitter on 15.09.1964 but unfortunately Md. Idrish died on 03.11.1998 during tenure of his service.
4. As per terms of settlement of NCWA the dependent of Md. Idrish was entitled for employment but unfortunately Late Md. Idrish had no son but he had two daughters namely Smt. Sabia Khatoon and Miss Rubia Khatoon. Entire family of late Idrish was wholly dependent on the earning of Md. Idrish, deceased workman.
5. The management of M/s. CCL was reluctant to provide employment to female dependant, for which the family of late Idrish represented before the management to provide employment to dependant son-in-law namely Md. Nausad. But the management by office order dated 26.05.2000 rejected the prayer of Nausad the son-in-law and after that his appeal for reconsideration, was also rejected by the management.
6. It is further submitted by the workman that the family of late Idrish again represented before the management for providing employment to dependant daughter namely Rubia Khatoon. But the management instead of receiving the prayer for employment for daughter advised them to pursue the employment of son-in-law. But management neither provided employment to dependant daughter nor son-in-law of the deceased workman. Hence Industrial dispute arose.
7. On the other hand, the case of the management is that Rubia Khatoon daughter of late Md. Idrish never applied for compassionate appointment under the provision of NCWA after the death of his father. Md. Idrish died on 3.11.1998 and at that time there was a limitation of six month for filing an application. But the sponsoring Union raised an Industrial Dispute in the year 2004 and demanded employment of Rubia Khatoon.
8. The present Industrial Dispute was raised by the sponsoring union after lapse of six years from the date of death of the deceased employee i.e much after the limitation fixed by the company for filing application for dependant employment on compassionate ground. Hence Rubia Khatoon is not entitled to get appointment under NCWA as she has not applied within the prescribed period of limitation circulated by the company.
9. This is a case of dependant employment. There is no dispute that the applicant is the daughter of the deceased workman of CCL. The Union stated that after her father's death her brother-in-law applied for job and that was rejected. Thereafter the applicant applied for job but that has not been accepted or communicated to her.
10. The management has not filed any paper to show the applicant is not the dependant of the deceased workman but the union has filed four documents which is marked as W-1 to W-3.
11. As per Ext. W-2 Rubia Khatoon is the daughter of deceased workman and she is unmarried. This family tree certificate is issued by B.D.O Bermo. Another citation has been filed by the workman of Jharkhand High Court, Ranchi in CWJC No. 132/2000 in Phagu Bouri Vs. CCL and others. Zeash of said order is quoted below :-

XXXXX

“The claim of the petitioner for compassionate appointment was rejected merely on the ground that the applicant for such appointment was filed after a gap of six months between the death of the employer and the date of application. The decision of the CCL authorities appears to be irrational because it is but natural that if an employee dies in harness, his dependants, instead of mourning the sad demise of the bread earner, are not supposed to immediately rush to the employer asking for compassionate appointment. The reason given is quite unreasonable, illegal and without jurisdiction.”

XXXXX

12. Considering the facts and circumstances of this case, I hold that in rural area applying promptly for job may not be possible due to many hurdles, Therefore demand of the Union from the management of G.M. Unit B&K Area of M/s. CCL to provide employment to Rubia Khatoon, dependent daughter of Late Md. Idris, deceased workman of G.M. Unit B& K Area under the provision of Para 9.4.2 of NCWA is justified. Hence the management is directed to provide her job condoning delay.

This is my Award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1643.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 3/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/111/2007-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th August, 2016

S.O. 1643.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 3 of 2009) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/111/2007-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

Ref. No. 03 of 2009

Employer in relation to the management of C.V. Area, M/s. BCCL

AND

Their workman

Present:- Shri R. K. Saran, Presiding Officer**Appearances :**

For the Employers : Shri S.N. Ghosh, Advocate

For the workman : Shri R.R. Ram, Rep.

State : Jharkhand

Industry:-Coal

Dated 20.07.2016

AWARD

By order No.-L-20012/111/2007 IR-(CM-I), dated. 30/01/2009 the Central Govt. 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

“Whether the action of the management of Basantimata colliery under Chanch Victoria Area of M/s. BCCL in terminating Shri Dina Nath Gorai UG Loader w.e.f. 21.09.2005 is legal and justified? Ii) To what relief is the concerned workman entitled ?”

2. The case is received from the Ministry of Labour on 13.02.2009 After receipt of reference , both parties are noticed. The Sponsoring Union files their written statement on 23.03.2009. The management files their written statement -cum-rejoinder on 21.01.2010 No evidence adduced by either side.

3. The short point involved in the reference is that the workman has been dismissed from his services on absenteeism.

4. During Preliminary hearing, it is revealed that the case is dismissal of workman for long absence on duty. But he has already out of service for last 11 years. It is felt to give another chance to the workman to serve.

5. Considering the facts and circumstances of this case, I hold that he be taken into job as a fresh employee as under ground general Mazdoor cat-I scale. But the workman be kept under probation for a period two year . Therefore the question of granting back wages does not arise at all.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1644.—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 संख्या 172/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/166/1994-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th August, 2016

S.O. 1644.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 172 of 1994) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/166/1994-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

Ref. No. 172 of 1994

Employer in relation to the management of Bhowra Area of M/s. BCCL

AND

Their workman

Present:- Shri R. K. Saran, Presiding Officer

Appearances :

For the Employers : Shri U.N. Lall, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated 11.07.2016

AWARD

By order No. L-20012 /166/1994-IR(CM-1) dated 25.07.1994, 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:

SCHEDULE

“Whether the action of the management of Jealgora Colliery of M/s. BCCL, in dismissing Sri A.K.Sarakar, Nagazine Incharge w.e.f. 28.06.1993 is justified ? If not, to what relief is the concerned workman is entitled to ?”

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 No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1645.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबंध निर्योजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 34/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/299/1992-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th August, 2016

S.O. 1645.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 34 of 1994) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/299/1992-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

Ref. No. 34 of 1994

Employer in relation to the management of Bhowra Area of M/s. BCCL

AND

Their workman

Present:- Shri R. K. Saran, Presiding officer**Appearances :**

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated 19/07/2016

AWARD

By order No. L-20012 /299/1992-IR(C-1) dated 24/02/1994, 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:

SCHEDULE

“Whether the demand of the union for regularization of Shri Godhan Saw and 2 others by the management of Tisra Colliery of Bhowra Area No. XI of M/s. BCCL Claiming equal treatment in the matter of regularization with Shri fakie Bhandari, Babulal Bouri, and Prahlad Mullick is justified? If not, whether the concerned workmen are entitled to any relief ?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1645.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 131/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/196/1993-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th August, 2016

S.O. 1646.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref.

No. 131 of 1994) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/196/1993-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

Ref. No. 131 of 1994

Employer in relation to the management of Akashkinari Area of M/s. BCCL

AND

Their workman

Present:- Shri R. K. Saran, Presiding officer

Appearances :

For the Employers : Shri U.N. Lall, Advocate

For the workman : None

State : Jharkhand

Industry : Coal

Dated 20/07/2016

AWARD

By order No. L-20012 /196/1993-IR(C-1) dated 31/05/1994, 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:

SCHEDULE

“Whether the action of the management, Akashkinari Colliery of Govindpur Area of M/s BCCL, P.O Sonardih, Dist, Dhanbad in refusing to refer Sh. Sitaram Dusadh, Drillman to the Appex Medical board for assessment of his age 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 from both side . None is present on behalf of the workman subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1647.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 40/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/49/2013-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th August, 2016

S.O. 1647.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 40 of 2013) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/49/2013-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

Ref. No. 40/2013

Employer in relation to the management of Barora Area, M/s. BCCL

AND

Their workman

Present:- Shri R. K. Saran, Presiding Officer**Appearances :**

For the Employers : Shri D.K. Verma, Advocate

For the workman : Shri S.C. Gour, Advocate

State : Jharkhand

Industry : Coal

Dated 21/07/2016

AWARD

By order No. L-20012/49/213/2013-IR (CM-1) dated 12/09/2013, 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:

SCHEDULE

“Whether the action of the management of Madhuban Colliery under Barora Area of M/s. BCCL in denying employment to shri Dharambir Beldar son of Late Dhanwa Kamin in violation of agreement dt. 10.04.1992 is fair and justified? To what relief the dependant son of deceased workman is entitled?”

2. The case is received from the Ministry of Labour on 24.09.2013. After receipt of reference, both Parties are noticed, The workman files his written statement on 01.11.2013. After long delay the management files their written statement-cum-rejoinder on 16.07.2015. One witness examined on behalf of the workman. And document of workman is marked as W-1 to W-9 and M-1 of management's documents.
3. Case of the workman is that Smt. Dhanwa Kamin was in permanent employment of Madhuban Colliery under Barora Area of M/s. BCCL working as wagon Loader and her date of appointment is 15.11.1982.
4. On 06.04.1992, while on duty, she met an accident resulting in instant death. At the time of fatal accident of smt. Dhanwa Karmin her son Sri Dharambir Beldar was minor in 1992, and he was fully dependant on the earning of his mother and residing with her mother.
5. A Memorandum of settlement was arrived on 10.04.1992 in between the General Manager Barora Area and Union agreed that Sri Dharmbir Beldar S/o Late Dhanwa Kamin shall be taken into employment when he would attain the age of 18 years.
6. It is further submitted by the workman that in 1998, when Dharambir Beldar attained the age of 18 years as per memorandum of settlement he filed employment papers, he was sent to the medical board and all paper was forwarded to BCCL HQ at Koyla Bhawan in April, 2000 with recommendation to honour M.O.S. and provide employment as being the case of fatal accident, but BCCL HQ rejected the claim as belated case. This action in denying employment even after MOS is neither fair nor proper. Hence Industrial dispute arose.
7. On the other hand, the case of the management is according to the circular employment claim has to be submitted within a period of 18 months from the date of death of the deceased employee. Smt. Dhanwa Kamin was permanent employee of Madhuban Colliery died on 06.04.1992. But at the time of death of the deceased employee, Dharambir Beldar was 10 years old, therefore he was eligible to kept on live roster for employment under the above provision of NCWA.
8. Shri Dharambir Beldar applied for employment, the management considered his application and found that Dharambir Beldar is not eligible for employment under the provision of NCWA which was in vogue at the time of death of the deceased employee and accordingly his request was turned down.

9. It is further submitted by the management that in year 2007 the applicant filed writ petition before the Hon'ble Jharkhand High Court, Ranchi vide WP(S) No. 5267 of 2007. After hearing the parties the Hon'ble High Court hold that the petitioner is not entitled for employment under the provision of NCWA and dismissed writ petition vide order dated 01.07.2010. Now the Hon'ble High Court already decided the issued and dismissed the writ petition of the applicant therefore the present industrial dispute is not competent for adjudication as principle of res-judicata will apply. In view of the matter the applicant is not entitled for employment.

10. The short point to be decided in this reference is whether, the applicant who is the son of the deceased is entitled to get job in place of the deceased.

11. It is the case of the workman that his mother died in a accident, while in work in mines and the minor was assured to be given job and a memorandum of settlement was arrived. The said MOS has been admitted in evidence. The applicant applied for job on the basis of that MOS and that was regretted. The applicant approached High Court of Ranchi numbered as WP(S) 5267 of 2007 which was held that the claim of job is not a matter of right and on the ground of delay dismissed his claim. It has been mentioned on Hon'ble court's order, the case is of compassionate employment only.

12. It is not a case of compassionate employment simpliciter. The applicant's mother died in mines accident and assurance was given to a minor though MOS to give him job after the boy attaining majority. His cas was recommended and it was illegally regretted.

13. Hon'ble Court has not considered the MOS, CGIT is competent to decide the reference referred to it. The case which was decided by the Hon'ble Court under no circumstance, limit the jurisdiction of this Tribunal or restrict the workman to raise ID. Moreover MOS was not the issue before the Hon'ble High Court.

14. With great respect to the order's of Hon'ble High Court, the humble view of the Tribunal is the rule of resjudicata will not bar a fresh litigation and the workman is entitled to get employment as per MOS.

15. Considering the facts and circumstances of the case, I hold that the action of the management of Madhuban Colliery under Barora Area of M/s. BCCL in denying employment to Shri Dharambir Beldar son of Late Dhanwa Kamin in violation of agreement dt. 10.04.1992 is not fair and justified. Hence he is entitled to get employment within 30 days from the publication of the award.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1648.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईसीएल के प्रबंधन 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 संख्या 34/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/40/2013-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th August, 2016

S.O. 1648.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 34 of 2013) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. ECL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/40/2013-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

Ref. No. 34/2013

Employer in relation to the management of Mugma Area, M/s. ECL

AND

Their workman

Present:- Shri R. K. Saran, Presiding officer

Appearances :

For the Employers : Shri D.K. Verma, Advocate

For the workman : Shri Subhash Kr. Singh, Rep.

State : Jharkhand

Industry : Coal

Dated 19/07/2016

AWARD

By order No. L-20012/40/2013-IR (CM-1) dated 22/08/2013, 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:

SCHEDULE

“Whether the action of the management of Mugma Area of M/s. ECL in denial to regularise Sri Atwari Kurmi as Pit Clerk is fair and justified? To what relief the concerned workman is entitled to ?”

2. The case is received from the Ministry of Labour on 04.09.2013. After receipt of reference, both Parties are noticed, the workman files their written statement on 29.01.2014. The management files their written statement-cum-rejoinder on 22.05.2014. Workman himself examined as witness .

3. The case of the workman is that the concerned workman Sri Atwari Kurmi , Timber Mazdoor of Khudia Colliery under Mugma Area of M/s. ECL has been working as Pit Clerk Since last 10 years with due permission/order of his controlling authority since 1992.

4. It is also submitted by the workman that as per standing order of a permanent workman who has been completed more than 6 months service in another permanent post of the company with due authorisation order of the competent authority , then workman concerned is entitled to be regularised on the post in which they have been completed more than six months continuously.

5. On the other hand the case of the management is that the workman concerned was appointed as time rated mazdoor. The workman concerned was never selected for the post of clerk according to the provision of cadre scheme , hence the demand made by the sponsoring union for regularisation of workman concerned as a clerk is neither justified nor correct.

6. It is further submitted by the management that the mandatory provision of the constitution the Govt. of india, Ministry of Coal constituted joint Bipartite committee for coal Industry and said committee formulated cadre scheme for the post of clerk.

7. According to the aforesaid cadre scheme the post of clerk is a selection post and only a person who has been selected for the post of clerk can be appointed as clerk and follow the presidential directives of reservation for SC/ST and OBC.

8. The workman who is working as Timber Mazdoor and getting scale of Cat-V as per his evidence claiming to be regularised as Pit Clerk Grade III , on the ground that he is continuously working as Pit Clerk III since last ten years and his name was recommended for regularisation but the higher management has sat over the matter.

9. The management submitted as regularisation does not come as per the cadre scheme, the workman is not regularised and there is legal hurdles, and working continuously in a post is not a ground for regularisation.

10. But as per the evidence of the workman it appears, that scale of Pit clerk Grade-III is lesser than Cat-V in which post the workman is presently working .

11. Therefore it is felt proper not to regularise the workman shri Atwari Kurmi as Pit Clerk-III or giving any direction to the management to that effect, The claim of the workman is regretted.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1649.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन 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 संख्या 205/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/42/1991-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th August, 2016

S.O. 1649.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 205 of 1994) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/42/1991-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

Ref. No. 205/1994

Employer in relation to the management of Mudidih Colliery of M/s. BCCL

AND

Their workman

Present:- Shri R. K. Saran, Presiding Officer

Appearances :

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated 15/07/2016

AWARD

By order No. L-20012 /42/1991-IR(C-1) dated 12/08/1994, 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:

SCHEDULE

“Whether the claim of Shri Naroo Roy and 12 others (as per the list annexed) for regularization of their services with full back wages from the year 1979 by the management of Mudidih Colliery of M/s. BCCL, Dhanbad is justified? If not, what relief are the above said individuals entitled to?”

List of the Workman

1. Shri Naroo Roy, S/o Jagat Ch. Roy, Vill- Sankra P.O. Ramharipur, Dist. Bankura.
2. Shri Lalan Ram, S/o. Ramjhwari Ram Vill- Parsu Rampur, P.O. Palasi Dist. Gaya
3. Shri Rajkumar Paswan, S/o Maheswar Paswan, Vill- Mahanajitpur P. O. Pakri Barawa dist. Nawade.
4. Shri Kisun Yadav S/o- Ram Swarup Yadav , Vill- Mahanajitpur , P.O. Pakri Barawa, Dist. Nawada.
5. Shri Dayachand Paswan S/o Solar Paswan, P. O. Pakri Barawa, Dist. Nawada .
6. Shri Balso Paswan, S/o-Jageshwar Paswan,Vill-Majara Jitpur, P.O-Pakri Barawa, Distt-Nawada.
7. Shri Moti Paswan, S/o- Chamari Paswan, Vill- Eastilujh, P. O. Ore Dist. Nawada.
8. Shri Kishori Paswan, S/o Karu Paswan Vill- Mahanajitpur P.O. Pakri Barawa. Dist Nawada.
9. Shri Khar Patu Kumar S/o Shyamdeo Kumhar, Vill- Madhotunda P.O. Roypur, dist Gazipur.

10. Shri Baldeo Paswan, S/o Bhajwar Das, Vill- 22/12 Tetulmari P.O. Sijua, Dist- Dhanbad.
11. Shri Rajendra Paswan S/o Maheswar Paswan Vill- 22/12 Tetulmari P.O. Sijua, Dist. Dhanbad.
12. Shri Atama Koley, S/o Krishna Mohan Koley, Vill- Mudidih Colliery P.O. Sijua, Dist. Dhanbad.
13. Shri Samber Saran Pandey, S/o- Jaget Pandey, Vill- Mudidih Colliery P.O. Sijua, Dist. Dhanbad

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1650.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 137/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/113/1993-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th August, 2016

S.O. 1650.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 137 of 1994) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/113/1993-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

Ref. No. 137/1994

Employer in relation to the management of Lohapatti Colliery of M/s. BCCL

AND

Their workman

Present:- Shri R. K. Saran, Presiding Officer

Appearances :

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated 21/07/2016

AWARD

By order No. L-20012 /113/1993-IR(C-1) dated 30/05/1994, 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:

SCHEDULE

“Whether the action of the management of Lohapatti colliery of M/s. BCCL P.O Ramanagargarh via Mohuda, Dist. Dhanbad in denying to give employment to S/Shri Janaki Mahato and 181 others (as per list annexed is justified ? If not, what relief is the concerned workmen entitled?”

Sl. No.	Name of the workman	Sl. No.	Name of the workman
1	Sh. Janki Mahato	39	Sh. Ram Sakal Singh
2	Sh. Jagnarayan Choubey	40	Sh. Narayan Mahato
3	Sh. Teju Mhato No. II	41	Sh. Tribhuban Singh
4	Sh. Akhilesh Kumar Panday	42	Sh. Tejbali Singh
5	Sh. Pradeep Mishra	43	Sh. Parasnath Singh
6	Sh. Bodha Mehara	44	Sh. Mahadev Banarjee,
7	Sh. Uchit Mehara	45	Sh. Asha Ram Singh
8	Sh. Nand Kishor Pandey	46	Sh. Madhav Ray,
9	Sh. Chotelal Biswkarma	47	Sh. Kamlakant Pathak
10	Sh SriArun Kumar Choubey	48	Sh. Gayan Prakash Singh
11	Sh. Manoj kumar Manjhi	49	Sh Nag Narayan Upadhyay,
12	Sh. Panchu Rawani	50	Sh. Muneshwar Thakur
13	Sh. Shailesh kumasr Mishir	51	Sh. Hari Shankar Singh
14	Sh Rama Shankar Singh	52	Sh. Bihari Jee Pandey
15	Sh. Bindhyachal Pandey	53	Sh. Jay Singh
16	Sh. Bhuneshwar Thakur	54	Sh. Iswar Pd. Mahato,
17	Sh . Om Prakash Singh	55	Sh. Parasuram Mahato
18	Sh. Shashi Bhusan Pathak	56	Sh. Binod Kumar Pathak
19	Sh Bikash Kumar Pandey	57	Sh. Ram Bhajan Yadav
20	Sh . Banarsi Singh	58	Sh. Baijnath Biswkarma
21	Sh. Prabhu Narayan Singh	59	Sh. Gokhul Mahato
22	Sh Arbind kumar Jha	60	Sh. Rejesh Kumar Choubey
23	Sh. Lalu Mahato	61	Sh. Anil Kr. Singh
24	Sh. Rabi Kumar Choubey	62	Sh. Rathu Nahato
25	Sh. Hali Mahato,	63	Sh. Yashwat Singh,
26	Sh. Nageshwar Pandey	64	Sh. Rabindra Nath Choubey,
27	Sh. Jagat Mahato	65	Sh. Rati Lal Mahato
28	Sh. Jagat Mahato,	66	Sh. Manik Chand Mahto
29	Sh. Satyendra Kumar,	67	Sh. Sanju Mahato
30	Sh. Anand Gorain,	68	Sh. Ram Singh
31	Sh. Gobardhan Mahato No. IX	69	Sh. Rameshar Pathak
32	Sh. Paramhansh Pandey	70	Sh. Brijraj Singh
33	Sh. Guna Mahato	71	Sh. Bhikhu Mahato
34	Sh. Rajesh Singh,	72	Sh. Tripurari Singh
35	Sh. Deo Narayna Dubey	73	Sh. Budhan Mahato
36	Sh. Bandhulal Singh	74	Sh. Deo Prakash Ojha
37	Sh. Chandra Kesh Singh,	75	Sh. Shyam Sundar Singh
38	Sh. Kamlesh Kumar Mishra	76	Sh. Sanjay Kumar Tiwary

Sl. No.	Name of the workman	Sl. No.	Name of the workman
77	Sh. Lakhi Ram Deshwali	115	Sh. Binod Kumar Singh
78	Sh. Jay Prakash Singh	116	Sh. Ajay Kumar Pandey,
79	Sh. Sanjay Kumar Choubey	117	Sh. Motilal Singh
80	Sh. Ashok Kumar,	118	Sh. Bidlyasagar Tiwary,
81	Sh. Sadhan Ray,	119	Sh. Rajendra Kumar Singh
82	Sh. Ganesh Pd., Singh,	120	Sh. Nandlal Singh,
83	Sh. Nandjee Choubey,	121	Sh. Achaibar Ojha
84	Sh. Magan Mahato II No.	122	Sh. Sarju Mahato no. II,
85	Sh. Kedar Nath Pathak	123	Sh. Ram Singh
86	Sh. Durga Mahato	124	Sh. Bijay Kumar Mahato
87	Sh. Gopal Mahato	125	Sh. Ram Milan singh
88	Sh. Bijay Narayan Pathak	126	Sh. Dharmendra Kumar Mishra
89	Sh. Jagdish Rawani	127	Sh. Guja Mahato,
90	Sh. Maahabir gorain,	128	Sh. Dharamdeo singh ,
91	Sh. Baban Choubey	129	Sh. Chota Hari Lal Mahto II
92	Sh. Shib Pd. Gope	130	Sh. Hareram Tripathi
93	Sh. Sudhir Kumar Pandey,	131	Sh. Pawan Chandra Nayak,
94	Sh. Jai Sankar,	132	Sh. Shree Kant Pandit
95	Sh. Ajay Kumar Mishra,	133	Sh. Subbasish Banarjee,
96	Sh. Surat Singh,	134	Sh. Kamal Deo Singh
97	Sh. Birendra Kumar Ojha,	135	Sh. Om Prakash Mishra,
98	Sh. Panch Dew Singh,	136	Sh. Wamdoo Singh,
99	Sh. Shiw Pukar Ojha	137	Sh. Amarnath Singh,
100	Sh. Teju Mahato	138	Sh. Shive Pd. Mahato,
101	Sh. Deepak Choubey	139	Sh. Deonaryayan Choubey
102	Sh. Dip Chand Singh	140	Sh. Chote Lal Mahato,
103	Shri Hanif Mia,	141	Sh. Kalpu,
104	Sh. Surendra Nath Choubey	142	Sh. Ramchandar Singh
105	Sh. Bijay Kumar Singh	143	Sh. Umashankar Ojha,
106	Sh. Mala Mia	144	Sh. Jokhan singh,
107	Sh. Sia Ram Tiwary	145	Sh. Dadan Kumar Choubey
108	Sh. Kishore Gopoe	146	Sh. Nagendra Pd. Singh ,
109	Sh. Omprakash Singh,	147	Sh. Hasina Mia,
110	Sh. Shive Pujan Kahanr,	148	Sh. Raaajeet Mahato,
111	Sh. Hira Lal,	149	Sh. Sambhunath Choubey,
112	Sh. Satya Narayan Prasad	150	Sh. Sunil Kumar Singh,
113	Sh. Akhilesh Kumar Singh	151	Bhim Raj Mishra,
114	Sh. Ashok Kumar Singh	152	Sh. Suresh Kumar Singh

Sl. No.	Name of the workman	Sl. No.	Name of the workman
153	Sh. Ajit Kumar Singh	168	Sh. Dairendra Kr. Upadhyay,
154	Sh. Sadhan Kumar Singh,	169	Shry Gopal Chandra Modak
155	Sh. Harendra Kumar Pathak,	170	Sh. Mangar Nayak,
156	Sh. Jiwan Singh,	171	Sh. Dunia ral singh
157	Sh. Mahadeo Mahato	172	Sh. , Om Prakesh Gupta
158	Sh. Shiw Sambhu Dubey,	173	Sh. Anil Kr. Singh
159	Sh. Rabindra Nath,	174	Sh. Bisesh Singh,
160	Sh. Huma Chandra Mahato,	175	Sh. Karuna Shankar Mishra
161	Sh. Kanhaiya Misir,	176	Sh. Jabaju Mahato No. II,
162	Sh. Subash Singh,	177	Sh. Yashwant Sing
163	Sh. Rajendra Pd. Pandey,	178	Sh. Dilip Kr. Mishra
164	Sh. Magan Mahato,	179	Sh. Manject Kr. Singh,
165	Sh. Ashok Singh,	180	Sh. Tarkeshwar Tiwary,
166	Sh. Pashuram Tiwary,	181	Sh. Ashok Kr. Choudhri
167	Sh. Muneshwar Yadav,	182	Sh. Gopaljee Pandey.

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1651.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन 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 संख्या 154/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/203/1993-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th August, 2016

S.O. 1651.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 154 of 1994) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/203/1993-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

Ref. No. 154/1994

Employer in relation to the management of Sudamdih Area of M/s. BCCL

AND

Their workman

Present:- Shri R. K. Saran, Presiding Officer

Appearances :

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated 18/07/2016

AWARD

By order No. L-20012 /203/1993-IR(C-1) dated 11/07/1994, 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:

SCHEDULE

“Whether the action of the employer, General Manager, Sudamdih Area of BCCL in denying Proper fixation of excavation of Grade B to Shri Ram Jivan Mistry mech. Helper DOCP is justified or not? if not, what relief should be granted?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1652.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 207/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/147/1993-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th August, 2016

S.O. 1652.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 207 of 1994) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/147/1993-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

Ref. No. 207/1994

Employer in relation to the management of Baghdih Colliery of M/s. BCCL

AND

Their workman

Present:- Shri R. K. Saran, Presiding Officer

Appearances :

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated 14/07/2016

AWARD

By order No. L-20012 /147/1993-IR(C-1) dated 11/08/1994, 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:

SCHEDULE

“Whether the action of the Management of Baghidh Colliery of M/s BCCL in not regularizing the service of workman Shri Chandradeep Mahato and 12 others (as per the list attached)is justified. If not, what relief are the concerned workmen entitled to?”

- | | |
|----------------------|---------------------|
| 1. Chandradeep Mahto | 2. Nageshwar Paswan |
| 3. Kishory Ravidas | 4. Naresh Paswan |
| 5. Balchander Kurmi | 6. Prabhu Paswan |
| 7. Alakhdev Saw | 8. Lakhan Paswan |
| 9. Mateen Khan | 10. Ramroop yadav |
| 11. Kaleem Khan | 12. Kamlesh paswan |
| 13. Dilip Rout | |

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1653.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीसीएल के प्रबंधन 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 संख्या 135/1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/123/1994-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th August, 2016

S.O. 1653.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 135 of 1994) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/123/1994-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

Ref. No. 135/1994

Employer in relation to the management of Bhurkunda Colliery of M/s. CCL

AND

Their workman

Present:- Shri R. K. Saran, Presiding Officer

Appearances :

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated 15.07.2016

AWARD

By Order No. L-20012 /123/1994-IR(C-1) dated 01.06.1994, 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:

SCHEDULE

“Whether the action of management of Bhurkunda Colliery of M/s. Central Coalfields Ltd. P.O. Bhurkunda District Hazaribagh is justified in not paying wages and other benefits for the period from 15.06.1992 to 13.08.1993 to workman Shri Jagdish Sao, General mazdoor? If not, to what relief the workman is entitled?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1654.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 272 ऑफ 1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/348/1993-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th August, 2016

S.O. 1654.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 272 of 1994) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. CCL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/348/1993-IR (C-I)]

M. K. SINGH, Section Officer

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

In the matter of Reference U/s 10(1) (D) (2A) of I.D. Act, 1947

Ref. No. 272/1994

Employer in relation to the management of M/s. CCL, HQ

AND

Their workman

Present:- Shri R. K. Saran, Presiding Officer**Appearances :**

For the Employers : None

For the workman : None

State : Jharkhand

Industry : Coal

Dated 13.07.2016

AWARD

By Order No. L-20012 /348/1993-IR(C-1) dated 09.12.1994, 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:

SCHEDULE

“Whether the workmen employed at M/s. Central Coalfields Ltd. Headquarter at Ranchi are entitled for holidays as declared under N.I. Act by the Government of India on 14/04/1992? If not, to what relief the workmen are entitled?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates none appears subsequently. Case remains pending. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1655.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बीसीसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. 1, धनबाद के पंचाट (संदर्भ संख्या 72 ऑफ 2006) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-20012/27/2006-आईआर (सी-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 5th August, 2016

S.O. 1655.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Cent. Govt. Indus. Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 72 of 2006) as shown in Annexure, in the industrial dispute between the employers in relation to the management of M/s. BCCL and their workmen, which was received by the Central Government on 05.08.2016.

[No. L-20012/27/2006-IR (C-I)]

M. K. SINGH, Section Officer

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

In the matter of Reference U/s 10(1) (D) (2A) of I.D. Act, 1947

Ref. No. 72/2006

Employer in relation to the management of Kusunda Area of M/s. BCCL

AND

Their workman

Present:- Shri R. K. Saran, Presiding Officer**Appearances :**

For the Employers : Shri S.N. Ghosh, Advocate

For the workman : Shri D. Mukherjee, Advocate

State : Jharkhand

Industry : Coal

Dated 20.07.2016

AWARD

By Order No. L-20012/27/2006-IR (C-1) dated 28.09.2006, 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:

SCHEDULE

“Whether the action of management of Kusunda Area of M/s. BCCL, in not giving employment to Shri Santosh Kumar, S/o Late Pradeep M.G under NCWA is justified? If not, to what relief is Sri Santosh Kumar entitled?”

2. After receipt of the reference, both parties are noticed. Appearing for certain dates, Ld. Counsel for the workman submits that workman is not interested to contest the case. It is felt that the disputes between the parties have been resolved in the meantime. Hence No Dispute Award is passed. Communicate.

R. K. SARAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1656.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मिनिस्ट्री ऑफ कम्युनिकेशन एंड अदर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ एलसीए सं. 4/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42025/03/2016-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1656.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. LCA No. 4/2014) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Ministry of Communication and others and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42025/03/2016-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH**

Present: Sri Kewal Krishan, Presiding Officer.

LCA No. 4/2014

Registered on 28.10.2014

Smt. Guddan wife of Late Sh. Kamal Resident of
House No. Para Mohalla near Balmiki Mandir,
Rohtak, District Rohtak

...Petitioner

Versus

1. Through its Secretary Ministry of Communication,
Government of India, New Delhi.
2. The Chief Post Master General Haryana Circle, Ambala.
3. The Senior Superintendent of Post Offices,
Rohtak Division, Rohtak

...Respondents

APPEARANCES :

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Sanjeev Sharma, Adv.

AWARD

Passed on:-15.06.2016

Smt. Guddan has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947 (hereinafter called the 'Act'), claiming bonus on the averments, that she was appointed as Sweeper on 14.06.1997 and was

governed by the EDA Conduct Rules and now by the Gramin Dak Sewak (Conduct and Engagement) Rules 2011. That she is entitled to bonus from the very beginning as per letter dated 16.03.1994 which read as follow:-

“23-DA/Bonus/other claims to ED Agents to be made without delay-Instances have come to the notice that Payment of DA/Bonus and other claims to ED Agents are not being made promptly and quite often being delayed considerably. This has been viewed seriously by the Directorate. I am therefore directed to request you to issue necessary instructions to all concerned in future and when orders for DA/Bonus etc are issued by the Directorate, the payment are made promptly to ED Agents.

2. Chairman Postal Service Board has also decided that special watch may be kept on the payment being made to ED Agents and Head of Circles should ensure that there is no delay on this score.

3. To ensure that payments are not delayed in the circles, all heads of circles etc are requested to furnish a note in this regard in their monthly reports for atleast six months following the month of issued of orders for Payment of Bonus/DA etc confirming that the needful has been done in their circles vide A-2.”

That she performed the duty from 5 p.m. to 9 a.m. but was treated as part time worker. That she is entitled to get benefit of bonus which the respondent-management did not pay.

The respondent-management filed written reply, pleading that the workman was engaged as part time Sweeper. That the workman being working as part time Sweeper, is not covered under the rules and she is not entitled to get any bonus.

Parties were given opportunity to lead evidence but both the parties closed their respective evidence.

I have heard Sh. R.P. Mehra for the workman and Sh. Sanjeev Sharma for the management.

It was argued by Sh. R.P. Mehra, learned counsel for the workman that the workman used to work from 5 p.m. to 9 a.m. and was a full time worker and was entitled to get bonus from the date of his appointment i.e. 14.06.1997.

The workman was required to lead cogent evidence to prove that she was appointed as Sweeper by the respondent-management which she failed. It is the definite case of management that workman was engaged as Part Time Sweeper which is not rebutted. Therefore, workman is held to be working as Part time Sweeper. Part time Sweepers are not covered under the Posts and Telegraphs Extra-Departmental Agents(Conduct and Service)Rules, 1964 or under the Gramin Dak Sevaks(Conduct and Engagement)Rules, 2011 and therefore, the workman is not entitled to claim any bonus being worked as a part time worker.

Let hard and soft copy of the order be sent to the Central Government for further necessary action as required under Section 33(c)(4) of the Act.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1657.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सोम एंटरप्राइज लिमिटेड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ सं. 336/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42012/153/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1657.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 336/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the M/s. Soma Enterprise Ltd. and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42012/153/2013-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH****Present:** Sri Kewal Krishan, Presiding Officer.**Case No. I.D. No. 336/2013**

Registered on 25.02.2014

Sh. Baldev Singh Kallar, S/o Sh. Ishwar Singh Kallar,
R/o H.No.464, Near Uccha Khoo, VPO Bija,
Tehsil Khanna, District Ludhiana.

...Petitioner

Versus

1. M/s. Soma Enterprise Ltd., Village Kot Panaich,
Opp. Gurudwara Manji Sahib, Post Office Varmalipur,
Tehsil Khanna, District Ludhiana, through its
Project Manager (Contractor of Central Govt.).
2. M/s. Soma Enterprise Ltd., Corp. Office at 14,
Avenue-4, Banjara Hills, Hyderabad -500034,
A.P., India, through its Managing Director.
(Contractor of Central Govt.).

...Respondents

APPEARANCES :

For the workman : Workman ex parte
For the Management : Sh. Arun Batra, Adv.

AWARD

Passed on:-24.05.2016

Vide Order No.L-42012/153/2013-IR(DU), dated 10.02.2014 the Central Government in exercise of the powers conferred by Clause (d) of Sub-Section (1) and Sub-Section 2(A) of Section 10 of Industrial Disputes Act, 1947 (in short Act) has referred the following industrial dispute for adjudication to this Tribunal.

“Whether action of termination of service of Sh. Baldev Singh Kallar w.e.f. 29.10.2012 by the management of M/s. Soma Enterprises Ltd., is legal, just and valid? If not, to what relief the workman is entitled to and from which date?”

In response to the notice, the workman submitted statement of claim, pleading that he was appointed vide letter dated 12.11.2009 as Coordinator(Electrical and Maintenance); though, he performed only technical duties. His last drawn salary was Rs.34,900.

That respondent No.1 terminated his services vide order dated 29.10.2012, by giving only 7 days notice and the termination of his services is illegal as he was not paid any retrenchment compensation and the persons junior to him, were retained in service. That no charge-sheet was served on him. His termination being illegal, he be reinstated in service.

The management filed written reply admitting that the workman was employed as Coordinator and he was required to possess high quality skills of management, persuasion, communication and leadership and his role was that of supervisor and manager. Being so, he is not a ‘workman’ as defined under the Act and his salary was more than Rs.30,000 per month. He was appointed only on temporary basis and was given 7 days notice for the termination of his service. He received Rs.38,694 as full and final settlement and executed a receipt. He cannot agitate the matter now and his termination is legal and valid.

None appeared on behalf of the workman on 9.9.2015 and the workman was proceeded against ex parte.

I have heard Sh. Arun Batra for the management.

It is not disputed that the workman was given temporary employment as Coordinator as is evident from Annexure R1 containing a clause that his services would be terminated without assigning any reason.

He was served with a notice dated 29.10.2012(Annexure R2) for termination of his service. He executed a receipt (Annexure R3) that he received Rs.38,694 as full and final settlement and further undertaking not to raise any dispute in any Court. Thus, as per documents available on file, the services of the workman were legally terminated.

It may also be added that the workman was appointed as Coordinator and he was performing duty as Manager and Supervisor and his salary was more than Rs.30,000 per month and being so, he cannot be termed as 'workman' as defined under the Act to invoke the jurisdiction of this Court.

The workman has not lead any evidence to rebut the averments made by the management and he himself did not appear in the witness-box in support of his case. Therefore, the averments made by the management supported by documents are taken to be as correct.

Being so, the termination of the services of the workman cannot be termed as illegal and invalid.

In result, the workman is not entitled to any relief and the reference is decided against the workman.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1658.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ पोस्ट मास्टर जनरल हरियाणा सर्किल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ आईडी एलसीए सं. 289/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42025/03/2016-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1658.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. LCA No. 289/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Chief Post Master General Haryana Circle and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42025/03/2016-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri Kewal Krishan, Presiding Officer

LCA No. 289/2013

Registered on 14.05.2013

Sh. Sita Ram S/o Sh. Mam Raj, H.No.2161/20,
Rajiv Nagar, Near Ekta Colony, Rohtak

...Petitioner

Versus

1. The Chief Post Master General Haryana Circle, Ambala.
2. The Superintendent of Post Offices Rohtak, Division Rohtak.
3. The Senior Post Master Head Post Office, Rohtak.

...Respondents

APPEARANCES :

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Sanjeev Sharma, Adv.

AWARD

Passed on:-27.06.2016

Sh. Sita Ram has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947(hereinafter called the 'Act'), claiming bonus on the averments, that he was appointed as Mali on 21.06.1985 and was governed by the EDA Conduct Rules and now by the Gramin Dak Sewak(Conduct and Engagement)Rules 2011. That he is entitled to bonus from the very beginning as per letter dated 16.03.1994 which read as follow:-

“23-DA/Bonus/other claims to ED Agents to be made without delay-Instances have come to the notice that Payment of DA/Bonus and other claims to ED Agents are not being made promptly and quite often being delayed considerably. This has been viewed seriously by the directorate. I am therefore directed to request you to issue necessary instructions to all concerned in future and when orders for DA/Bonus etc are issued by the Directorate, the payment are made promptly to ED Agents.

2. Chairman Postal Service Board has also decided that special watch may be kept on the payment being made to ED Agents and Head of Circles should ensure that there is no delay on this score.”

3. To ensure that payments are not delayed in the circles, al heads of circles etc are requested to furnish a note in this regard in their monthly reports for atleast six months following the month of issued of orders for Payment of Bonus/DA etc confirming that the needful has been done in their circles vide A-2.”

That he continued to perform duty for six hours but was treated as part time worker. That he is entitled to get benefit of bonus which the respondent-management did not pay.

The respondent-management filed written reply, pleading that the workman was engaged as part time Mali vide memo dated 06.02.2012(Annexure R1). That the workman has resigned on 10.01.2013. That the workman being working as part time Mali, is not covered under the rules and he is not entitled to get any bonus.

Parties were given opportunity to lead evidence.

The workman has appeared in the witness-box and filed his affidavit supporting his case as set out in the claim petition.

On the other hand, counsel for the management did not examine any witness.

I have heard Sh. R.P. Mehra for the workman and Sh. Sanjeev Sharma for the management.

It was argued by Sh. R.P. Mehra, learned counsel for the workman that the workman used to work for six hours and was a full time worker and was entitled to get bonus from the date of his appointment i.e. 21.06.1985.

The workman was required to lead cogent evidence to prove that he was appointed as Mali by the respondent-management which he failed. Rather, he admits during cross-examination that he was appointed as part time Mali and part time Malis are not covered under the Posts and Telegraphs Extra-Departmental Agents(Conduct and Service)Rules, 1964 or under the Gramin Dak Sevaks(Conduct and Engagement)Rules, 2011 and therefore, the workman is not entitled to claim any bonus being worked as a part time worker.

Let hard and soft copy of the order be sent to the Central Government for further necessary action as required under Section 33(c)(4) of the Act.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1659.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ पोस्ट मास्टर जनरल हरियाणा सर्किल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ आईडी एलसीए सं. 290/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42025/03/2016-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1659.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. LCA No. 290/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Chief Post Master General Haryana Circle and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42025/03/2016-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH****Present:** Sri Kewal Krishan, Presiding Officer**LCA No. 290/2013**

Registered on 14.05.2013

Sh. Bijender Singh S/o Sh. Rattan Singh Chowkidar,
R/o V&PO Dhigal, Tehsil Beri, District Jhajjar.

...Petitioner

Versus

1. The Chief Post Master General Haryana Circle, Ambala.

2. The Superintendent of Post Offices Rohtak, Division Rohtak.

3. The Senior Post Master Head Post Office, Rohtak.

...Respondents

APPEARANCES :

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Sanjeev Sharma, Adv.

AWARD

Passed on : 27.06.2016

Sh. Bijender Singh, has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947(hereinafter called the 'Act'), on the averments, that he was appointed as Chowkidar on 13.01.1990 and is governed by the service rules applicable to Extra Departmental Agents and now designated as Gramin Dak Sewaks, that Chowkidars fall in the category of EDA/GDS and he is entitled to bonus from the very beginning as per letter No.26-1/93 PAP dated 16th March, 1994 which read as follow:-

"23-DA/Bonus/other claims to ED Agents to be made without delay-Instances have come to the notice that Payment of DA/Bonus and other claims to ED Agents are not being made promptly and quite often being delayed considerably. This has been viewed seriously by the directorate. I am therefore directed to request you to issue necessary instructions to all concerned in future and when orders for DA/Bonus etc are issued by the Directorate, the payment are made promptly to ED Agents.

2. Chairman Postal Service Board has also decided that special watch may be kept on the payment being made to ED Agents and Head of Circles should ensure that there is no delay on this score."

3. to ensure that payments are not delayed in the circles, al heads of circles etc are requested to furnish a note in this regard in their monthly reports for atleast six months following the month of issued of orders for Payment of Bonus/DA etc confirming that the needful has been done in their circles vide A-2."

That the workman has been performing the duty from 5 p.m. to 9 a.m. but was treated as part time and he is entitled to get benefit of bonus from the date of his appointment.

The respondent-management admitted that the workman was working as part time Chowkidar. He was conferred temporary status of casual labourers vide memo dated 28.3.2013(Annexure R1) in pursuance of the order of the Central Administrative Tribunal dated 14.09.2012. Since the workman was engaged as part time Chowkidar, he did not fall within the category of Extra Departmental Agent/Gramin Dak Sewak as defined under the Gramin Dak Sevaks(Conduct and Engagement)Rules 2011 and he is not entitled to get any bonus being a part time casual labour.

Parties were given opportunity to lead evidence.

Sh. Bijender Singh workman has appeared in the witness-box and filed his affidavit supporting his case as set out in the claim petition.

On the other hand, counsel for the management did not lead any evidence.

I have heard Sh. R.P. Mehra for the workman and Sh. Sanjeev Sharma for the management.

Sh. R.P. Mehra, learned counsel for the workman carried me through the letter dated 16.8.1991 and submitted that Extra Departmental Agents are entitled to bonus and further carried me through the letter dated 07.10.2015 issued

by the Government of India, providing for productivity linked bonus and submitted that the workman is a 'Gramin Dak Sevak' and therefore he is entitled to bonus.

Opposing this contention the learned counsel for the respondent-management has argued that there is no post of Chowkidar in the Department who do not fall within the definition of 'Gramin Dak Sevak' and as such, the workman is not entitled to any 'Bonus'.

I have considered the respective contentions.

'Gramin Dak Sevak' has been defined in Section 3(d) of the 'Gramin Dak Sewaks'(Conduct and Engagement)Rules 2011 and it reads as follow:-

(d) "Gramin Dak Sevak" means-

- (i) **A Gramin Dak Sevak Branch Postmaster;**
- (ii) **A Gramin Dak Sevak Mail Deliverer;**
- (iii) **A Gramin Dak Sevak Mail Carrier;**
- (iv) **A Gramin Dak Sevak Mail Packer;**
- (v) **A Gramin Dak Sevak Stamp Vendor.**

Chowkidar is not covered in the said definition and therefore the workman cannot claim himself to be a 'Gramin Dak Sevak'. Faced with this situation Sh. R.P. Mehra has drawn my attention towards Extra Departmental Agents(Conduct and Service)Rules 1964 wherein the extra departmental Chowkidar is defined as a 'Extra Departmental Agent'. It is not disputed that conduct and service rules are being amended from time to time and now 'Gramin Dak Sewaks'(Conduct and Engagement)Rules 2011 are in force which do not have the post of Chowkidar. Even if it is taken that 'Conduct Rules of 1964' are applicable, the workman himself admitted during cross-examination that he was appointed as part time Chowkidar on 13.01.1990 who is not covered under the said rules. Therefore, the workman cannot claim bonus from 13.01.1990 onwards.

However it is the case of the respondent-management that workman was conferred temporary status of 'Casual Labourer' vide memo dated 28.03.2013 in pursuance of the orders of the Court dated 14.09.2012.

The Government of India issued letter F.No. 26-01/2015-PAP dated 07.10.2015 and the opening para of the said letter read as follow:-

"The undersigned is directed to convey the sanction of the President of India to the payment of Productivity Linked Bonus for the accounting year 2014-15 equivalent or emoluments of 60(sixty) Days to the employees of Department of Posts in Group 'D'/MTS, Group 'C' and non-gazetted Group 'B'. Ex-Gratia payment of bonus to Gramin Dak Sewaks who are regularly appointed after observing all appointment formalities, and Ad-hoc payment of bonus to Casual Labourers who have been conferred Temporary Status are also to be paid equivalent to allowances/wages respectively for 60(sixty) Days for the same period."

Thus the Government itself has sanctioned payment of productivity linked bonus for the accounting year 2014-15 to several employees including ad-hoc payment of bonus to casual labourers who have been conferred temporary status for 60 days. The workman has been conferred temporary status of casual labourer vide order dated 28.03.2013(Annexure R1)and therefore the workman is entitled to get 'Bonus' for the year 2014-15 as per the following formula given in the said letter.

(Notional monthly wages of Rs.1200) X Number of days of Bonus

30.4 (Average No. of days in a month)

Thus, the workman is entitled to recover $\frac{Rs.1200 \times 60}{30.4}$ days which comes to about Rs. 2,368 which are round off

as Rs. 2,370/- and as such the workman is entitled to get a bonus of Rs. 2,370 for the year 2014-15.

The respondent-management has neither pleaded nor proved how the workman is not entitled to bonus as per above said letter.

Since the workman was working as part time workman prior to the conferring of temporary status of casual labourer vide order dated 28.03.2013 and therefore he is not entitled to any bonus prior to that date. Again no letter has been placed on file to show that the Government has given any bonus for the year 2015-16. Thus the workman is entitled to only Rs.2,370 as bonus for the accounting year 2014-15.

In result, the application is partly accepted and the workman is held entitled to Rs.2,370 as bonus which he is entitled to recover from the respondent-management who shall pay the same within 3 months from today failing which the workman shall be entitled to recover interest on the said amount @ 6% per annum from today till the realization.

Let hard and soft copy of the order be sent to the Central Government for further necessary action as required under Section 33(c)(4) of the Act.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1660.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ पोस्ट मास्टर जनरल हरियाणा सर्किल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ आईडी एलसीए सं. 293/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42025/03/2016-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1660.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. LCA No. 293/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Chief Post Master General Haryana Circle and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42025/03/2016-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri Kewal Krishan, Presiding Officer

LCA No. 293/2013

Registered on 14.05.2013

Sh. Raj Kumar S/o Sh. Roora Ram, Chowkidar, Sub-Post Office,
Pehowa, District kurukshetra, R/o V&PO Sarsa via Dhand, Kurukshetra

...Petitioner

Versus

1. The Chief Post Master General Haryana Circle, Ambala.
2. The Superintendent of Post Offices Kurukshetra Division Kurukshetra.
3. The Post Master Head Post Office, Kurukshetra.

...Respondents

APPEARANCES :

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Sanjeev Sharma, Adv.

AWARD

Passed on : 15.06.2016

Sh. Raj Kumar has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947(hereinafter called the 'Act'), claiming bonus on the averments, that he was appointed as Chowkidar on 24.12.1985 and was governed by the EDA Conduct Rules and now by the Gramin Dak Sewak(Conduct and Engagement)Rules 2011. That he is entitled to bonus from the very beginning as per letter dated 16.03.1994 which read as follow:-

“23-DA/Bonus/other claims to ED Agents to be made without delay-Instances have come to the notice that Payment of DA/Bonus and other claims to ED Agents are not being made promptly and quite often being delayed considerably. This has been viewed seriously by the directorate. I am therefore directed to request you to issue necessary instructions to all concerned in future and when orders for DA/Bonus etc are issued by the Directorate, the payment are made promptly to ED Agents.

2. Chairman Postal Service Board has also decided that special watch may be kept on the payment being made to ED Agents and Head of Circles should ensure that there is no delay on this score.”

3. To ensure that payments are not delayed in the circles, all heads of circles etc are requested to furnish a note in this regard in their monthly reports for atleast six months following the month of issued of orders for Payment of Bonus/DA etc confirming that the needful has been done in their circles vide A-2.”

That he performed the duty from 5 p.m. to 9 a.m. but was treated as part time worker. That he is entitled to get benefit of bonus which the respondent-management did not pay.

The respondent-management filed written reply, pleading that the workman was engaged as part time Chowkidar vide memo dated 24.12.1985(Annexure R1). That the workman worked continuously and his services were terminated on 31.01.1992. That the workman being working as part time Chowkidar, is not covered under the rules and he is not entitled to get any bonus.

Parties were given opportunity to lead evidence.

The workman has appeared in the witness-box and filed his affidavit supporting his case as set out in the claim petition.

On the other hand, counsel for the management did not examine any witness.

I have heard Sh. R.P. Mehra for the workman and Sh. Sanjeev Sharma for the management.

It was argued by Sh. R.P. Mehra, learned counsel for the workman that the workman used to work from 5 p.m. to 9 a.m. and was a full time worker and was entitled to get bonus from the date of his appointment i.e. 24.12.1985.

The workman was required to lead cogent evidence to prove that he was appointed as Chowkidar by the respondent-management which he failed. Rather the letter dated 24.12.1985(Annexure R1), placed on the file by the department shows that he was appointed as part time Chowkidar and part time Chowkidars are not covered under the posts and Telegraphs Extra-Departmental Agents(Conduct and Service)Rules, 1964 or under the Gramin Dak Sevaks(Conduct and Engagement)Rules, 2011 and therefore, the workman is not entitled to claim any bonus being worked as a part time worker.

Let hard and soft copy of the order be sent to the Central Government for further necessary action as required under Section 33(c)(4) of the Act.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1661.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ पोस्ट मास्टर जनरल हरियाणा सर्किल के प्रबंधन के संबंध में नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ आईडी एलसीए सं. 294/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42025/03/2016-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1661.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. LCA No. 294/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Chief Post Master General Haryana Circle and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42025/03/2016-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH****Present:** Sri Kewal Krishan, Presiding Officer**LCA No. 294/2013**

Registered on 14.05.2013

Sh. Prem Chand S/o Sh. Hawa Singh, Chowkidar, Sub-Post Office Jhajjar,
House No. 425, Ward No. 17 near Jawahar Bagh near PWD Rest house Jhajjar

...Petitioner

Versus

1. The Chief Post Master General Haryana Circle, Ambala.

2. The Superintendent of Post Offices Rohtak, Division Rohtak.

3. The Senior Post Master Head Post Office, Rohtak.

...Respondents

APPEARANCES :

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Sanjeev Sharma, Adv.

AWARD

Passed on : 27.06.2016

Sh. Prem Chand, has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947(hereinafter called the 'Act'), on the averments, that he was appointed as Chowkidar on 01.01.1992 and is governed by the service rules applicable to Extra Departmental Agent and now designated as Gramin Dak Sewak. That Chowkidars fall in the category of EDA/GDS and he is entitled to bonus from the very beginning as per letter No.26-1/93 PAP dated 16th March, 1994 which read as follow:-

"23-DA/Bonus/other claims to ED Agents to be made without delay-Instances have come to the notice that Payment of DA/Bonus and other claims to ED Agents are not being made promptly and quite often being delayed considerably. This has been viewed seriously by the directorate. I am therefore directed to request you to issue necessary instructions to all concerned in future and when orders for DA/Bonus etc are issued by the Directorate, the payment are made promptly to ED Agents.

2. Chairman Postal Service Board has also decided that special watch may be kept on the payment being made to ED Agents and Head of Circles should ensure that there is no delay on this score."

3. To ensure that payments are not delayed in the circles, all heads of circles etc are requested to furnish a note in this regard in their monthly reports for atleast six months following the month of issued of orders for Payment of Bonus/DA etc confirming that the needful has been done in their circles vide A-2."

That the workman has been performing the duty from 5 p.m. to 9 a.m. but was treated as part time and he is entitled to get benefit of bonus from the date of his appointment.

The respondent-management admitted that the workman was working as part time Chowkidar. He was conferred temporary status of casual labourers vide memo dated 28.3.2013(Annexure R1) in pursuance of the order of the Central Administrative Tribunal dated 14.9.2012. Since the workman was engaged as part time Chowkidar, he do not fall within the category of Extra Departmental Agent/Gramin Dak Sewak as defined under the Gramin Dak Sevaks (Conduct and Engagement) Rules 2011 and he is not entitled to get any bonus being a part time casual labour.

Parties were given opportunity to lead evidence.

Sh. Prem Chand workman has appeared in the witness-box and filed his affidavit supporting his case as set out in the claim petition.

On the other hand, counsel for the management did not lead any evidence.

I have heard Sh. R.P. Mehra for the workman and Sh. Sanjeev Sharma for the management.

Sh. R.P. Mehra, learned counsel for the workman carried me through the letter dated 16.8.1991 and submitted that Extra Departmental Agents are entitled to bonus and further carried me through the letter dated 7.10.2015 issued

by the Government of India, providing for productivity linked bonus and submitted that the workman is a 'Gramin Dak Sevak' and therefore he is entitled to bonus.

Opposing this contention the learned counsel for the respondent-management has argued that there is no post of Chowkidar in the Department who do not fall within the definition of 'Gramin Dak Sevak' and as such, the workman is not entitled to any 'Bonus'.

I have considered the respective contentions.

'Gramin Dak Sevak' has been defined in Section 3(d) of the 'Gramin Dak Sewak'(Conduct and Engagement)Rules 2011 and it reads as follow:-

(d) "Gramin Dak Sevak" means-

- (i) **A Gramin Dak Sevak Branch Postmaster;**
- (ii) **A Gramin Dak Sevak Mail Deliverer;**
- (iii) **A Gramin Dak Sevak Mail Carrier;**
- (iv) **A Gramin Dak Sevak Mail Packer;**
- (v) **A Gramin Dak Sevak Stamp Vendor.**

Chowkidar is not covered in the said definition and therefore the workman cannot claim himself to be a 'Gramin Dak Sevak'. Faced with this situation Sh. R.P. Mehra has drawn my attention towards Extra Departmental Agents(Conduct and Service)Rules 1964 wherein the extra departmental Chowkidar is defined as a 'Extra Departmental Agent'. It is not disputed that conduct and service rules are being amended from time to time and now 'Gramin Dak Sevaks'(Conduct and Engagement)Rules 2011 are in force which do not have the post of Chowkidar. Even if it is taken that 'Conduct Rules of 1964' are applicable, the workman himself admitted during cross-examination that he was appointed as part time Chowkidar on 01.01.1992 which is not covered under the said rules. Therefore, the workman cannot claim bonus from 01.01.1992 onwards.

However it is the case of the respondent-management that workman was conferred temporary status of 'Casual Labourer' vide memo dated 28.03.2013 in pursuance of the orders of the Court dated 14.09.2012.

The Government of India issued letter F.No.26-01/2015-PAP dated 07.10.2015 and the opening para of the said letter read as follow:-

"The undersigned is directed to convey the sanction of the President of India to the payment of Productivity Linked Bonus for the accounting year 2014-15 equivalent or emoluments of 60(sixty) Days to the employees of Department of Posts in Group 'D'/MTS, Group 'C' and non-gazetted Group 'B'. Ex-Gratia payment of bonus to Gramin Dak Sevaks who are regularly appointed after observing all appointment formalities, and Ad-hoc payment of bonus to Casual Labourers who have been conferred Temporary Status are also to be paid equivalent to allowances/wages respectively for 60(sixty) Days for the same period."

Thus the Government itself has sanctioned payment of productivity linked bonus for the accounting year 2014-15 to several employees including ad-hoc payment of bonus to casual labourers who have been conferred temporary status for 60 days. The workman has been conferred temporary status of casual labourer vide order dated 28.03.2013(Annexure R1) and therefore the workman is entitled to get 'Bonus' for the year 2014-15 as per the following formula given in the said letter.

(Notional monthly wages of Rs.1200) X Number of days of Bonus

30.4 (Average No. of days in a month)

Thus, the workman is entitled to recover $\frac{\text{Rs.1200} \times 60}{30.4}$ days which comes to about Rs. 2,368/- which are round

off as Rs. 2,370/- and as such the workman is entitled to get a bonus of Rs. 2,370/- for the year 2014-15.

The respondent-management has neither pleaded nor proved why the workman is not entitled to bonus as per above said letter.

Since the workman was working as part time workman prior to the conferring of temporary status of casual labourers vide order dated 28.03.2013 and therefore he is not entitled to any bonus prior to that date. Again no letter has been placed on file to show that the Government has given any bonus for the year 2015-16. Thus the workman is entitled to only Rs.2,370/- as bonus for the accounting year 2014-15.

In result, the application is partly accepted and the workman is entitled to Rs.2,370/- as bonus which he is entitled to recover from the respondent-management who shall pay the same within 3 months from today failing which the workman shall be entitled to recover interest on the said amount @ 6% per annum from today till the realization.

Let hard and soft copy of the order be sent to the Central Government for further necessary action as required under Section 33(c)(4) of the Act.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1662.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ पोस्ट मास्टर जनरल हरियाणा सर्किल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ आईडी एलसीए सं. 295/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42025/03/2016-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1662.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. LCA No. 295/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Chief Post Master General Haryana Circle and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42025/03/2016-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri Kewal Krishan, Presiding Officer

LCA No. 295/2013

Registered on 14.05.2013

Sh. Dalbir Singh S/o Sh. Manphool Singh, Chowkidar,
Sub-Post Office Dhakla, District Jhajjar

...Petitioner

Versus

1. The Chief Post Master General Haryana Circle, Ambala.
2. The Superintendent of Post Offices Rohtak, Division Rohtak.
3. The Senior Post Master Head Post Office, Rohtak.

...Respondents

APPEARANCES :

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Sanjeev Sharma, Adv.

AWARD

Passed on : 27.06.2016

Sh. Dalbir Singh, has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947(hereinafter called the 'Act'), on the averments, that he was appointed as Chowkidar on 06.05.1982 and is governed by the service rules applicable to Extra Departmental Agent and now designated as Gramin Dak Sewak. That Chowkidars fall in the category of EDA/GDS and he is entitled to bonus from the very beginning as per letter No.26-1/93 PAP dated 16th March 1994 which read as follow:-

“23-DA/Bonus/other claims to ED Agents to be made without delay-Instances have come to the notice that Payment of DA/Bonus and other claims to ED Agents are not being made promptly and quite often being delayed considerably. This has been viewed seriously by the directorate. I am therefore directed to request you to issue necessary instructions to all concerned in future and when orders for DA/Bonus etc are issued by the Directorate, the payment are made promptly to ED Agents.

2. Chairman Postal Service Board has also decided that special watch may be kept on the payment being made to ED Agents and Head of Circles should ensure that there is no delay on this score.”

3. to ensure that payments are not delayed in the circles, al heads of circles etc are requested to furnish a note in this regard in their monthly reports for atleast six months following the month of issued of orders for Payment of Bonus/DA etc confirming that the needful has been done in their circles vide A-2.”

That the workman has been performing the duty from 5 p.m. to 9 a.m. but was treated as part time and he is entitled to get benefit of bonus from the date of his appointment.

The respondent-management admitted that the workman was working as part time Chowkidar. He was conferred temporary status of casual labourers vide memo dated 22.3.2013(Annexure R2) in pursuance of the order of the Central Administrative Tribunal dated 14.9.2012. Since the workman was engaged as part time Chowkidar, he do not fall within the category of Extra Departmental Agent/Gramin Dak Sevak as defined under the Gramin Dak Sevak(Conduct and Engagement)Rules 2011 and he is not entitled to get any bonus being a part time casual labour.

Parties were given opportunity to lead evidence.

Sh. Dalbir Singh workman was appeared in the witness-box and filed his affidavit supporting his case as set out in the claim petition.

On the other hand, counsel for the management did not lead any evidence.

I have heard Sh. R.P. Mehra for the workman and Sh. Sanjeev Sharma for the management.

Sh. R.P. Mehra, learned counsel for the workman carried me through the letter dated 16.8.1991 and submitted that Extra Departmental Agents are entitled to bonus and further carried me through the letter dated 7.10.2015 issued by the Government of India, providing for productivity linked bonus and submitted that the workman is a ‘Gramin Dak Sevak’ and therefore he is entitled to bonus.

Opposing this contention the learned counsel for the respondent-management has argued that there is no post of Chowkidar in the Department who do not fall within the definition of ‘Gramin Dak Sevak’ and as such, the workman is not entitled to any ‘Bonus’.

I have considered the respective contentions.

‘Gramin Dak Sevak’ has been defined in Section 3(d) of the ‘Gramin Dak Sewak’(Conduct and Engagement)Rules 2011 and it reads as follow:-

(d) “Gramin Dak Sevak” means-

- (i) A Gramin Dak Sevak Branch Postmaster;**
- (ii) A Gramin Dak Sevak Mail Deliverer;**
- (iii) A Gramin Dak Sevak Mail Carrier;**
- (iv) A Gramin Dak Sevak Mail Packer;**
- (v) A Gramin Dak Sevak Stamp Vendor.**

Chowkidar is not covered in the said definition and therefore the workman cannot claim himself to be a ‘Gramin Dak Sevak’. Faced with this situation, Sh. R.P. Mehra has drawn my attention towards Extra Departmental Agents(Conduct and Service)Rules 1964 wherein the extra departmental Chowkidar is defined as a ‘Extra Departmental Agent’. It is not disputed that conduct and service rules are being amended from time to time and now ‘Gramin Dak Sevaks’(Conduct and Engagement)Rules 2011 are in force which do not have the post of Chowkidar. Even if it is taken that ‘Conduct Rules of 1964’ are applicable, the workman himself admitted during cross-examination that he was appointed as part time Chowkidar on 06.05.1982 which is not covered under the said rules. Therefore, the workman cannot claim bonus from 06.05.1982 onwards.

However it is the case of the respondent-management that workman was conferred temporary status of ‘Casual Labourer’ vide memo dated 22.03.2013 in pursuance of the orders of the Court dated 14.09.2012.

The Government of India issued letter F.No.26-01/2015-PAP dated 07.10.2015 and the opening para of the said letter read as follow:-

“The undersigned is directed to convey the sanction of the President of India to the payment of Productivity Linked Bonus for the accounting year 2014-15 equivalent or emoluments of 60(sixty) Days to the employees of Department of Posts in Group ‘D’/MTS, Group ‘C’ and non-gazetted Group ‘B’. Ex-Gratia payment of bonus to Gramin Dak Sevaks who are regularly appointed after observing all appointment formalities, and Ad-hoc payment of bonus to Casual Labourers who have been conferred Temporary Status are also to be paid equivalent to allowances/wages respectively for 60(sixty) Days for the same period.”

Thus the Government itself has sanctioned payment of productivity linked bonus for the accounting year 2014-15 to several employees including ad-hoc payment of bonus to casual labourers who have been conferred temporary status for 60 days. The workman has been conferred temporary status of casual labourer vide order dated 22.03.2013(Annexure R2) and therefore the workman is entitled to get ‘Bonus’ for the year 2014-15 as per the following formula given in the said letter.

$$\frac{\text{(Notional monthly wages of Rs.1200) X Number of days of Bonus}}{30.4 \text{ (Average No. of days in a month)}}$$

Thus, the workman is entitled to recover $\frac{\text{Rs.1200 X 60}}{30.4}$ days which comes to about Rs. 2,368/- which are round

off as Rs. 2,370/- and as such the workman is entitled to get a bonus of Rs. 2,370/- for the year 2014-15.

The respondent-management has neither pleaded and nor proved why the workman is not entitled to bonus as per above said letter.

Since the workman was working as part time workman prior to the conferring of temporary status of casual labourers vide order dated 22.03.2013 and therefore he is not entitled to any bonus prior to that date. Again no letter has been placed on file to show that the Government has given any bonus for the year 2015-16. Thus the workman is entitled to only Rs.2,370/- as bonus for the accounting year 2014-15.

In result, the application is partly accepted and the workman is held entitled to Rs.2,370/- as bonus and is entitled to recover from the respondent-management who shall pay the same within 3 months from today failing which the workman shall be entitled to recover interest on the said amount @ 6% per annum from today till the realization.

Let hard and soft copy of the order be sent to the Central Government for further necessary action as required under Section 33(c)(4) of the Act.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1663.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ पोस्ट मास्टर जनरल हरियाणा सर्किल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ आईडी एलसीए सं. 298/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42025/03/2016-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1663.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. LCA No. 298/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Chief Post Master General Haryana Circle and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42025/03/2016-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH****Present:** Sri Kewal Krishan, Presiding Officer**LCA No. 298/2013**

Registered on 25.09.2013

Sh. Rajbir Singh S/o Sh. Tara Chand, V&PO Gudha via Gharaunda,
District Karnal, Farash in the office of the Post Office of
The Post Master Panipat, District Panipat :

...Petitioner

Versus

1. The Chief Post Master General Haryana Circle, Ambala.
2. The Superintendent of Post Offices Karnal, Division Karnal.
3. The Assistant Superintendent of Post Offices Panipat, District Panipat.

...Respondents

APPEARANCES :

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Sanjeev Sharma, Adv.

AWARD

Passed on : 15.06.2016

Sh. Rajbir Singh has filed this petition under Section 33(C)(2) of the Industrial Disputes Act, 1947(hereinafter called the 'Act'), claiming bonus on the averments, that he was appointed as Farash on 11.07.1991 and was paid bonus for few years. That the Government had issued letter dated 16.03.1994 granting bonus which read as follow:-

"23-DA/Bonus/other claims to ED Agents to be made without delay-Instances have come to the notice that Payment of DA/Bonus and other claims to ED Agents are not being made promptly and quite often being delayed considerably. This has been viewed seriously by the directorate. I am therefore directed to request you to issue necessary instructions to all concerned in future and when orders for DA/Bonus etc are issued by the Directorate, the payment are made promptly to ED Agents.

2. Chairman Postal Service Board has also decided that special watch may be kept on the payment being made to ED Agents and Head of Circles should ensure that there is no delay on this score."

3. to ensure that payments are not delayed in the circles, al heads of circles etc are requested to furnish a note in this regard in their monthly reports for atleast six months following the month of issued of orders for Payment of Bonus/DA etc confirming that the needful has been done in their circles vide A-2."

That he performed the duty from 5 p.m. to 9 a.m. but was treated as part time worker. That he is entitled to get benefit of bonus which the respondent-management did not pay.

The respondent-management filed written reply, pleading that the workman was engaged as part time Farash. That the workman being working as part time Farash is not covered under the rules and he is not entitled to get any bonus.

Parties were given opportunity to lead evidence.

The workman appeared in the witness-box and filed his affidavit supporting his case as set out in the claim petition.

On the other hand, counsel for the management did not examine any witness.

I have heard Sh. R.P. Mehra for the workman and Sh. Sanjeev Sharma for the management.

It was argued by Sh. R.P. Mehra, learned counsel for the workman that the workman used to work from 5 p.m. to 9 a.m. and was a full time worker and was entitled to get bonus from the date of his appointment i.e. 11.07.1991.

The workman was required to lead cogent evidence to prove that he was appointed as Farash by the respondent-management which he failed and rather admits in cross-examination that he was appointed as part time Frash and part time Farash are not covered under the Posts and Telegraphs Extra-Departmental Agents(Conduct and Service)Rules, 1964 or under the Gramin Dak Sevaks(Conduct and Engagement)Rules, 2011 and therefore, the workman is not entitled to claim any bonus being worked as a part time worker.

Let hard and soft copy of the order be sent to the Central Government for further necessary action as required under Section 33(c)(4) of the Act.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1664.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ पोस्ट मास्टर जनरल हरियाणा सर्किल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ आईडी एलसीए सं. 300/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42025/03/2016-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1664.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. LCA No. 300/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Chief Post Master General Haryana Circle and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42025/03/2016-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri Kewal Krishan, Presiding Officer

LCA No. 300/2013

Registered on 25.09.2013

Sh. Ram Niwas S/o Sh. Manipal Singh, Ex GDS MD/MC, Village Neola,
PO Tumbaheri, Tehsil and District Jhajjar.

...Petitioner

Versus

1. The Chief Post Master General Haryana Circle, Ambala.
2. The Superintendent of Post Offices Rohtak, Division Rohtak.

...Respondents

APPEARANCES :

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Sanjeev Sharma, Adv.

AWARD

Passed on : 15.06.2016

Sh. Ram Niwas has filed this claim application under Section 33(C)(2) of the Industrial Disputes Act, 1947(hereinafter called the 'Act'), on the averments, that he was appointed as Post Man in 2006 and continued in service till August, 2013. That he is entitled to bonus from the very beginning as the Government has already issued an instruction vide letter dated 16.03.1994 to disburse the bonus immediately which read as follow:-

"23-DA/Bonus/other claims to ED Agents to be made without delay-Instances have come to the notice that Payment of DA/Bonus and other claims to ED Agents are not being made promptly and quite often being delayed considerably. This has been viewed seriously by the directorate. I am therefore directed to request you to issue necessary instructions to all concerned in future and when orders for DA/Bonus etc are issued by the Directorate, the payment are made promptly to ED Agents.

2. Chairman Postal Service Board has also decided that special watch may be kept on the payment being made to ED Agents and Head of Circles should ensure that there is no delay on this score."

3. to ensure that payments are not delayed in the circles, al heads of circles etc are requested to furnish a note in this regard in their monthly reports for atleast six months following the month of issued of orders for Payment of Bonus/DA etc confirming that the needful has been done in their circles vide A-2."

That he worked from 5 p.m. to 9 a.m. and was being treated as part time and was not given bonus. That he is entitled to get benefit of bonus.

The respondent-management filed written reply controverting the averments and pleaded that the workman worked as substitute for short periods in the year 2012-2013 against leave arrangements of Sh. Suresh Kumar and as such he is not entitled to claim any bonus as per letter dated 16.03.1994.

Parties were given opportunity to lead evidence.

In support of his case, the workman was appeared in the witness-box and filed his affidavit reiterating the stand taken in the claim application.

On the other hand, the respondent-management did not lead any evidence.

I have heard Sh. R.P. Mehra for the workman and Sh. Sanjeev Sharma for the management and perused the documents placed on file.

It is the case of the workman that he was appointed as Post Man in 2006 and continued in service till August, 2013 but was not paid bonus.

The respondent-management has taken a definite stand that the workman worked only for short periods in the year 2012-13 and that too against leave arrangements of Sh. Suresh Kumar. The workman while appearing in the witness-box admits that he worked as a substitute of Sh. Suresh Kumar from 2010 to 2013, probablising the case of the respondent-management that he only served the department as a substitute of Sh. Suresh Kumar. The workman did not lead any cogent evidence on file that he was actually appointed as Post Man in 2006 and did not produce any appointment letter and therefore, it cannot be said that he was actually appointed in the year 2006.

Since the workman worked as a substitute for some period, as pleaded by the respondent-management, and therefore, he is not entitled to claim any bonus and more particularly in view of the letter dated 16.03.1994, reproduced above.

In result, there is no merit in this application and the same is dismissed.

Let hard and soft copy of the order be sent to the Central Government for further necessary action as required under Section 33(c)(4) of the Act.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1665.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ पोस्ट मास्टर जनरल हरियाणा सर्किल के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ आईडी एलसीए सं. 302/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42025/03/2016-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1665.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. LCA No. 302/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Senior Superintendent of Post Offices Karnal Division and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42025/03/2016-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH****Present:** Sri Kewal Krishan, Presiding Officer**LCA No. 302/2013**

Registered on 22.11.2013

Sh. Vijay Kumar S/o Sh. Om Parkash, R/o H.No. B-13,
Sadar Bazar, Karnal, serving as Sweeper
with the SSPO Office, Karnal

...Petitioner

Versus

1. The Senior Superintendent of Post Offices Karnal, Division Karnal

2. The Chief Post Master General, Haryana Circle, Ambala.

...Respondents

APPEARANCES :

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Sanjeev Sharma, Adv.

AWARD

Passed on : 15.06.2016

Sh. Vijay Kumar has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947(hereinafter called the 'Act'), claiming bonus on the averments, that he was appointed as Sweeper in the year 1987 and was governed by the EDA Conduct Rules and now by the Gramin Dak Sewak(Conduct and Engagement)Rules 2011. That he is entitled to bonus from the very beginning as per letter dated 16.03.1994 which read as follow:-

"23-DA/Bonus/other claims to ED Agents to be made without delay-Instances have come to the notice that Payment of DA/Bonus and other claims to ED Agents are not being made promptly and quite often being delayed considerably. This has been viewed seriously by the directorate. I am therefore directed to request you to issue necessary instructions to all concerned in future and when orders for DA/Bonus etc are issued by the Directorate, the payment are made promptly to ED Agents.

2. Chairman Postal Service Board has also decided that special watch may be kept on the payment being made to ED Agents and Head of Circles should ensure that there is no delay on this score"

3. to ensure that payments are not delayed in the circles, al heads of circles etc are requested to furnish a note in this regard in their monthly reports for atleast six months following the month of issued of orders for Payment of Bonus/DA etc confirming that the needful has been done in their circles vide A-2."

That he performed the duty from 5 p.m. to 9 a.m. but was treated as part time worker. That he is entitled to get benefit of bonus which the respondent-management did not pay.

The respondent-management filed written reply, pleading that the workman was employed as part time Sweeper. That the workman being working as part time Sweeper, is not covered under the rules and he is not entitled to get any bonus.

Parties were given opportunity to lead evidence.

The workman has appeared in the witness-box and filed his affidavit supporting his case as set out in the claim petition.

On the other hand, counsel for the management did not examine any witness.

I have heard Sh. R.P. Mehra for the workman and Sh. Sanjeev Sharma for the management.

It was argued by Sh. R.P. Mehra, learned counsel for the workman that the workman used to work from 5 p.m. to 9 a.m. and was a full time worker and was entitled to get bonus from the year 1987.

The workman was required to lead cogent evidence to prove that he was appointed as Sweeper by the respondent-management which he failed. He admits during cross-examination that he was appointed as part time Sweeper and part time Sweepers are not covered under the Posts and Telegraphs Extra-Departmental Agents(Conduct and Service)Rules, 1964 or under the Gramin Dak Sevaks(Conduct and Engagement)Rules, 2011 and therefore, the workman is not entitled to claim any bonus being worked as a part time worker.

Let hard and soft copy of the order be sent to the Central Government for further necessary action as required under Section 33(c)(4) of the Act.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1666.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ पोस्ट मास्टर जनरल हरियाणा सर्किल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ आईडी एलसीए सं. 303/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42025/03/2016-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1666.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. LCA No. 303/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Senior Superintendent of Post Offices Karnal Division and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42025/03/2016-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH****Present:** Sri Kewal Krishan, Presiding Officer**LCA No. 303/2013**

Registered on 22.11.2013

Sh. Ashok Kumar S/o Sh. Nanak Chand, R/o Chhoti Market,
Valmiki Colony, Model Town Karanl,
Sweeper office the SSPO, Karnal

...Petitioner

Versus

1. The Senior Superintendent of Post Offices Karnal, Division Karnal.

2. The Chief Post Master General, Haryana Circle, Ambala.

...Respondents

APPEARANCES :

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Sanjeev Sharma, Adv.

AWARD

Passed on : 27.06.2016

Sh. Ashok Kumar has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947(hereinafter called the 'Act'), claiming bonus on the averments, that he was appointed as Sweeper in the year 1988 and was governed by the EDA Conduct Rules and now by the Gramin Dak Sewak (Conduct and Engagement) Rules 2011. That he is entitled to bonus from the very beginning as per letter dated 16.03.1994 which read as follow:-

"23-DA/Bonus/other claims to ED Agents to be made without delay-Instances have come to the notice that Payment of DA/Bonus and other claims to ED Agents are not being made promptly and quite often being delayed considerably. This has been viewed seriously by the directorate. I am therefore directed to request you to issue necessary instructions to all concerned in future and when orders for DA/Bonus etc are issued by the Directorate, the payment are made promptly to ED Agents.

2. Chairman Postal Service Board has also decided that special watch may be kept on the payment being made to ED Agents and Head of Circles should ensure that there is no delay on this score."

3. to ensure that payments are not delayed in the circles, all heads of circles etc are requested to furnish a note in this regard in their monthly reports for at least six months following the month of issue of orders for Payment of Bonus/DA etc confirming that the needful has been done in their circles vide A-2.”

That he performed the duty from 5 p.m. to 9 a.m. but was treated as part time worker. That he is entitled to get benefit of bonus which the respondent-management did not pay.

The respondent-management filed written reply, pleading that the workman was employed as part time Sweeper. That the workman being working as part time Sweeper, is not covered under the rules and he is not entitled to get any bonus.

Parties were given opportunity to lead evidence.

The workman has appeared in the witness-box and filed his affidavit supporting his case as set out in the claim petition.

On the other hand, counsel for the management did not examine any witness.

I have heard Sh. R.P. Mehra for the workman and Sh. Sanjeev Sharma for the management.

It was argued by Sh. R.P. Mehra, learned counsel for the workman that the workman used to work from 5 p.m. to 9 a.m. and was a full time worker and was entitled to get bonus from the year 1988.

The workman was required to lead cogent evidence to prove that he was appointed as Sweeper by the respondent-management which he failed. Rather during cross-examination he admits that he was appointed as part time Sweeper and part time Sweepers are not covered under the Posts and Telegraphs Extra-Departmental Agents (Conduct and Service) Rules, 1964 or under the Gramin Dak Sevaks (Conduct and Engagement) Rules, 2011 and therefore, the workman is not entitled to claim any bonus being worked as a part time worker.

Let hard and soft copy of the order be sent to the Central Government for further necessary action as required under Section 33(c)(4) of the Act.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1667.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ पोस्ट मास्टर जनरल हरियाणा सर्किल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ आईडी एलसीए सं. 304/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42025/03/2016-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1667.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. LCA No. 304/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Senior Superintendent of Post Offices Karnal Division and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42025/03/2016-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II,
CHANDIGARH****Present:** Sri Kewal Krishan, Presiding Officer**LCA No. 304/2013**

Registered on 22.11.2013

Smt. Kanta Rani W/o Sh. Narinder Kumar, R/o H.No. B-31,
Sadar Bazar, Karnal, serving as Sweeper
with the SSPO Post Office, Karnal, Division Karnal.

...Petitioner

Versus

1. The Senior Superintendent of Post Offices Karnal, Division Karnal

2. The Chief Post Master General, Haryana Circle, Ambala

...Respondents

APPEARANCES :

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Sanjeev Sharma, Adv.

AWARD

Passed on : 15.06.2016

Smt. Kanta Rani has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947(hereinafter called the 'Act'), claiming bonus on the averments, that she was engaged as EDDA in the year 1974 and was entitled to get bonus as per letter dated 16.03.1994 which read as follow:-

"23-DA/Bonus/other claims to ED Agents to be made without delay-Instances have come to the notice that Payment of DA/Bonus and other claims to ED Agents are not being made promptly and quite often being delayed considerably. This has been viewed seriously by the directorate. I am therefore directed to request you to issue necessary instructions to all concerned in future and when orders for DA/Bonus etc. are issued by the Directorate, the payment are made promptly to ED Agents.

2. Chairman Postal Service Board has also decided that special watch may be kept on the payment being made to ED Agents and Head of Circles should ensure that there is no delay on this score."

3. to ensure that payments are not delayed in the circles, al heads of circles etc are requested to furnish a note in this regard in their monthly reports for atleast six months following the month of issued of orders for Payment of Bonus/DA etc. confirming that the needful has been done in their circles vide A-2."

That she had not been paid bonus by the respondent management.

The respondent-management filed written reply, admitting that Smt. Kanta Rani was engaged as part time Sweeper and being a part time workman is not entitled to get any 'bonus'.

Parties were given opportunity to lead evidence.

Smt. Kanta Rani, workman as appeared in the witness-box and filed her affidavit reiterating the stand as taken in the claim petition.

On the other hand, counsel for the management did not examine any witness.

I have heard Sh. R.P. Mehra for the workman and Sh. Sanjeev Sharma for the management.

According to the workman she was appointed as EDDA in the year 1974. Respondent-management has denied this fact and pleaded that the workman was engaged as a part time Sweeper. Smt. Kanta Rani has admitted in her cross-examination that she was a part time employee. Thus, being a part time employee, she cannot claim any amount by way of bonus and moreover, no instructions have been issued to pay bonus to part time workers and therefore, the workman is not entitled to claim any bonus.

Let hard and soft copy of the order be sent to the Central Government for further necessary action as required under Section 33(c)(4) of the Act.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1668.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार चीफ पोस्ट मास्टर जनरल हरियाणा सर्किल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़ के पंचाट (संदर्भ आईडी एलसीए सं. 305/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42025/03/2016-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1668.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. LCA No. 305/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Chandigarh now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Senior Superintendent of Post Offices Karnal Division and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42025/03/2016-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, CHANDIGARH

Present: Sri Kewal Krishan, Presiding Officer

LCA No. 305/2013

Registered on 22.11.2013

Sh. Kirpal S/o Sh. Maha Singh, R/o Balmiki Basti,
Hansi Road, Karnal, serving as
Sweeper with the SSPO Office, Karnal.

...Petitioner

Versus

1. The Senior Superintendent of Post Offices Karnal, Division Karnal.

2. The Chief Post Master General, Haryana, Circle Haryana.

...Respondents

APPEARANCES :

For the workman : Sh. R.P. Mehra, Adv.

For the Management : Sh. Sanjeev Sharma, Adv.

AWARD

Passed on : 27.06.2016

Sh. Kirpal has filed this application under Section 33(C)(2) of the Industrial Disputes Act, 1947(hereinafter called the 'Act'), claiming bonus on the averments, that he was appointed as Sweeper in the year 2004 and was governed by the EDA Conduct Rules and now by the Gramin Dak Sewak (Conduct and Engagement) Rules, 2011. That he is entitled to bonus from the very beginning as per letter dated 16.03.1994 which read as follow:-

"23-DA/Bonus/other claims to ED Agents to be made without delay-Instances have come to the notice that Payment of DA/Bonus and other claims to ED Agents are not being made promptly and quite often being delayed considerably. This has been viewed seriously by the directorate. I am therefore directed to request you to issue necessary instructions to all concerned in future and when orders for DA/Bonus etc are issued by the Directorate, the payment are made promptly to ED Agents.

2. Chairman Postal Service Board has also decided that special watch may be kept on the payment being made to ED Agents and Head of Circles should ensure that there is no delay on this score."

3. to ensure that payments are not delayed in the circles, all heads of circles etc are requested to furnish a note in this regard in their monthly reports for atleast six months following the month of issued of orders for Payment of Bonus/DA etc confirming that the needful has been done in their circles vide A-2.”

That he performed the duty from 5 p.m. to 9 a.m. but was treated as part time worker. That he is entitled to get benefit of bonus which the respondent-management did not pay.

The respondent-management filed written reply, pleading that the workman was engaged as part time Sweeper. That the workman being working as part time Sweeper, is not covered under the rules and he is not entitled to get any bonus.

Parties were given opportunity to lead evidence.

The workman has appeared in the witness-box and filed his affidavit supporting his case as set out in the claim petition.

On the other hand, counsel for the management did not examine any witness.

I have heard Sh. R.P. Mehra for the workman and Sh. Sanjeev Sharma for the management.

It was argued by Sh. R.P. Mehra, learned counsel for the workman that the workman used to work from 5 p.m. to 9 a.m. and was a full time worker and was entitled to get bonus from the year 2004.

The workman was required to lead cogent evidence to prove that he was appointed as Sweeper by the respondent-management which he failed and rather the workman admits during cross-examination that he was appointed as part time Sweeper and part time Sweepers are not covered under the Posts and Telegraphs Extra-Departmental Agents(Conduct and Service)Rules, 1964 or under the Gramin Dak Sevaks(Conduct and Engagement)Rules, 2011 and therefore, the workman is not entitled to claim any bonus being worked as a part time worker.

Let hard and soft copy of the order be sent to the Central Government for further necessary action as required under Section 33(c)(4) of the Act.

KEWAL KRISHAN, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1669.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नीति इंटरप्राइजेज एंड अदर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, दिल्ली के पंचाट (संदर्भ सं. 179/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42012/133/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1669.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 179/2015) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the M/s. Niti Enterprises and Others and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42012/133/2015-IR (DU)]

P. K. VENUGOPAL, 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. 179/2015

Shri Banche Lal, S/o Shri Brijpal,
C/o 1800/9, Govindpuri Extension,
Main Road, Kalkaji,
New Delhi 110 019

...Workman

Versus

1. M/s Niti Enterprises,
L-88, Kisan Vihar,
New Delhi 110 041
2. The Commissioner Sports,
Delhi Development Authority
Siri Fort Sports Complex,
August Kranti Marg,
Khel Gaon,
New Delhi 110 049

...Managements

AWARD

Central Government, vide letter No.L-42012/133/2015-IR(DU) dated 13.08.2015, referred the following industrial dispute to this Tribunal for adjudication:

“Whether the workman Shri Banche Lal S/o Shri Brijpal is entitled to reinstatement in the employment of the employer? If so, with effect from which date? If not to what relief is the workman entitled to?”

2. In the reference order, the appropriate Government commanded the parties to the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Shri Banche Lal opted not to file his claim statement with the Tribunal.
3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article, referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.
4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : July 27, 2016

A.C. DOGRA, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1670.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार म्युनिसिपल कारपोरेशन ऑफ दिल्ली एंड अदर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, दिल्ली के पंचाट (संदर्भ सं. 173/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42011/79/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1670.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 173/2015) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the M/s. Municipal Corporation of Delhi and Others and their workmen, which was received by the Central Government on 04.08.2016.

[No. L-42011/79/2015-IR (DU)]

P. K. VENUGOPAL, 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. 173/2015

The General Secretary,
MCD General Mazdoor Union,
Room No.95, Barrack No.1/10,
Jam Nagar House,
New Delhi – 110 011

...Workman

Versus

1. The Commissioner,
Municipal Corporation of Delhi,
Civic Centre, Minto Road,
New Delhi 110 002
2. The Commissioner,
East Delhi Municipal Corporation,
Udyog Sadan, Plot No.419,
Patparganj Industrial Area, Shahdara,
New Delhi 110 092

...Management

AWARD

Reference under Section 10 sub section (2A) of the Industrial Disputes Act, 1947(in short the Act) was received from the Central Government, Ministry of Labour and Employment vide order No.L-42011/79/2015-IR(DU), New Delhi dated 23.07.2015, with following terms:

“Whether Shri Ganga Ram S/o Shri Gyani is entitled to get full wages for the period 02.06.1997 to 19.11.2008 and his duty for the said period treated as period spent on duty alongwith all consequential benefits, including the increments? If so, what directions are necessary in this respect?”

2. Corrigendum was issued by the appropriate Government vide No.L-42011/79/2015-IR(DU), New Delhi dated 10.08.2015, vide which name of the Management was amended to ‘The Commissioner, East Delhi Municipal Corporation, Udyog Sadan, Plot No.419, Patparganj Industrial Area, Shahdara, New Delhi 110 092’.
3. Claim statement was filed by Shri Ganga Ram (hereinafter referred to as the workman) wherein it is alleged that he is a Field Worker (Malaria Beldar) and is presently posted under City Zone. He was arrested vide FIR No.225/97 u/s 302/120-B/201/406/411 IPC and was placed under suspension. He was paid subsistence allowance initially of 50% and later on enhanced to 75% with effect from 02.09.1997 till he was reinstated on 19.11.2008. He was acquitted by the Hon’ble Court of Shri Rajinder Babu Sharma, Upper District and Sessions Judge, UP Court No.9, Ghaziabad vide judgement dated 26.05.2008 alongwith other co-accused in the said FIR by giving him benefit of doubt. After his acquittal by the competent Court of Law, Deputy Commissioner, Shahdara South Zone passed orders dated 30.06.2009, Annexure A2, that the entire period of suspension till the date of reinstatement be treated as ‘leave without pay’ whereas the workman is entitled to be paid full pay and allowances for the suspension period alongwith all consequential benefits. The workman filed an appeal dated 12.10.2010 but the management did not take any action. However, Vigilance Department of the management approached the DGC (Crime), Ghaziabad Court, Uttar Pradesh for ascertaining whether the Uttar Pradesh Government has filed any appeal against the judgement of the District Court. In response, District Sessions Judge (Criminal) Ghaziabad, Uttar Pradesh intimated that no such appeal has been filed against the said order, copy of which letter is Annexure A4. Demand notice dated 27.02.2012 was also served on the management.

4. The management has neither served any charge sheet nor held any departmental enquiry after the acquittal of the workman by the District and Sessions Judge, Ghaziabad, Uttar Pradesh. Hence, the workman herein is entitled for all the benefits, including full payment during the period of suspension and also increments and all consequential benefits.

5. It is also averred that the Hon'ble Supreme Court in the case of 'Brahma Chandra Gupta Vs. Union of India (1984 (1984) SCC 433) and it has been held as under:

6. Mr. R.K. Garg, learned Counsel for the appellant wanted us to examine the scope and ambit of Article 193 and Mr. Gujaral learned Counsel for the Union of India was equally keen on the other side to do the same thing. We steer clear of both. The appellant was a permanent UDC who has already retired on superannuation and must receive a measure of socio-economic justice. Keeping in view the facts of the case that the appellant was never hauled up for departmental enquiry; that he was prosecuted and has been ultimately acquitted, and on being acquitted he was reinstated and was paid full salary for the period commencing from his acquittal, and further that even for the period in question the concerned authority has not held that the suspension was wholly justified because 3/4th of the salary is ordered to be paid, we are of the opinion that the approach of the trial court was correct and unassailable. The learned trial Judge on appreciation of facts found that this is a case in which full amount of salary should have been paid to the appellant on his reinstatement for the entire period. We accept that as the correct approach. We accordingly allow this appeal, set aside the judgment of first appellate court as well of the High Court and restore the one of trial Court with this modification that the amount decreed shall be paid with 9% interest p.a. from the date of suit till realization with costs throughout.'

6. Finally, a prayer has been made that an award may be passed in his favour, granting full back wages treating the period of suspension as period spent on duty alongwith all consequential benefits.

7. Management failed to put in its appearance in spite of issuing several notices, hence the Tribunal had no option but to proceed ex-parte in the matter.

8. The workman, Shri Ganga Ram, in support of his case, filed his affidavit as evidence, which is Ex.WW1/A, which is reiteration of the material facts contained in the statement of claim and also tendered in evidence documents Ex.WW1/1 to Ex.WW1/5 alongwith judgement. I would be referring to the same while drawing my conclusion.

9. I have heard Shri B.K. Prasad, A/R for the claimant while none appeared on behalf of the management.

10. It is clear from perusal of the statement of claim as well as affidavit Ex.WW1/A that the workman herein was admittedly working as Field Worker(Malaria Beldar) and at the relevant time was posted in Shahdara South Zone, Delhi. There is no denial of the fact that he was arrested in a criminal case filed under FIR No.225/97 u/s 302/120-B/201/406/411 IPC. Consequent upon registration of the above criminal case, workman was put under suspension as is clear from Annexure A II, Office Order dated 25.09.2009 wherein it is clearly stated that the workman Shri Ganga Ram was placed under deemed suspension with effect from 02.06.1997 vide office order No.1316/SIO(P)/Vig./98/S-75 dated 18.09.1998 due to his arrest/involvement in case FIR No.225/97 u/s 302/120-B/201/406/411 IPC. P.S. Sector 36, NOIDA. Subsistence allowance was enhanced from 50% to 75% with effect from 02.09.1997. Thereafter, he was reinstated in service vide office order dated 19.11.2008. The last para of the above order shows that the Deputy Commissioner, South Zone has treated the entire period of absence, i.e. from the date of deemed suspension till the date of his reinstatement as 'leave without pay'. The workman has also filed office order dated 14.11.2008, which is Annexure A1, which shows that the Deputy Commissioner, South Zone reinstated the workman in service with immediate effect consequent upon his acquittal in FIR No.225/97 u/s 302/120-B/201/406/411 IPC. There is also reference to his deemed suspension with effect from 02.06.1997. Record of the case also shows that the workman has filed a representation against the order dated 30.06.2009 passed by the Deputy Commissioner, South Zone treating his period of deemed suspension as 'leave without pay'. He has claimed full pay and allowances for the period of his suspension in view of his acquittal in the criminal case mentioned above.

11. The crucial question which requires determination in the present reference is whether the workman herein is entitled for full wages for the period from 02.06.1997 to 19.11.2008 with all consequential benefits, including increments and denial of the same by the management is legal and justified. The question is purely legal in nature and facts of the case, as described above, clearly shows that the workman herein was acquitted in the criminal case and in view of the launching of proceedings, he was put under deemed suspension. Hon'ble Apex Court in the case of Brahma Chandra Gupta Vs. Union of India (1984 (2) SCC 433) considered the question of payment of full salary alongwith other benefits to a workman who was working as a permanent UDC and was suspended in 1962 pursuant to criminal prosecution launched against him. During the period of suspension, he was paid subsistence allowance. In fact, the Trial Court convicted the workman in the said case as a result of which the workman was dismissed from service. On an appeal, his conviction was set aside and he was acquitted by the higher court. Consequently, he was reinstated in service. The competent authority has not released full salary and other benefits in favour of the workman. As such,

matter was taken to the Civil Court, who decided the case in favour of the workman but in appeal, the District Judge reversed the decree passed by the Trial Court. When matter finally reached before the Hon'ble Apex Court, it was held that the management cannot withhold the full salary and benefits of the workman who was dismissed from service on the basis of criminal proceedings which finally culminated in favour of the workman. In the said case also, there was no departmental enquiry conducted against the workman and order of dismissal was purely on the basis of criminal proceedings launched against the workman, as is the position in the case on hand. The workman was acquitted in the said case and so is the decision in the case on hand and Hon'ble Apex Court has ordered payment of full salary for the relevant period during which the workman remained under suspension. Accordingly, judgement of the Trial Court granting full benefits to the workman was finally upheld by the Hon'ble Apex Court and management was also ordered to pay wages with 9% interest. In the case on hand also, factual position is the same and there is hardly any scope to take a contrary view. Consequently, this Tribunal is of the opinion that the workman is entitled to get full wages for the period from 02.06.1997 to 19.11.2008 and his duty for the said period treated as period spent on duty alongwith all consequential benefits, including the increments. An award is accordingly passed. It be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

July 28, 2016

A.C. DOGRA, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1671.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डायरेक्टर जनरल (वर्क्स) सीपीडब्ल्यूडी के प्रबंधन के संबंध में नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, दिल्ली के पंचाट (संदर्भ आईडी सं. 182/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42011/91/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1671.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 182/2015) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Director General (Works) CPWD and their workmen, which was received by the Central Government on 04.08.2016.

[No. L-42011/91/2015-IR (DU)]

P. K. VENUGOPAL, 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. 182/2015

Smt. Rani W/o Shri Bishan through
The General Secretary,
CPWD General Mazdoor Union,
Room No.95, Barrack No.1/10,
Jam Nagar House,
New Delhi- 110011

...Workmen

Versus

The Director General (Works),
CPWD,
Nirman Bhawan
New Delhi 110 001

...Management

AWARD

Brief facts giving rise to the present case are that a reference was received from Ministry of Labour, Government of India vide letter No.L-42011/91/2015-IR(DU) dated 20.08.2015 under clause (d) of sub-section (1) and sub-section(2A) of Section 10 of the Industrial Disputes Act, 1947(in short the Act), terms of which are as under:

‘Whether Smt. Rani, W/o Shri Bishan is entitled to be regularized as Sweeper in Group D category and if so, from which date and what directions are necessary in this respect?’

2. It is clear from the statement of claim filed by the workman, Ms.Rani, that she has been performing her duties under Electrical Construction Division IV, CPWD, Pushpa Bhawan, New Delhi . Workman is scheduled caste and is in service since the year 1987 continuously on a meager payment of Rs.1300.00 per month and she was termed as ‘part time sweeper’. It is also alleged that the establishment of the management is covered under the Schedule Employment of Minimum Wages Act and as per Section 15 of the Minimum Wages Act, workers who work for less than the normal working days is entitled for full wages as fixed under the Schedule Employment.

3. It is the case of the workman that the management had not even paid full wages to unskilled workers revised from time to time under the Minimum Wages Act, 1948. As such, action of the management amounts to unfair labour practice and is against the judgement of the Hon’ble Apex Court in Surinder Singh vs. Engineer-in-Chief, CPWD (ATR 1986 SC 1976) decided on 17.01.1986. In view of the above, the workman is entitled to equal pay as per the judgement of the Hon’ble Apex Court in Surinder Singh (supra) with effect from 30.09.2012 till date. She is also entitled for regularization in service in Group D category with effect from 30.09.1992 as per policy of regularization as adopted by the management of CPWD referred above.

4. There are also averments that Ministry of Home Affairs, Government of India vide OM No.16/5/68-Estt.(D) dated 05.07.1968 has clarified that part time casual labourers are also entitled for regularization after completion of four years of their service with certain conditions contained therein.

5. Workman, in para 6 of the statement of claim has made reference to the judgement of the Hon’ble Apex Court in Excise Superintendent, Malkapatnam Krishna Distt. A.P. and K.B.N. Vishweshwara Rao & Others’ (1997 (1) LLJ 567) wherein it has been held that selection of candidates for regularization should not be restricted to candidates sponsored by Employment Exchange alone. Management should call for the names by publication in the newspapers having wide circulation and also displayed on Notice boards. Matter should also be advertised on radio and television etc. so as to give due publicity for filling up of posts.

6. Workman herein was engaged directly as part time sweeper initially, hence question of recruitment through Employment Exchange is irrelevant. Workman herein is entitled to be regularized with effect from 30.09.1992 and also entitled for equal pay for equal work from the said date. Department of Personnel has liberalized the policy of those casual workers not recruited through Employment Exchange before 07.05.1985 as is clear from Annexure B. Management also issued policy for regularization to daily rated workers with effect from 11.12.2006 as per policy No.19/176/2004-EC.X dated 11.03.2011(Annexure E). Workman herein, Smt. Rani had performed her duty directly under the control and supervision of the management. In view of the decision of the Hon’ble Apex Court in Writ Petition No.1324/90 titled CPWD Karamchari Union Vs. Union of India, she is entitled for regularization as well as payment of equal pay for equal work.

7. Management was put to notice but despite issuance of such notice, as is evident from record, none appeared on behalf of the management. As such, management was proceeded ex-parte vide order dated 16.02.2016.

8. Workman, in support of her case, examined herself as WW1 and tendered in evidence her affidavit Ex.WW1/A. Workman also tendered in evidence documents Ex.WW1/1 to Ex.WW1/9.

9. It is clear from perusal of statement of claim as well as affidavit Ex.WW1/A, which remained un rebutted, that Smt. Rani, workman herein has been performing her duties as sweeper under Electrical Construction Division IV, CPWD, Pushpa Bhawan since the year 1987 continuously as part time sweeper. There is nothing on record to show that there is any break in service of the workman and thus she has put in more than 25 years of continuous service under the management. During the course of arguments, learned A/R for the claimant, Shri B.K. Prasad, referred to Annexure Ex.WW1/1 which deals with instructions regarding regularization of part time casual workers. There is reference in the above guidelines that casual workers who have rendered more than a period of two years continuous service can be appointed to class IV posts, borne on regular establishment which are required to be filled by direct recruitment. Relevant portion of the Office Memorandum Ex.WW1/1 is reproduced hereunder:

‘Accordingly, with effect from the date of the issue of this Office Memorandum, part time casual labourers shall also be eligible for appointment to Class Iv posts borne on the regular establishment, which are required to be filled by direct recruitment, provided they were appointed through Employment Exchange and had acquired experience of a minimum of four years continuous service as part-time casual labour in the

office/establishment to which they were appointed through Employment Exchange. Those part time casual labourers who were recruited in an office/establishment direct, without reference to the Employment Exchange and who are working on the date of issue of this office memorandum should not be considered for appointment to the regular establishment, unless they (i) get themselves registered with Employment Exchange, (ii) render from the date of such registration a minimum of four years continuous service as a part time casual labour and (iii) are subsequently sponsored by the Employment Exchange in accordance with their position in the register of the Exchange.'

10. Shri Prasad also made reference to the guidelines contained in Swamy's compilation for employment of casual labour, which is Ex.WW1/2. The above guidelines are quite elaborate and exhaustive in nature and fully covers the case of the workman herein. Perusal of office memorandum No.45/1/67-EU.X(Volume IV) dated 21.10.1990 Ex.WW1/3 shows that an office order was issued by CPWD for implementation of Supreme Court judgement dated 17.01.1986 in Surender Singh's case regarding equal pay for equal work and method of calculation of wages of the daily rated workers. There is also letter Ex.WW1/4 addressed to the Executive Engineer regarding implementation of judgement in Surender Singh case (supra) has been given. Further, Government of India vide Ex.WW1/5 issued guidelines/clarification regarding directions contained in judgement of the Hon'ble Apex Court in State of Karnataka Vs. Uma Devi (2006) 4 SCC 1. It has been clarified that regularization of the workers will be strictly subject to fulfillment of eligibility conditions prescribed under the rules and daily rated workers should be eligible in respect of maximum age-limit on the date of appointment to the regular post. There is specific direction that wherever sufficient direct quota vacancies are not available, promotion quota vacancies may be utilized as a onetime measure for regularization of casual worker. It is clear from perusal of Section 15 of the Minimum Wages Act, 1948 that a part time or casual worker cannot be paid less wages than the minimum wages fixed for unskilled labour and workman is to be given full wages. It was also brought to the notice of the Tribunal that every daily rated worker in CPWD is getting wages of equal pay for equal work as per policy of management contained in Ex.WW1/3 and Ex.WW1/4. In fact, the said policy describes payment of equal pay with the counterparts working as regular workers, including sweepers, who are entitled to minimum time scale + all allowances etc. It is further clear from perusal of Ministry of Home Affairs Office Memorandum dated 05.07.1988 Ex.WW1/1 that even part time employee is entitled to regularization after completion of four years of services. Since the workman herein has admittedly put in more than 25 years of service and there is no break in her service, as such, as per various orders discussed above, she is liable to be regularized irrespective of the fact whether her name was sponsored by the Employment Exchange or not. Hon'ble Apex Court in the case of Surender Singh case dealt with the question of equal pay for equal work in respect of daily rated workmen performing same duties which was being performed by their regular counterparts in the department. After discussing the ambit and scope of Article 14 of the Constitution of India, it was held that there should be equal pay for equal work of equal value. It makes no difference whether such workmen are employed against sanctioned post or not so long as they are performing the same duties. They must receive same salary and conditions of service must also be the same. Hon'ble Supreme Court also expressed anguish that most of the workers are kept in service on temporary basis as daily wage workers without their service being regularized, which is completely against the spirit of Article 13 of the Constitution of India. In CPWD Karamchari Union Vs. Union of India as well as Ex.WW1/7, Hon'ble Apex Court directed that daily rated workers be regularized within a period of for weeks. However, regularization will not confer any right to claim seniority from the date of entry.

11. As a sequel to my above discussion as well as legal position adumbrated above in the decision relied upon by the workman herein, I am of the view that Smt.Rani is entitled for regularization as Sweeper in Group D category and for payment of equal pay as Sweeper from 30.09.1992, with all consequential benefits. 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 : July 28, 2016

A.C. DOGRA, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1672.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारती एयरटेल सर्विसेज लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, दिल्ली के पंचाट (सन्दर्भ आईडी सं. 130/2012) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-40012/30/2012-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1672.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 130/2012) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Bharti Airtel Services Limited and their workman, which was received by the Central Government on 04.08.2016.

[No. L-40012/30/2012-IR (DU)]

P. K. VENUGOPAL, 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. 130/2012

Shri Ajay Kumar Diwakar,
C/o Shri Mewa Lal, R/o B-69, Gali No.6,
Mandawali Unche Par,
Mandawali, Delhi – 110 092

...Workman/Claimant

Versus

The Managing Director,
M/s. Bharti Airtel Services Limited
224, Okhla, Phase III,
New Delhi 110 020

...Management

AWARD

Reference under Clause (d) of Sub Section(1) and sub-section 2(A) of Section 10 of the Industrial Disputes Act, 1947 was received from the appropriate Government vide letter No.L-40012/30/2012-IR(DU) dated 18.10.2012 to the following effect:

1. 'Whether the action of the management of Bharti Airtel Services Ltd. in terminating the employment of Shri Ajay Kumar Diwakar, with effect from 01.09.2010 is illegal and unjustified? If yes, what relief the workman is entitled to?'
2. Factual matrix as contained in the statement of claim shows that Shri Ajay Kumar Diwakar (hereinafter referred to as the workman) was appointed by Bharti Airtel Services Ltd. (the management, in short) on 03.04.2008 and was allotted Employee Code 52742. He worked continuously with utmost dedication and has an unblemished record of service. He was confirmed in service on 02.10.2008 and was further issued a satisfactory annual performance report on 01.06.2009. His last drawn wages was Rs.16,962.00. It is averred that the working atmosphere of the management was not good and the workman had to face extreme hardship, harassment and exploitation since March 2010 at the hands of one Shri Shashank Sharma, Senior Manager, who was nursing a grudge against him for reasons best known to him. Shri Rajvinder Singh, the Zonal Manager also pressurized the workman to resign, but despite all odds, the workman continued to serve the management. On 06.08.2010, Shri Sharma did not allow the workman to mark his attendance, despite which he performed his duties. On 28.08.2010, the workman was not allowed to perform his job and he was not given any job by Shri Sharma, who also threatened him with dire consequences. When the matter was reported to Shri Singh, the Zonal Manager, he also abused the workman, caught hold of him by the collar and pushed him outside the office premises.
3. A legal notice was issued to the management on 31.08.2010, to which no reply was received by the workman. As the workman was not taken back on duty, a case was filed under Section 10 of the Industrial Disputes Act, 1947 (in short the Act) and the Hon'ble Presiding Officer, Labour Court, Karkardooma Court, Delhi dismissed the claim of the workman on the ground that the workman had approached the Conciliation Officer before approaching the Labour Court. Thereafter the workman approached the Conciliation Officer, resulting into the above reference.
4. Finally prayer has been made that the workman, whose services have been terminated be reinstated to the original position with full back wages and other benefits as termination by the management without any specific reason amounts to illegal termination.
5. Management was put to notice, who filed written to the statement of claim filed by the workman. Several preliminary objections have been taken inter alia the workman not approaching the court with clean hands, claimant not being a 'workman' under section 2(s) of the Act, non service of demand notice, claim being frivolous etc. The workman is guilty of gross unauthorized absenteeism with effect from 16.08.2010 thereby resulting into abandonment of employment. Earlier in January and February 2010 he remained absent. In March 2010 he reported for duties only

for two days, in April 2010 he worked from 01.04.2010 to 23.04.2010, In my he worked for only one day. He remained absent in June and July 2010 without prior permission of the management. All efforts by the management to call him back on duty vide letters dated 23.08.2010 and 30.08.2010 proved futile on account of the adamant attitude of the workman. Resultantly, vide letter dated 07.09.2010, services of the workman was terminated, as per Clause 2 of the Offer cum Appointment letter dated 31.03.2008.

6. Management on merits denied the material averments in the claim statement. Finally, prayer has been made for dismissal of the claim filed by the workman.

7. Against this factual background, my learned predecessor, vide a order dated 11.02.2013, observed there is no other issue, other than those referred by the appropriate Government for adjudication, which needs to be settled in the controversy. .

8. Claimant in support of his claim examined himself as WW1 and Shri Kailash Pandey as WW2 and tendered in evidence, their affidavits Ex.WW1/A and Ex.WW2/A and documents Ex.WW1/1 to Ex.WW1/3 and Ex.WW2/1 to Ex.WW2/7 respectively. Management in order to rebut the case of the claimant examined Shri Mahesh Kumar Gupta as MW1, who tendered in evidence his affidavit which is Ex.MW1/A and documents Ex.MW1/1 to Ex.MW1/3. I would be adverting to the facts adduced by the parties in the subsequent paras.

9. I have heard Shri Virender Kumar Mehto, A/R for the workman and Shri Jitesh Pandey, A/R for the management. Parties have also filed written submissions and relied upon various judgments of the Hon'ble Apex Court.

10. It was strongly argued on behalf of the management that workman herein does not fall within the definition as defined in Section 2(s) of the act. The attention of the tribunal was also invited to the Job Profile of the workman exhibit MW1/1 where in there is mention of the work and duty to be performed by the workman. Secondly, the salary of the workman is also above Rs.10000 per month as such the workman cannot be held to be workman. Per Contra, it was urged on behalf of the workman that the designation of an officials or a workman is not much important and what is important is the nature of duties being performed by the employee. The workman is not performing any duty of supervisory nature or managerial duty nor workman has any power to take disciplinary action against his subordinates. Therefore, in the contentions of the workman his case is covered by the definition of workman as contained in sec 2 (s) of the act and exceptions attached to the definition of the workman particularly clause (iii) and (iv) which deal with managerial of administrative work or being employed in supervisory capacity would not be applicable to the case in hand.

11. It is well settled that in order to find out as to whether a person was performing the work of supervisory or managerial in nature, the dominant purpose of the employment of the person concerned should be taken into consideration and certain additional duties performed by him should be ignored while determining the status and character of the person. Since the objection regarding the status of the workman being employed in supervisory capacity has been taken by the management as such the Onus to prove this fact is upon the management. It was imperative for the management to adduce cogent evidence to prove the specific nature of duty regarding supervisory or managerial work. The job profile exhibit MW1/1 does not completely and thoroughly explains the supervisory or managerial work to be performed by the workman. In order to find out whether the workman herein falls within the definition of workman as defined in section 2(s) of the Act. It would be expedient to have a glance on definition of the term 'workman', contained in section 2(s) of the Act. For sake of convenience, definition of term 'workman' is reproduced thus:

"2(s) Workman means any person (including an apprentice) employed in any industry to do any manual, unskilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purpose 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, but does not include any such person-

- (i) Who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act 1950(46 of 1950) or the Navy Act, 1957 (62 of 1957), or
- (ii) Who is employed in the police service or as an officer or other employee of a prison , or
- (iii) Who is, employed mainly in a managerial or administrative capacity, or
- (iv) Who, being employed in a supervisory capacity, draws wages exceeding one thousand six hundred rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature".

12. The first part of the definition gives statutory meaning of the term workman. This part of the definition determines a workman by reference to a person (including an apprentice) employed in an "industry" to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward. This part determines what a "workman" means. The second part is designed to include something more in what the term primarily denotes. By this part of the definition, person (i) who have been dismissed, discharged or retrenched in connection with an industrial

dispute, or (ii) whose dismissal, discharge or retrenchment has lead to an industrial dispute, for the purpose of any proceeding under the Act in relation to such industrial dispute, have been included in the definition of “workman”. This part gives extended connotation to the expression “workman”. The third part specifically excluded the categories of persons specified in clauses (i) to (iv) of this sub section. The third part connotes that even if a person satisfies the requirements of any of the first two parts but if he falls in any of the four categories in the third part, he shall be excluded from the definition of ‘workman’. Not only the persons who are actually employed in an industry but also those who have been discharged, dismissed or retrenched in connection with or as a consequence of an industrial dispute, and whose dismissal, discharge or retrenchment has lead to that dispute, would fall within the ambit of the definition. In other words, the second category of persons included in the definition would fall in the ambit of the definition, only for the purpose of any proceedings under the Act in relation to an industrial dispute and for no other purposes. Therefore, date of reference is relevant and in case a person falls within the definition of workman on that day, the Tribunal would be vested with jurisdiction to entertain it and the jurisdiction would not cease merely because subsequently the workman ceases to be workman.

13. For an employee in an industry to be a workman under this definition, it is manifest that he must be employed to do skilled or unskilled manual work, supervisory work, technical work or clerical work. If the work done by an employee is not of such a nature, he would not be a workman. The specification of the four types of work obviously is intended to lay down that an employee is to become a workman only if he is employed to do work of one of those types, while there may be employees who, not doing any such work, would be out of the scope of the word ‘workman’, without having resort to the exceptions. It cannot be held that every employee of an industry was to be a workman except those mentioned in the four exceptions as in the case these four classifications need not have been mentioned in the definition and a workman could have been defined as a person employed in an industry except in cases where he was covered by one of the exceptions.

14. In cases where an employee is employed to do purely skilled or unskilled manual work, or supervisory work or technical work or clerical work there would be no difficulty in holding him to be a workman under the appropriate classification. Frequently, however, an employee is required to do more than one kind of work. In such cases, it would be necessary to determine under which classification he will fall for the purpose of finding out whether he does not go out of the definition of ‘workman’ under the exceptions. The principle is now well settled that, for this purpose, a workman must be held to be employed to do that work which is the main work he is required to do even though he may incidentally do other type of work.

15. When the facts of the present case are examined on the touchstone of principles discussed above, it cannot be said that workman herein is not a workman within the ambit and scope of definition of the workman contained in section 2(s) of the act. There is no specific evidence to suggest that the workman herein exercising supervisory or administrative control over his subordinates staff, simply because he has been put in higher grades from time to time on account of length of his service that would not mean that workman is doing work in supervisory or managerial capacity so as to exclude him from the definition of the workman under the Acts. When a person is required to work with the assistance of his juniors or subordinates, it is but natural that he would be required to inspect or supervise the work done by them and if necessary he would be required to give instructions to them to do the work in a particular way. But it cannot be, therefore, said that he is carrying out supervisory work. I have gone through the ratio of law in UCO Bank Vs. Presiding Officer & Another 1999 V AD (DELHI) 514 and A.K.Patel V. Indian Hotels Co. Ltd. 2005 (3) BomCR 645. There is hardly any dispute with the proposition of law, propounded in the above cases. The burden of proof is normally upon a party who alleges a fact and not upon a party who denies it, for a negative, is not capable of proof. Of course, the initial Onus is upon the workman to allege and prove the facts mentioned in the pleadings. However, when specific stand is taken by management that nature of duty performed by a workman is of supervisory or managerial in nature, in that eventuality, the burden will shift upon the management to prove that specific fact.

16. It has been held in Management of Hindustan Motors Ltd. V. Lakshmiah and another, 2002(93) FLR 226 (Mad.) = 2002 (2) LLN 725 that in order to find out as to whether a person was performing the work of supervisory or managerial in nature, the dominant purpose of the employment of the person concerned should be taken into consideration and certain additional duties performed by him should be rejected while determining the status and character of the person. In view of above discussion it is held that work herein is a workman for the purpose of Section 2(s) of the act as is not performing primarily duty of supervisory or managerial nature²¹. Similarly, Drawing of salary by a workman above the limit contained in the definition of the workman would not take him out of the purview of the definition of workman. The relevant test is whether such a workman was performing the work of supervisory or managerial in nature. Simply because the workman has been given promotion from time to time as per regulation would not mean that such a workman is performing duties of supervisory or managerial in nature. There is nothing in statement of Mahesh Kumar Gupta MW1 as to what kind of supervisory or managerial duty was being performed by the workman herein.

17. Now the next vital question which arises for consideration is whether the termination of the job of the workman W.E.F. of 01-09-2010 is illegal and unjustified. It is pertinent to note that in the termination letter dated 07-09-2010 Exhibit WW1/M3 there is no mention of the workman being in the habit of remaining unauthorizedly absent from the duty since Jan 2010. Admittedly the workman was terminated on 01-09-2010 as is clear from later WW1/M3.

It is neither in doubt nor in dispute that no enquiry whatsoever was conducted against the workman before terminating the job WW1/M3. It is the case of management as is evident exhibit WW1/M1 dated 03-08-2010 that workman was absent from the duty W.E.F 16-08-2010 without any prior information. He has not inform about his absence nor obtained prior permission for the same.

18. It is clear from the evidence of the workman and his affidavit WW1/A that workman was confirmed 02-08-2010 and was issued satisfactory annual report by the management. The letter of the appointment is exhibit WW1/M4 which also contains the term & conditions of the appointment. There is nothing in the above terms & conditions that service of workman can be dispensed with in the manner done by the management without holding proper enquiry. The record of the workman also shows that he has performed duty satisfactorily as is clear from letters Ex. WW2/2 and WW2/3. Salary certificate is exhibit WW2/4. Since in the case in hand no departmental enquiry was conducted against the workman by the management before his termination as such the Onus is upon the management to justify its action under the law. Learned A/R for the management could not cite any authority in support of the order of the termination without enquiry. It has been held in the case of H.M.T. Watch Ltd., Nainital Vs Labour Court, Haldwani & Ors. (Uttarakhand High Court) of 2014 L.L.R. 1186 that when the workman remained absent from the duties or over stayed after expiry of his sanctioned leave and management terminated his services without holding any enquiry by invoking term & conditions contained in the standing order, the same was held to be not valid under the law. There cannot be any automatic termination of an employee on the basis of the standing orders and management is the required to follow the principle of natural justice before passing order of termination. It has come in the evidence of MW1/Mahesh Kumar Gupta that he could not find any document showing that workman remained absent prior to January 2010. He further admitted that no notice during the period of 6 March - July 2010 was served upon the workman regarding his unauthorized absence. He also could not produce the postal receipt of letter exhibit WW1/M1 sent by registered post to the workman even the receipt of the said letter was not available in the office. He also could not produce any record regarding the dispatch of above letters to the workman. Thus, there is considerable force in the submission of the workman that his service was terminated without following any procedure, and he was not allowed to mark his attendance in the office by senior Manager. The net result of the discussion is that termination of the workman without holding enquiry whatsoever is illegal and unjustified as well as against the principles of natural justice.

19. Now the other residual question required to be determent is whether workman is entitled for the relief of reinstatement with bag baggage's, it was strongly argued on behalf of the management that instead of ordering reinstatement, workman be paid, lump sum compensation. In this regard the reliance was placed by the management upon the case of (1) Bhavnagar Municipal Corporation Vs. Jadeja Govubha Chhanubha, Decided on 03.12.2014 MANU /SC/1110 /2014 (2) Gopal Vs Hindustan times Ltd., Decided on 30.11.2015 MANU/DE/3722/2015 (3) Rajasthan Lalit Kala Academy Vs. Radhey Shyam, Decided on: 11.07.2008 MANU/SC/3003/2008 (4) Employers, Management of Centra P and D Inst. Ltd. Vs Union Of India (UOI) and Anr., Decided on: 17.12.2004 MANU/SC/1075/2004 (5) Mahboob Deepak Vs. Nagar Pan.chayat Gajraula and Anr., Decided on: 13.12.2007 MANU/SC/0198/2008 (6) Rakesh Kumar Vs. Management of bhagini Nivedita College Decided on: 25.08.2011 MANU/DE/3245/2011 and (7) Hari Nandan Prasad and Anr. Vs. Employer I/R to Management of FCI and Anr. Decided on: 17.02.2014 MANU/SC/0103/2013, Where as learned A/R for the workman countered the submissions of the management by urging that termination in this present case was totally illegal and management has thrown the workman out of service without following due procedure as such workman is entitled to be reinstated with full Back wages. It was also argued that ratio of the above rulings is not attracted to the case in hand in as much as facts of the present case are distinguishable. I have carefully examined the ratio of the law in the case of Bhavnagar Municiple corp. (supra) and in my humble opinion, Same is distinguishable on facts in the said case workman has hardly worked for 18 month that to nearly 3 decade ago and the transport department where he was working have been wound up. Accordingly the workman was not reinstated and only retrenchment compensation was paid. Similarly the ratio of the law in Gopal case (supra) is not applicable as workman was absent for several days in different years. Reliance placed upon the case of Rajasthan Lalit Kala (supra) is misplaced as in the said case, fact situation was different. The litigation in the said case was long drawn as such in the interest of justice, instead of reinstatement only back-wedges in the sum of with 3 lakhs was order to be paid for the workman. However in the above case Honorable Supreme Court held as under.....

“ Para 17: Once the termination of service of an employee is held to be illegal, the relief of reinstatement is ordinarily available to the employee. But the relief of reinstatement with full back-wages need not be granted automatically in every case where the Labour Court/Industrial Tribunal records the findings that the termination of services of a workman was in violation of the provisions of the Act. For this purpose, several factors like the manner and method of selection; nature of appointment—ad hoc, daily-wage, temporary or permanent etc., period for which the workman had worked and the delay in raising industrial dispute, are required to be taken into consideration.”

“Para 18: On the aspect, in **General Manager, Haryana Roadways** case (supra), a three-Judge Bench of this Court has observed thus:

“There is no rule of thumb that in every case where the Industrial Tribunal gives a finding that the termination of service was in violation of Section 25f of the Act, entire back wages should be awarded. A host of factors like the manner and method of selection and appointment, i.e., whether after proper advertisement of the vacancy or inviting applications from the employment exchange, nature appointments, namely, whether ad hoc, short term, daily wage, temporary or permanent in character, any special qualification required for the job and the like should be weighed and balanced in taking a decision regarding award of back wages. One of the important factors, which has to be taken into consideration, is the length of service, which the workman had rendered with the employer. If the workman has rendered a considerable period of service and his services are wrongfully terminated, he may be awarded full or partial back wages keeping in view that at his age and the qualification possessed by him he may not be in a position to get another employment. However, where the total length of service rendered by a workman is very small, the award of back wages for the complete period, i.e., from the date of termination till the date of the award, which our experience shows is often quite large, would be wholly inappropriate. Another important factor, which requires to be taken into consideration is the nature of employment. A regular services of permanent character cannot be compared to short or intermittent daily wage employment though it may be for 240 days in a calendar year.”

20. I have carefully gone through the ratio of law in *Employers, Management of Central P & D Institute Ltd. Vs. Union of India* (AIR 2005 SC 633) and fact situation contained in the said ruling reveals a different story. It is clear from perusal of the judgment, in the said case that the lady workman was not interested in going back to her duties on the terms and conditions applicable to her on the date of her discharge as daily wagger. Her discharge from service as daily wagger was in violation of Section 25F of the Act. Since she was not willing to join duty, as such, she was awarded compensation in the sum of Rs.25,000.00. Similarly, reliance placed upon the case of Mahboob Deepak Vs. Nagar Panchayat Gajraula, decided on 13.12.2007 by the Hon'ble Apex Court is also not of much help so as to support the contention of the management. In the said case, workman was deployed as a daily wagger and has not right to the post. His deployment was purely on temporary basis and one to one basis as he could not have been deployed against any Class III post. The said appointment was also held to be dehor the rules. It was against this background, in view of the termination of service of the said workman, the Court ultimately awarded only damages of Rs.50,000.00 as his appointment was against statutory rules. Equally misplaced is reliance upon the case of *Rakesh Kumar Vs. Management of Bagini Nevedita College* decided on 25.08.2011 by the Hon'ble High Court of Delhi and it is clear from perusal of the judgment that termination of the job of the workman was held to be illegal. Option was given to the management either to reinstate the workman without back wages or to pay the workman Rs.60,000.00 as lumpsum compensation alongwith Rs.10,000.00 as cost of litigation in lieu of the reinstatement. Again, it is revealed from para 6 of the judgment that the workman in the said case was engaged on adhoc basis hardly for 3-4 months and his total service was hardly about two years after ignoring the artificial breaks. Moreover, a regular employee had been selected against this post in accordance with the rules. Workman had also initially refused re-employment on adhoc basis as a result of which no reinstatement of the workman was allowed and only compensation was paid.

21. Lastly, in the case of Hari Nandan Prasad Vs. Employer I/R to Management of FCI decided on 17.02.2014, Hon'ble Apex Court dealt with the question of regularization of the workmen who have worked for more than 240 days continuously preceding their termination or disengagement as well as question of granting benefit of the scheme contained in circular dated 06.05.1997. Out of the two workmen, benefit of the scheme was granted to one workman whose case was duly covered by the said circular and it was denied to appellant No.1 (workman) who was not in service when the circular was issued on 06.05.1987 as his services were dispensed with four years prior to issuance of the said scheme. It is clear that ratio of the above authority does not help the case of the management so far as the abstract question of reinstatement is concerned.

22. It is pertinent to note here that fact situation in the present case is different from the factual matrix of the cases relied upon by the management, which have been discussed in detail. In most of the cases relied upon, either the workman was engaged for a short period or on adhoc basis against a non-sanctioned post and that too for a brief period, whereas admittedly in the present case, the workman was working on regular post and his recruitment was in accordance with the rules and regulations governing such employment. There is also no delay by the workman in approaching the Tribunal. Moreover, this Tribunal cannot ignore the fact that the workman was issued letter of appreciation from time to time and his services were terminated without holding any enquiry.

23. It is apt to refer to the judgment of the Hon'ble Apex Court in the case of Deepali Gundu Surwase Vs. Kranti Junior Adhyapak mahavidyalaya (D.Ed.) and Ors.(2013)10SCC324. Wherein the Hon'ble Apex Court considered the question of reinstatement of a workman who service was terminated illegally and was not found gainfully employed. Finally it was held by the court that in cases of wrongful termination of service, reinstatement with continuity of service and back wages was normal rule. Yet again in the case of *Tapesh Kumar Paul Vs. BSNL and Anr.* AIR 2015 SC357 2014, the question of payment of back wages as well as reinstatement was considered at length. While relying upon of the ratio of Deepali Gundu Case (supra) and three Judge bench decision in Hindustan Tin Works (P) Ltd. Vs. Employees of M/S Hindustan Tin Works Pvt. Ltd and Ors. MANU/SC/0272/1978(1979) 2 SCC 80. In Para 22 it was observed as under:-

22:- The very idea of restoring an employee to the position which he held before dismissal or removal or termination of service implies that the employee will be put in the same position in which he would have been but for the illegal action taken by the employer. The injury suffered by a person, who is dismissed or removed or is otherwise terminated from service cannot easily be measured in terms of money. With the passing of an order which has the effect of serving the employer-employee relationship, the latter's source of income gets dried up. Not only the employee concerned, but his entire family suffers grave adversities. They are deprived of the source of sustenance. The children are deprived of nutritious food and all opportunities of education and advancement in life. At times, the family has to borrow from the relatives and other acquaintance to avoid starvation. These sufferings continue till the competent adjudicatory forum decides on the legality of the action taken by the employer. The reinstatement of such an employee, which is preceded by a finding of the competent judicial/quasi-judicial body or court that the action taken by the employer is ultra vires the relevant statutory provisions or the principles of natural justice, entitles the employee to claim full back wages. If the employer wants to deny back wages to the employee contest his entitlement to get consequential benefits, then it is for him/her to specifically plead and prove that during the intervening period the employee was gainfully employed and was getting the same emoluments. The denial of back wages to an employee, who has suffered due to an illegal act of the employer would amount to indirectly punishing the employee concerned and rewarding the employer by relieving him of the obligation to pay back wages including the emoluments.

24. Net result of the above discussion is that termination of the job of the workman with effect from 01.09.2010 vide Ex. WW1/M3 is totally illegal and unjustified and as a consequence thereof, the workman herein, Shri Ajay Kumar Diwakar, is entitled for reinstatement with full back wages. 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 : July 27, 2016

A.C. DOGRA, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1673.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल कॉटेज इंडस्ट्रीज कारपोरेशन ऑफ इंडिया लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, दिल्ली के पंचाट (संदर्भ आईडी सं. 135/2015) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42012/91/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1673.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 135/2015) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Central Cottage Industries Corporation of India Limited and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42012/91/2015-IR (DU)]

P. K. VENUGOPAL, 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. 135/2015

Shri Radhey Shyam,
S/o Shri Babu Ram,
House No.58, Vikaram Enclave,
Dilshad Extension, Part II, Bhopura,
Ghaziabad, Uttar Pradesh 201 005

...Workman

Versus

The Managing Director,
M/s Central Cottage Industries Corporation of India Ltd.,
Jawahar Vyapar Bhawan, Janpath,
New Delhi – 110 001

...Management

AWARD

A letter No.L-42012/91/2015-IR(DU) dated 26.05.2015 was received from Ministry of Labour for adjudication of the industrial dispute under clause (d) of sub-section(1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (in short the Act) with the following terms of reference:

‘Whether the action of the management in terminating the services of the workman, Shri Radhey Shyam, S/o Shri Babu Ram is illegal and/or unjustified and if yes, to what relief is the workman entitled and what directions are necessary in this respect?’

2. Both the parties were put to notice and upon appearance, Shri Radhey Shyam, the workman herein, filed statement of claim wherein it is averred that the workman joined services of the management on 28.12.1993 as a helper and his last drawn wages was Rs.20,340.50 as per the pay slip., He had an unblemished record of service and there was no complaint whatsoever against him regarding performance of his duties. Workman was diligent & devoted and was also rewarded by the management on many occasions. Appreciation was also issued by the Managing Director, Shri Durgesh Shankar when the workman was working as delivery assistant at showroom, Janpath, New Delhi vide letter dated 31.10.2003.

3. It is also alleged that on 28.12.1993, appointment letter was issued to the workman for probation. Since then, workman has been regularly working in Delhi office. Workman completed his probation period of one year from the date of appointment, which was further extended. Thereafter, the workman continued as permanent employee of the management.

4. It is the case of the workman that he was seriously ill and was not even in a position to report for duties with effect from 07.09.2011 and intimation was given in this regard to the management. On 26.09.2011 management issued show cause notice to the workman and same was duly replied by the workman wherein he had explained the reasons for his absence was on account of his serious illness. Workman was advised rest and not to do work which required prolonged sitting and stooping down frequently. Management declined the request of the workman vide letter dated 14.05.2012 and vide letter dated 26.11.2012 terminated his services. Pursuant thereto, a detailed reply was given by the workman wherein he requested that he may not be terminated and be given work of Guard, which requires sitting only; or in the alternative to grant him voluntary retirement and with the request to take one of his sons in the job. The workman has filed medical papers alongwith his reply, but the management refused to retain the workman in service and thus terminated the workman arbitrarily and unjustifiably. Thereafter workman served legal demand notice dated 09.09.2013 upon the management but of no use.

5. It is pertinent to mention here that despite issuance of notice to the management, none appeared on behalf of the management, as a result of which this Tribunal vide a order dated 12.01.2016, proceeded ex-parte against the management.

6. Thereafter, ex-parte evidence of the workman was recorded. The workman tendered in evidence his affidavit Ex.WW1/A and documents Ex.WW1/1 to Ex.W1/9. It is clear from averments contained in the affidavit that it is virtually reiteration of the material facts contained in the statement of claim.

7. During the course of arguments, attention of the Tribunal was invited to Office Order No.1021 dated 30.12.1998 Ex.WW1/8 which shows that the workman was initially appointed as helper from 28.12.1993 in Delhi office on payment of salary of Rs.1100.00 per month. He was to remain on probation for a period of one year from the date of his appointment. Letter Ex.WW1/9 shows that the management has remitted Rs.1,98,994.90 in Saving Bank account of the workman towards full and final dues payable to him on account of his termination from service with effect from 26.11.2012. It is necessary to mention here that during his service the workman was issued letter of appreciation Ex.WW1/1 by the management. Letter Ex.WW1/2 shows that he was a delivery assistant at the time of termination of his job. It is also mentioned in the said letter that the workman has not been reporting for duties from 27.12.2010 to 03.09.2011 and 07.09.2011 till issue of the said letter dated 26.11.2012 on account of various medical ailments. There is also mention of the fact in the letter that the workman has clearly informed the management that he was unable either to walk or sit for long time or even to bend down. It was on account of these circumstances that the management was constrained to terminate services of the workman on 26.11.2012. Demand notice in the present case is Ex.WW1/3.

8. Now, the vital question which requires determination in the present case is whether the termination of job of the workman herein is illegal and/or unjustified. It is neither in doubt nor in dispute that the workman herein was initially appointed on 28.12.1993 as is evident from his letter of appointment Ex.WW1/8. Permanent disability certificate of the workman is Ex.WW1/5, which reads as under:

‘This is to certify that Shri Radhey Shyam S/o Shri Babu Lal, aged 52 years old Male/Female, Registration No.420/88/03/16 is a case of locomotor disabled and has 75% (seventy five percent) permanent locomotor impairment in relation to his/her whole body.’

9. Workman, in reply to the show cause notice, has clearly mentioned in his reply Ex.WW1/6, that due to illness workman is not in a position to attend office and regarding this, he had already informed the office in writing that the

doctor has advised him complete rest and he is facing tremendous difficulty in walking. It was on account of this reason, that the workman was not in a position to attend office and he had requested the management with folded hands that he either be given voluntary retirement or one of his sons be adjusted suitably in his place by the management.

10. Admittedly, in the case in hand, no enquiry whatsoever was conducted by the management before the issuing order of termination of the workman herein vide letter Ex.WW1/2. It is further clear from facts discussed above that absence of the workman herein was not intentional but the same was due to reasons beyond his control. He has specifically mentioned in his reply Ex.WW1/6 that the doctor has advised him medical rest and he was not even in a position to walk properly. It is not the case of the management that the workman has wilfully and intentionally abstained from duty. Rather, it is clearly mentioned in the disability certificate Ex.WW1/5 that the workman is suffering from disability to the extent of 75%. It is case of locomotor disability in relation to whole body. In such circumstances, the management instead of taking a sympathetic and holistic view of the entire matter has gone to the extent of terminating the services of the workman in utter violation of principles of natural justice without even holding an enquiry. There is no evidence adduced by the management nor any reply to the statement of claim has been filed. As such, averments contained in the affidavit of the workman, Ex.WW1/A remains unrebutted and same are liable to be accepted.

11. During the course of arguments on behalf of the workman, reliance was placed by the learned authorized representative upon the case of Kunal Singh Vs. Union of India wherein provisions of Disabilities (Equal Opportunities, Protection Of Rights And Full Participation) Act, 1995 was the subject matter of interpretation before the highest Court. Section 47 of the above Act, which is relevant in the context of the controversy reads as under:

47. Non-discrimination in Government Employment

(1) No establishment shall dispense with or reduce in rank, an employee who acquires a disability during his service :

Provided that, if an employee, after acquiring disability is not suitable for the post he was holding, could be shifted to some other post with the same pay scale and service benefits :

Provided further that if it is not possible to adjust the employee against any post, he may be kept on a supernumerary post until a suitable post is available or he attains the age of superannuation, whichever is earlier.

(2) No promotion shall be denied to a person merely on the ground of his disability:

Provided that the appropriate Government may, having regard to the type of work carried on in any establishment, by notification and subject to such conditions, if any, as may be specified in such notification, exempt any establishment from the provisions of this section.'

12. It is clear from the above provisions that the employee who has acquired disability during his service is neither to be reduced in rank nor his services can be dispensed with during the course of employment. Rather, duty has been cast by the proviso of the above section to adjust such an employee on a suitable post till the age of his superannuation. Similarly, no promotion can be denied to a person merely on grounds of disability. Although here this Tribunal is not concerned with the promotion of a disabled person, intention of the Parliament in the above Legislation is manifest and clear from the above provisions, which excludes any action of discrimination with disabled persons who is in employment of the Government.

13. Yet, in another latest judgement, Hon'ble Supreme Court while interpreting provisions of Section 33 of the above Act in WP(C) No.521/2016 Rajiv Kumar Gupta and others Vs. Union of India, decided on 30.06.2016, quashed the office memorandum of the Government of India issued under persons with Disability Act 1995, wherein certain unreasonable conditions were contained in the memorandum while considering the question of promotion of disabled employees. An overall examination of the judgement would show that the Hon'ble Apex Court has categorically observed that persons with disability are to be treated in a proper manner and cannot be thrown out from service on the grounds of their non-suitability for the said post. In the case in hand also, services of the workman herein has been terminated by the management vide letter Ex.WW1/2 without any enquiry or procedure. Accordingly, it is held that order of termination dated 26.11.2012 of the workman herein is totally illegal and unjustified. As such, the same cannot be legally sustained.

14. As a necessary corollary to the above discussion, it is held that Shri Radhey Shyam, workman herein, is entitled for reinstatement with full back wages, including all consequential benefits. 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 : July 29, 2016

A.C. DOGRA, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1674.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार म्युनिसिपल कारपोरेशन ऑफ दिल्ली (साउथ) के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, दिल्ली के पंचाट (संदर्भ आईडी सं. 110/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42011/75/2013-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1674.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 110/2013) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the M/s. Municipal Corporation of Delhi (South) and their workman, which was received by the Central Government on 04.08.2016.

[No. L-42011/75/2013-IR (DU)]

P. K. VENUGOPAL, 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. 110/2013

Shri Netar Pal, S/o Shri Rajveer
Through MCD General Mazdoor Union,
Room No.95, Barrack No.1/10,
Jam Nagar House, Shahjahan Road,
New Delhi

...Workman

Versus

The Commissioner,
Municipal Corporation of Delhi(South),
9th Floor, Civic Centre, Minto Road,
New Delhi 110 002

...Management

Reference under Section 10 sub section (2A) of the Industrial Disputes Act, 1947(in short the Act) was received from the Central Government, Ministry of Labour and Employment vide it orders No.L-42011/75/2013-IR(DU) dated 22.07.2013 for adjudication of the industrial dispute with the following terms:

‘Whether the action of the management of MCD in not granting pay scale of Rs.3050-4590 with effect from 16.07.1997 and revised from time to time alongwith all consequential benefits to workman Shri Neter Pal, S/o Shri Rajveer, officiating Chaudhary is fair and justified? To what relief the workman concerned is entitled to?’

2. Both the parties were put to notice and the workman Shri Netar Pal filed his statement of claim, wherein it is alleged that he has been allotted work of Chaudhary with effect from 16.07.1997 by the competent officers of Horticulture Department. He was posted in Green Park under South Zone to work under Director of Horticulture. However, he has been denied pay scale of Chaudhary, revised from time to time. His qualification is 10th pass though no such qualification is prescribed for promotion to the post of Garden Chaudhary. The workman has got payment of salary in the lower pay scale of mali, i.e. Rs.2550-3200 revised from time to time and has been denied the scale of Chaudhary, i.e. Rs.3050-4590 for his performing the duty of Chaudhary with effect from 16.07.1997. Action of the management is alleged to be illegal and unjustified and amounts to unfair labour practice.

3. It is also averred in para 6 of the statement of claim that Hon’ble High Court, Delhi, in the matter of Jai Chand vs Municipal Corporation of Delhi (CW 6514/2001) has disapproved the non-payment of wages for those malis who are working on the post of Chaudhary vide its judgement dated 02.05.2003. After the above judgement of the Hon’ble Court, Municipal Corporation of Delhi (Horticulture Department) has also issued order No.ADC(Hor.)/AO(Hort)/DA-VII/05/457 dated 04.03.2005 (Annexure B). There is also reference to the judgment of Division Bench of High Court of Delhi in the matter of Municipal Corporation of Delhi vs. Sultan Singh wherein also

plea of the MCD regarding non-payment of wages of Chaudhary to malis who are doing working of Chaudhary, was turned down by the Hon'ble High Court in judgement dated 27.07.2011.

4. It is also averred that similar situated workmen (Mali and Chowkidar) who were performing duty of Chaudhary were granted pay scale of Chaudhary from the date when they were asked to perform duty on the higher post and management has challenged the order dated 27.07.2011 of the Labour Court in the matter of MCD vs Sultan Singh as well as before the Hon'ble Supreme Court of India by Special Leave to Appeal No.S20069/2011 and the plea by MCD all the time has been dismissed by both, before the High Court as well as the Hon'ble Supreme Court. Workman herein is also similarly situated and doing work of Chaudhary and as such entitled to same benefits.

5. Management has demurred claim of the workman by taking preliminary objections, inter alia, present dispute is not an industrial dispute and no demand notice has been served upon the management, MCD General Mazdoor Sangh has not locus standi to raise the present dispute as the said union is not a recognized of the management. In para 5 of the preliminary objection, it is admitted that the workman herein was engaged on the post of mali on daily wage basis and was later on regularized on the same post of mali in the pay scale Rs.750-940 (pre-revised) + usual allowances. There is prescribed procedure for promotion to the post of Garden Chaudhary and there must be sanctioned/vacant post of Garden Chaudhary to which the workman can lay claim when he has passed trade test conducted by the department. Claimant has not passed the said trade test nor is he performing duties of Garden Chaudhary. No such office order has been issued by the competent authority. It is further alleged that the workman herein is not entitled for any relief on account of delay and laches and reliance is also put on judgements of the Apex Court in the case of 'Nedungadi Bank Limited Vs. K.P. Madhavankutty & ors' (2002 (2) SC 4) and State Co-op Land Development Bank Vs. Neelam (2005) 5 SC 91). Management, on merits, have denied material averments and denied that the workman herein is 10th pass or was performing duties of Chaudhary at any point of time. As pper service book of the claimant, he is only 7th pass. Accordingly, it is prayed that claim of the workman herein is liable to be dismissed, being devoid of merits.

6. Against this factual background, my learned predecessor, on the basis of pleadings of the parties, vide a order dated 28.10.2013, framed the following issues:

- (i) Whether a stale claim has been referred for adjudication? It yes, its effects.
- (ii) Whether dispute has not acquired status of an industrial dispute for want of service of demand notice on the management?
- (iii) Whether dispute has not acquired status of an industrial dispute for want of espousal?
- (iv) As in terms of reference

Findings on Issue No.(i)

7. Admittedly, in the present case, reference has been made under Section 10 sub Section (2A) of the Act for adjudication. It is now well settled position in law that when a reference has been made for adjudication to the Tribunal or Labour Court, as the case may be, it is paramount duty of the court to decide the same on merits, irrespective of the pleas taken by the management. The dispute in the case in hand cannot be said to be stale for the simple reason that there is no previous adjudication of the matter between the parties from a competent court nor that there is inordinate delay in approaching this Tribunal by the workman.

8. It has been held by the Hon'ble Apex Court in the case of Raghbir Singh vs. General Manager (2014) Lab.I.C. 4266 = (2014) 10 SCC 301 that a reference for adjudication to the Industrial Tribunal can be made by the appropriate Government at any time and provisions of Limitation Act does not apply. There are clear observations in the above judgement that industrial dispute is to be decided by the Tribunal or Labour Court on merits, irrespective of the plea of limitation. Therefore, ratio of law in the case of 'Nedungadi Bank Limited Vs. K.P. Madhavankutty & ors' (supra) and State Co-op Land Development Bank Vs. Neelam (supra) is not applicable to the case in hand as there is no inordinate delay nor workman is guilty of delay and laches in approaching the court. Accordingly, this issue is decided in favour of the workman and against the management.

Findings on Issue No.(ii) and (iii)

9. Both these issues are being taken up together for the purpose of discussion as well as disposal as they are inter-related. It is clear from the preliminary objections taken in the written statement by the management that the management has raised objections that no demand notice has been served upon the management nor the MCD General Mazdoor Union has any locus standi to raise the present dispute as the union is not a recognized union of the management. To my mind, there is no requirement of law that a dispute can be raised only by a recognized union. In this regard, it is appropriate to refer to the judgement of the Hon'ble Apex Court in the case of State of Bihar Vs. Kripa Shankar Jaiswal (AIR 1961 (2) SC Report 1) wherein also objection was taken on behalf of the management that the

union was not a registered under the Trade Union Act on the date of the settlement and said plea was rejected by observing as under:

‘Held, that for a dispute to constitute an industrial dispute it is not a requisite condition that it should be sponsored by a recognized union or that all the workmen of an industrial establishment should be parties to it. A settlement arrived at in course of conciliation proceedings falls within Section 18(3)(a) and (d) of the Industrial Disputes Act and as such binds all the workmen though an unregistered union or only some of workmen may have raised the dispute. The absence of notice under Section 11(2) by the Conciliation Officer does not affect the jurisdiction of the conciliation officer and its only purpose is to apprise the establishment that the person who is coming is the conciliation officer and not a stranger. Any contravention of Section 12(6) in not submitting the report within 14 days may be a breach of duty on the part of the conciliation officer ; it does not affect the legality of the proceedings which terminated as provided in Section 20(2) of the Act.

10. Equally merit-less is the plea taken by the management that the present dispute is not sponsored or espoused by substantial number of workmen. It is fairly settled position in law that even non-espousal of a case by the union would not deprive the workman of the relief to which the workman is otherwise entitled under the law. Such view appears to have been taken in the case of *Nazrul Hassan Siddiqui vs. Presiding Officer, Industrial cum Labour Court Bombay* (1997) Lab.I.C. 1807. In the above cited case also contention was raised by the management that the dispute does not fall within the definition of ‘industrial dispute’ and the same has not been referred or supported by substantial section of workmen. High Court rejected the plea of the management by placing reliance upon the decision of the Hon’ble Supreme Court in the case of *Associated Cement Companies Ltd.* (AIR 1960 SC 777), which it was observed as under:

‘We have already noticed that an industrial dispute can be raised by a group of workmen or by a union even though neither of them represent the majority of the workmen concerned; in other words, the majority rule on which the appellant’s construction of Section 19(6) is based is inapplicable in the matter of the reference under Section 10 of the Act. Even a minority group of workmen can make a demand and thereby raise an industrial dispute which in a proper case would be referred or adjudication under Section 20.’

11. In view of the ratio of the judgement discussed above, it is clear that espousal of a dispute by the union is not sine qua non for adjudication of such dispute in terms of Section 10 of the Act. Consequently, both these issues are decided in favour of the workman and against the management.

Findings on Issue No.4

12. Now, the main issue which requires determination in the case in hand is whether the workman herein is entitled for grant of pay scale of Rs.3050-4590 as revised from time to time alongwith consequential benefits. It is clear from pleadings of the parties that initially the workman herein was appointed as mali on daily wage basis and later on he was regularized on the same post of mali in the pay scale of Rs.750-940(pre-revised) alongwith usual allowances. This fact has been admitted even by the management in para 5 of the preliminary objections.

13. There is also ample evidence on record that the workman herein was performing duty as officiating Chaudhary. It is clear from perusal of document dated 12.08.2004 (List of Chaudharys working in Udhyah Vibhag) Ex.WW1/1 that name of the workman, Shri Ramesh Chand finds mention at serial No.26 and is working as Chaudhary since 16.07.1997. Workman, in order to prove his case, has tendered in evidence his affidavit Ex.WW1/A, wherein material averments contained in statement of claim has been reiterated. It is specifically alleged in the affidavit that he was doing work of acting Chaudhary with effect from 01.01.1997. There are also averments in his affidavit that one Shri Jai Chand has also been granted pay scale of Chaudhary by the management of MCD and Sultan Singh and others vs. MCD, who were doing work of acting Chaudhary, vide judgement of the Hon’ble High Court, i.e. in the case of *MCD vs. Sultan Singh & others* and necessary orders for implementation of the said judgement were issued by MCD vide order dated 04.06.2013. There is no cross examination of the workman/deponent that he has appeared as WW1. The workman has also tendered in evidence extracts of attendance registers Ex.WW1/4 for July 2013, Ex.WW1/5 for August 2013, Ex.WW1/6 for September 2013, Ex.WW1/7 for October 2013 and Ex.WW1/8 for November 2013, which shows that the workman Shri Ramesh Chand was performing duties of Chaudhary.

14. There is no merit in the stand taken by the management in its reply, that the workman here is not entitled for promotion to the post of Chaudhary as similarly situated other workers who were performing duties of Chaudhary, i.e. acting Chaudhary have been granted pay scale of Garden Chaudhary after judgement dated 27.07.2011 rendered by the Hon’ble High Court in the case of *MCD vs. Sultan Singh* as well as *MCD vs. Mahipal* (WP 5550 of 2010). Operating portion of the judgement in *Sultan Singh* (supra) of the Hon’ble Division Bench is as under:

“28. Considering the entire facts and circumstances it is apparent that the claim of the respondents have always been that they should be paid the difference in pay of Mali/Chowkidar and the Garden Chaudhary as they were made to work on the post of Garden Chaudhary whereas the petitioner had first denied that they

worked as Garden Chaudharies, then took the plea that the Assistant Director (Horticulture) was not competent to ask the respondents to work as Garden Chaudharies and that the respondents cannot be appointed to the post of Garden Chaudharies in accordance with the recruitment rules. There is no doubt that respondents are not claiming appointment to the post of Garden Chaudharies on account of having worked on ad-hoc basis on the post of Garden Chaudhary contrary to rules or that some of them not having the requisite qualifications are entitled for relaxation.

29. In the entirety of facts and circumstances therefore, the learned counsel for the petitioner has failed to make out any such grounds which will impel this Court to exercise its jurisdiction under Article 226 of the Constitution to set aside the orders of the Tribunal dated 29th January, 2010 and 7th October, 2010 as no illegality or un-sustainability or perversity in the orders of the Tribunal has been made out.

30. The writ petition is, therefore, dismissed. Parties are left to bear their own cost.”

15. It is further clear that SLP was also filed by MCD before the Hon'ble Apex Court vide IA No.2 WP for special leave S20069/2011 MCD vs. Sultan Singh and others which was also dismissed as withdrawn vide order dated 09.04.2012. It is further clear that the Hon'ble High Court in Sultan Singh case strongly deprecated the stand taken by the management that the workmen were not possessing requisite qualification or have not qualified the test etc. It was clarified that since the workmen were discharging duties to the post of Garden Chaudhary, a such, workmen were entitled for the salary of Garden Chaudhary and competent authority need not look into anything else except the fact that the workman had worked as Garden Chaudhary. Therefore, stand taken by the management that the workman herein could not qualify the test conducted by Education Consultant India Limited is without any merit and has no relevance so far as question of grant of salary against the post of Garden Chaudhary is concerned.

16. It is not out of place to mention here that even if the workman herein was not a party in Sultan Singh case referred above, judgement of the Hon'ble High Court is binding on the management and management is required to implement the same in letter and spirit as the same is judgement in rem, and all similarly situated workmen are required to be accorded the benefit of the said judgement of the Hon'ble High Court, which have become final. There is no question of even plea of delay and laches when management had not led any evidence to prove the same. The Hon'ble High Court has decided an abstract proposition of law, i.e. a mali who is performing duty as officiating/acting Chaudhary is entitled to the salary/wages of Chaudhary. Law is fairly settled that if a person is working on a higher post, on adhoc or temporary basis, even such workman is entitled to salary/wages of higher post, unless rules or regulations specifically provides otherwise. I find support to this view from Secretary vs. Lieutenant Governor Port Blair (1998 Lab.I.C. 598), yet in another case, Hon'ble Apex Court while considering that question of grant of benefits to similarly situated employees who were not party to the writ petition or lis in the case of State of Uttar Pradesh vs. Arvind Kumar Srivastava (2015) 1 SCC 347 observed as under:

“The moot question which requires determination is as to whether in the given case, approach of the Tribunal and the High Court was correct in extending the benefit of earlier judgment of the Tribunal, which had attained finality as it was affirmed till the Supreme Court. The legal principles that can be culled from the judgments, cited both by the appellants as well as the respondents, can be summed up as under:

(1) Normal rule is that when a particular set of employees is given relief by the Court, all other identically situated persons need to be treated alike by extending that benefit. Not doing so would amount to discrimination and would be violative of Article 14 of the Constitution of India. This principle needs to be applied in service matters more emphatically as the service jurisprudence evolved by this Court from time to time postulates that all similarly situated persons should be treated similarly. Therefore, the normal rule would be that merely because other similarly situated persons did not approach the Court earlier, they are not to be treated differently.

(2) However, this principle is subject to well recognized exceptions in the form of laches and delays as well as acquiescence. Those persons who did not challenge the wrongful action in their cases and acquiesced into the same and woke up after long delay only because of the reason that their counterparts who had approached the Court earlier in time succeeded in their efforts, then such employees cannot claim that the benefit of the judgment rendered in the case of similarly situated persons be extended to them. They would be treated as fence-sitters and laches and delays, and/or the acquiescence, would be a valid ground to dismiss their claim.

(3) However, this exception may not apply in those cases where the judgment pronounced by the Court was judgment in rem with intention to give benefit to all similarly situated persons, whether they approached the Court or not. With such a pronouncement the obligation is cast upon the authorities to itself extend the benefit thereof to all similarly situated person. Such a situation can occur when the subject matter of the decision touches upon the policy matters, like scheme of regularization and the like (see K.C. Sharma & Ors. v. Union of India (supra)). On the other hand, if the judgment of the Court was in personam holding that benefit of the said judgment shall accrue to the parties before the Court and such an intention is stated expressly in the

judgment or it can be impliedly found out from the tenor and language of the judgment, those who want to get the benefit of the said judgment extended to them shall have to satisfy that their petition does not suffer from either laches and delays or acquiescence.”

17. In view of the discussions made herein above, it is held that the workman is entitled to the pay scale of Garden Chaudhary with effect from 16.07.1997 and as a corollary, management is liable pay the difference of wages of mali vis-a-vis Garden Chaudhary from the date when the workman herein was performing duties and functions of Garden Chaudhary. 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 : July 29, 2016

A.C. DOGRA, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1675.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्कोप एंड अदर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, दिल्ली के पंचाट (आईडी सं. 37/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42011/191/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1675.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 37/2016) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the SCOPE and others and their workmen, which was received by the Central Government on 04.08.2016.

[No. L-42011/191/2015-IR (DU)]

P. K. VENUGOPAL, 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. 37/2016

Shri Surender Singh Negi, S/o Shri Vijay Singh Negi, through
The President,
Delhi Offices and Establishment Employees Union
Affiliated to CITU, BTR Bhawan,
13 A, Rouse Avenue
New Delhi 110 019

...Workman

Versus

1. The General Manager,
SCOPE,
Core No.8, 1st Floor,
SCOPE - 7, Lodhi Road,
New Delhi 110 003
2. M/s Sentinels Security Pvt. Ltd.
40/93, 40/92, Chittaranjan Park,
New Delhi 110 019

...Managements

AWARD

Central Government, vide letter No.L-42011/191/2015-IR(DU) dated 31.12.2015, referred the following industrial dispute to this Tribunal for adjudication:

“Whether the termination of Shri Surender Singh Negi S/o Shri Vijay Singh Negi with effect from 28.10.2014 by the management of Sentinels Security Pvt. Ltd. is just, fair and legal? If not, what relief the workman concerned is entitled to? Whether the contract awarded by SCOPE(Principal Employer) to Sentinels Security Pvt. Ltd. for employment of security guards in the establishment of principal employer can be construed as sham and bogus as requested by the workman Shri Surender Singh Negi S/o Shri Vijay Singh Negi? If yes, what relief the workman is entitled to?

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Shri Surender Singh Negi opted not to file his claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article, referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : August 2, 2016

A. C. DOGRA, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1676.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्कोप एंड अदर्स के प्रबंधन के संबंध में नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, दिल्ली के पंचाट (आईडी सं. 38/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42011/192/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1676.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 38/2016) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the SCOPE and others and their workmen, which was received by the Central Government on 04.08.2016.

[No. L-42011/192/2015-IR (DU)]

P. K. VENUGOPAL, 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. 38/2016

Shri Deepak Ranjan Pradhan, S/o Shri Sarveshwar Pradhan, through
The President,
Delhi Offices and Establishment Employees Union
Affiliated to CITU, BTR Bhawan,
13 A, Rouse Avenue
New Delhi 110 019

...Workman

Versus

1. The General Manager,
SCOPE,
Core No.8, 1st Floor,
SCOPE - 7, Lodhi Road,
New Delhi 110 003
2. M/s. Sentinels Security Pvt. Ltd.
40/93, 40/92, Chittaranjan Park,
New Delhi 110 019

...Managements

AWARD

Central Government, vide letter No. L-42011/192/2015-IR(DU) dated 31.12.2015, referred the following industrial dispute to this Tribunal for adjudication:

“Whether the termination of Shri Deepak Ranjan Pradhan S/o Shri Sarveshwar Pradhan with effect from 28.10.2014 by the management of Sentinels Security Pvt. Ltd. is just, fair and legal? If not, what relief the workman concerned is entitled to? Whether the contract awarded by SCOPE (Principal Employer) to Sentinels Security Pvt. Ltd. for employment of security guards in the establishment of principal employer can be construed as sham and bogus as requested by the workman Shri Deepak Ranjan Pradhan S/o Shri Sarveshwar Pradhan? If yes, what relief the workman is entitled to?

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Shri Deepak Ranjan Pradhan opted not to file his claim statement with the Tribunal.
3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article, referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.
4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : August 2, 2016

A. C. DOGRA, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1677.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्कोप एंड अदर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, दिल्ली के पंचाट (आईडी सं. 39/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42011/193/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1677.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 39/2016) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the SCOPE and others and their workmen, which was received by the Central Government on 04.08.2016.

[No. L-42011/193/2015-IR (DU)]

P. K. VENUGOPAL, 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. 39/2016

Shri Sanjay Kumar Singh, S/o Shri Basudev Singh, through

The President,

Delhi Offices and Establishment Employees Union

Affiliated to CITU, BTR Bhawan,

13 A, Rouse Avenue

New Delhi 110 019

...Workman

Versus

1. The General Manager,
SCOPE,
Core No.8, 1st Floor,
SCOPE - 7, Lodhi Road,
New Delhi 110 003
2. M/s. Sentinels Security Pvt. Ltd.
40/93, 40/92, Chittaranjan Park,
New Delhi 110 019

...Managements

AWARD

Central Government, vide letter No.L-42011/193/2015-IR(DU) dated 31.12.2015, referred the following industrial dispute to this Tribunal for adjudication:

“Whether the termination of Shri Sanjay Kumar Singh S/o Shri Basudev Singh with effect from 28.10.2014 by the management of Sentinels Security Pvt. Ltd. is just, fair and legal? If not, what relief the workman concerned is entitled to? Whether the contract awarded by SCOPE(Principal Employer) to Sentinels Security Pvt. Ltd. for employment of security guards in the establishment of principal employer can be construed as sham and bogus as requested by the workman Shri Sanjay Kumar Singh S/o Shri Basudev Singh? If yes, what relief the workman is entitled to?

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Shri Sanjay Kumar Singh opted not to file his claim statement with the Tribunal.

3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article, referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.

4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : August 2, 2016

A. C. DOGRA, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1678.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्कोप एंड अदर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, दिल्ली के पंचाट (आईडी सं. 40/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42011/194/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1678.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 40/2016) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the SCOPE and others and their workmen, which was received by the Central Government on 04.08.2016.

[No. L-42011/194/2015-IR (DU)]

P. K. VENUGOPAL, 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. 40/2016**

Shri Biresh Chander, S/o Shri Ram Prakash Yadav, through

The President,

Delhi Offices and Establishment Employees Union

Affiliated to CITU, BTR Bhawan,

13 A, Rouse Avenue

New Delhi 110 019

...Workman

Versus

1. The General Manager,
SCOPE,
Core No.8, 1st Floor,
SCOPE - 7, Lodhi Road,
New Delhi 110 003
2. M/s Sentinels Security Pvt. Ltd.
40/93, 40/92, Chittaranjan Park,
New Delhi 110 019

...Managements

AWARD

Central Government, vide letter No.L-42011/194/2015-IR(DU) dated 31.12.2015, referred the following industrial dispute to this Tribunal for adjudication:

“Whether the termination of Shri Biresh Chander S/o Shri Ram Prakash Yadav with effect from 28.10.2014 by the management of Sentinels Security Pvt. Ltd. is just, fair and legal? If not, what relief the workman concerned is entitled to? Whether the contract awarded by SCOPE(Principal Employer) to Sentinels Security Pvt. Ltd. for employment of security guards in the establishment of principal employer can be construed as sham and bogus as requested by the workman Shri Biresh Chander S/o Shri Ram Prakash Yadav? If yes, what relief the workman is entitled to?

2. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Shri Biresh Chander opted not to file his claim statement with the Tribunal.
3. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article, referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.
4. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : August 2, 2016

A. C. DOGRA, Presiding Officer

नई दिल्ली, 5 अगस्त, 2016

का.आ. 1679.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्कोप एंड अदर्स के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, दिल्ली के पंचाट (आईडी सं. 41/2016) को प्रकाशित करती है जो केन्द्रीय सरकार को 04.08.2016 को प्राप्त हुआ था।

[सं. एल-42011/195/2015-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 5th August, 2016

S.O. 1679.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 41/2016) of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Delhi now as shown in the Annexure in the Industrial Dispute between the employers in relation to

the management of the SCOPE and others and their workmen, which was received by the Central Government on 04.08.2016.

[No. L-42011/195/2015-IR (DU)]

P. K. VENUGOPAL, 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. 41/2016

Shri Ashok Kumar Bal, S/o Shri Amuly Kumar Bal, through
The President,
Delhi Offices and Establishment Employees Union
Affiliated to CITU, BTR Bhawan,
13 A, Rouse Avenue
New Delhi 110 019

...Workman

Versus

1. The General Manager,
SCOPE,
Core No.8, 1st Floor,
SCOPE - 7, Lodhi Road,
New Delhi 110 003
2. M/s. Sentinels Security Pvt. Ltd.
40/93, 40/92, Chittaranjan Park,
New Delhi 110 019

...Managements

AWARD

Central Government, vide letter No.L-42011/195/2015-IR(DU) dated 31.12.2015, referred the following industrial dispute to this Tribunal for adjudication:

“Whether the termination of Shri Biresh Chander S/o Shri Ram Prakash Yadav with effect from 28.10.2014 by the management of Sentinels Security Pvt. Ltd. is just, fair and legal? If not, what relief the workman concerned is entitled to? Whether the contract awarded by SCOPE(Principal Employer) to Sentinels Security Pvt. Ltd. for employment of security guards in the establishment of principal employer can be construed as sham and bogus as requested by the workman Shri Biresh Chander S/o Shri Ram Prakash Yadav? If yes, what relief the workman is entitled to?

2. Vide letter No.L-42011/195/2015-IR(DU) dated 28.03.2016, Corrigendum was issued by the appropriate Government, vide which the schedule of reference was corrected as under:

“Whether the termination of Shri Ashok Kumar Bal S/o Shri Amuly Kumar Bal with effect from 28.10.2014 by the management of Sentinels Security Pvt. Ltd. is just, fair and legal? If not, what relief the workman concerned is entitled to? Whether the contract awarded by SCOPE(Principal Employer) to Sentinels Security Pvt. Ltd. for employment of security guards in the establishment of principal employer can be construed as sham and bogus as requested by the workman Shri Ashok Kumar S/o Shri Amuly Kumar Bal? If yes, what relief the workman is entitled to?

3. In the reference order, the appropriate Government commanded the parties raising the dispute to file statement of claim, complete with relevant documents, list of reliance and witnesses with this Tribunal within 15 days of receipt of the reference order and to forward a copy of such statement of claim to the opposite parties involved in the dispute. Despite directions so given, Shri Ashok Kumar Bal opted not to file his claim statement with the Tribunal.
4. On receipt of the above reference, notice was sent to the workman as well as the managements. Neither the postal article, referred above, was received back nor was it observed by the Tribunal that postal services remained affected in the period, referred above. Therefore, every presumption lies in favour of the fact that the above notice was served upon the claimant. Despite service of the notice, claimant opted to abstain away from the proceedings. No claim statement was filed on his behalf. Thus, it is clear that the workman is not interested in adjudication of the reference on merits.
5. Since the workman has neither put in his appearance nor has he led any evidence so as to prove his cause against the management, as such, this Tribunal is left with no choice, except to pass a ‘No Dispute/Claim’ award. Let this award be sent to the appropriate Government, as required under Section 17 of the Industrial Disputes Act, 1947, for publication.

Dated : August 2, 2016

A. C. DOGRA, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1680.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मिनरल ट्रेडिंग सिंडिकेट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 100/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-29012/18/2002-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 8th August, 2016

S.O. 1680.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/2002) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Mineral Trading Syndicate and their workman, which was received by the Central Government on 08.08.2016.

[No. L-29012/18/2002-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 100/2002

L-29012/18/2002-IR(M), dated 21.10.2002

Date of Passing Order – 17th June, 2016

Between:

The Managing Director,
Bhulbeda Iron Mines of
M/s. Mineral Trading Syndicate,
At./Po. Barbil, Dist. Keonjhar, Orissa

...1st Party-Management

(And)

Shri Ladu Munda,
S/o. Mathura Munda,
Village- Rugudi, Po. Chamakpur,
Via-Champua, Orissa, Keonjhar

...2nd Party-Workman

Appearances:

None	...	For the 1 st Party-Management
None	...	For the 2 nd Party-Workman

ORDER

Both the parties are found absent on repeated call. Perusal of the case record reveals that the 2nd party-Workman filed its statement of claim on 4.2.2003, whereas the 1st Party-Management on being noticed filed its written statement on 10.1.2005. On the pleadings of the parties issues were settled on 7.9.2010. Thereafter the case was posted for evidence of the 2nd party-workman from time to time. Neither the 2nd party-workman nor the 1st Party-Management made their appearance after settlement of issues. Both of them remained absent for which notices were issued to them fixing 19.4.2016 for their appearance. As none of the parties has appeared on the date fixed it seems that either they are not interested to prosecute their dispute or the dispute might have been settled amicably out of the Tribunal. In the above back-drops there is no alternative than to pass a no-dispute award and accordingly a no-dispute award is passed in the case.

Accordingly the reference is answered in the above terms.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1681.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मिनरल ट्रेडिंग सिंडिकेट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 101/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-29012/19/2002-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 8th August, 2016

S.O. 1681.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 101/2002) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Mineral Trading Syndicate and their workman, which was received by the Central Government on 08.08.2016.

[No. L-29012/19/2002-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 101/2002

L-29012/19/2002-IR(M), dated 21.10.2002

Date of Passing Order – 17th June, 2016

Between:

The Managing Director,
Bhulbeda Iron Mines of
M/s. Mineral Trading Syndicate,
At./Po. Barbil, Dist. Keonjhar, Orissa

...1st Party-Management

(And)

Shri Arjun Mohakud,
S/o. Purna Ch. Mohakud,
Village- Rugudi, Po. Chamakpur,
Via-Champua, Orissa, Keonjhar

...2nd Party-Workman

Appearances:

None	...	For the 1 st Party-Management
None	...	For the 2 nd Party-Workman

ORDER

Both the parties are found absent on repeated call. Perusal of the case record reveals that the 2nd party-Workman filed its statement of claim on 5.2.2003, whereas the 1st Party-Management on being noticed filed its written statement on 10.1.2005. On the pleadings of the parties issues were settled on 7.9.2010. Thereafter the case was posted for evidence of the 2nd party-workman from time to time. Neither the 2nd party-workman nor the 1st Party-Management

made their appearance after settlement of issues. Both of them remained absent for which notices were issued to them fixing 19.4.2016 for their appearance. As none of the parties has appeared on the date fixed it seems that either they are not interested to prosecute their dispute or the dispute might have been settled amicably out of the Tribunal. In the above back-drops there is no alternative than to pass a no-dispute award and accordingly a no-dispute award is passed in the case.

Accordingly the reference is answered in the above terms.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1682.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मिनरल ट्रेडिंग सिंडिकेट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 102/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-29012/20/2002-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 8th August, 2016

S.O. 1682.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 102/2002) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Mineral Trading Syndicate and their workman, which was received by the Central Government on 08.08.2016.

[No. L-29012/20/2002-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 102/2002

L-29012/20/2002-IR(M), dated 10.10.2002

Date of Passing Order – 17th June, 2016

Between:

The Managing Director,
Bhulbeda Iron Mines of
M/s. Mineral Trading Syndicate,
At./Po. Barbil, Dist. Keonjhar, Orissa

...1st Party-Management

(And)

Shri Sidu Munda,
S/o. Gura Munda,
Village- Rugudi, Po. Chamakpur,
Via-Champua, Orissa, Keonjhar

...2nd Party-Workman

Appearances:

None	...	For the 1 st Party-Management
None	...	For the 2 nd Party-Workman

ORDER

Both the parties are found absent on repeated call. Perusal of the case record reveals that the 2nd party-Workman filed its statement of claim on 4.2.2003, whereas the 1st Party-Management on being noticed filed its written statement on 10.1.2005. On the pleadings of the parties issues were settled on 7.9.2010. Thereafter the case was posted for evidence of the 2nd party-workman from time to time. Neither the 2nd party-workman nor the 1st Party-Management made their appearance after settlement of issues. Both of them remained absent for which notices were issued to them fixing 19.4.2016 for their appearance. As none of the parties has appeared on the date fixed it seems that either they are not interested to prosecute their dispute or the dispute might have been settled amicably out of the Tribunal. In the above back-drops there is no alternative than to pass a no-dispute award and accordingly a no-dispute award is passed in the case.

Accordingly the reference is answered in the above terms.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1683.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मिनरल ट्रेडिंग सिंडिकेट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 103/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-29012/21/2002-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 8th August, 2016

S.O. 1683.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 103/2002) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Mineral Trading Syndicate and their workman, which was received by the Central Government on 08.08.2016.

[No. L-29012/21/2002-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR****Present:**

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 103/2002

L-29012/21/2002-IR(M), dated 10.10.2002

Date of Passing Order – 17th June, 2016

Between:

The Managing Director,
Bhulbeda Iron Mines of
M/s. Mineral Trading Syndicate,
At./Po. Barbil, Dist. Keonjhar, Orissa

...1st Party-Management

(And)

Shri Sukurmai Munda,
S/o. Jairam Munda,
Village- Rugudi, Po. Chamakpur,
Via-Champua, Orissa, Keonjhar

...2nd Party-Workman

Appearances:

None	...	For the 1 st Party-Management
None	...	For the 2 nd Party-Workman

ORDER

Both the parties are found absent on repeated call. Perusal of the case record reveals that the 2nd party-Workman filed its statement of claim on 5.2.2003, whereas the 1st Party-Management on being noticed filed its written statement on 10.1.2005. On the pleadings of the parties issues were settled on 7.9.2010. Thereafter the case was posted for evidence of the 2nd party-workman from time to time. Neither the 2nd party-workman nor the 1st Party-Management made their appearance after settlement of issues. Both of them remained absent for which notices were issued to them fixing 19.4.2016 for their appearance. As none of the parties has appeared on the date fixed it seems that either they are not interested to prosecute their dispute or the dispute might have been settled amicably out of the Tribunal. In the above back-drops there is no alternative than to pass a no-dispute award and accordingly a no-dispute award is passed in the case.

Accordingly the reference is answered in the above terms.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1684.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मिनरल ट्रेडिंग सिंडिकेट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 104/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-29012/22/2002-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 8th August, 2016

S.O. 1684.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 104/2002) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Mineral Trading Syndicate and their workman, which was received by the Central Government on 08.08.2016.

[No. L-29012/22/2002-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR****Present:**

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 104/2002

L-29012/22/2002-IR(M), dated 09.10.2002

Date of Passing Order – 17th June, 2016

Between:

The Managing Director,
Bhulbeda Iron Mines of
M/s. Mineral Trading Syndicate,
At./Po. Barbil, Dist. Keonjhar, Orissa

...1st Party-Management

(And)

Shri Chariba Munda,
S/o. Rajo Munda,
Village- Rugudi, Po. Chamakpur,
Via-Champua, Orissa, Keonjhar

...2nd Party-Workman**Appearances:**

None	...	For the 1 st Party-Management
None	...	For the 2 nd Party-Workman

ORDER

Both the parties are found absent on repeated call. Perusal of the case record reveals that the 2nd party-Workman filed its statement of claim on 4.2.2003, whereas the 1st Party-Management on being noticed filed its written statement on 10.1.2005. On the pleadings of the parties issues were settled on 7.9.2010. Thereafter the case was posted for evidence of the 2nd party-workman from time to time. Neither the 2nd party-workman nor the 1st Party-Management made their appearance after settlement of issues. Both of them remained absent for which notices were issued to them fixing 19.4.2016 for their appearance. As none of the parties has appeared on the date fixed it seems that either they are not interested to prosecute their dispute or the dispute might have been settled amicably out of the Tribunal. In the above back-drops there is no alternative than to pass a no-dispute award and accordingly a no-dispute award is passed in the case.

2. Accordingly the reference is answered in the above terms.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1685.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मिनरल ट्रेडिंग सिंडिकेट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 105/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-29012/24/2002-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 8th August, 2016

S.O. 1685.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 105/2002) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Mineral Trading Syndicate and their workman, which was received by the Central Government on 08.08.2016.

[No. L-29012/24/2002-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR****Present:**

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 105/2002

L-29012/24/2002-IR(M), dated 09.10.2002

Date of Passing Order – 17th June, 2016**Between:**

The Managing Director,
Bhulbeda Iron Mines of
M/s. Mineral Trading Syndicate,
At./Po. Barbil, Dist. Keonjhar, Orissa

...1st Party-Management

(And)

Shri Jairam Munda,
S/o. Rout Munda,
Village- Rugudi, Po. Chamakpur,
Via-Champua, Orissa, Keonjhar

...2nd Party-Workman

Appearances:

None	...	For the 1 st Party-Management
None	...	For the 2 nd Party-Workman

ORDER

Both the parties are found absent on repeated call. Perusal of the case record reveals that the 2nd party-Workman filed its statement of claim on 5.2.2003, whereas the 1st Party-Management on being noticed filed its written statement on 10.1.2005. On the pleadings of the parties issues were settled on 7.9.2010. Thereafter the case was posted for evidence of the 2nd party-workman from time to time. Neither the 2nd party-workman nor the 1st Party-Management made their appearance after settlement of issues. Both of them remained absent for which notices were issued to them fixing 19.4.2016 for their appearance. As none of the parties has appeared on the date fixed it seems that either they are not interested to prosecute their dispute or the dispute might have been settled amicably out of the Tribunal. In the above back-drops there is no alternative than to pass a no-dispute award and accordingly a no-dispute award is passed in the case.

2. Accordingly the reference is answered in the above terms.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1686.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मिनरल ट्रेडिंग सिंडिकेट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 106/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-29012/25/2002-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 8th August, 2016

S.O. 1686.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 106/2002) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Mineral Trading Syndicate and their workman, which was received by the Central Government on 08.08.2016.

[No. L-29012/25/2002-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 106/2002

L-29012/25/2002-IR(M), dated 09.10.2002

Date of Passing Order – 17th June, 2016

Between:

The Managing Director,
Bhulbeda Iron Mines of
M/s. Mineral Trading Syndicate,
At./Po. Barbil, Dist. Keonjhar, Orissa

...1st Party-Management

(And)

Shri Lochan Naik,
At. Hariharpur, Po. Dhobakuchida,
Via-Champua, Dist. Keonjhar,
Orissa

...2nd Party-Workman

Appearances:

None	...	For the 1 st Party-Management
None	...	For the 2 nd Party-Workman

ORDER

Both the parties are found absent on repeated call. Perusal of the case record reveals that the 2nd party-Workman filed its statement of claim on 19.11.2008, whereas the 1st Party-Management on being noticed did not file any written statement and order of exparte was passed against it. Thereafter the case was posted for exparte evidence of the 2nd party-workman from time to time. Neither the 2nd party-workman nor the 1st Party-Management made their appearance after filing of statement of claim by the workman. Both of them remained absent for which notices were issued to them fixing 19.4.2016 for their appearance. As none of the parties has appeared on the date fixed it seems that either they are not interested to prosecute their dispute or the dispute might have been settled amicably out of the Tribunal. In the above back-drops there is no alternative than to pass a no-dispute award and accordingly a no-dispute award is passed in the case.

2. Accordingly the reference is answered in the above terms.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1687.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मिनरल ट्रेडिंग सिंडिकेट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 107/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-29012/26/2002-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 8th August, 2016

S.O. 1687.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 107/2002) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Mineral Trading Syndicate and their workman, which was received by the Central Government on 08.08.2016.

[No. L-29012/26/2002-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR****Present:**

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 107/2002

L-29012/26/2002-IR(M), dated 21.10.2002

Date of Passing Order – 17th June, 2016

Between:

The Managing Director,
Bhulbeda Iron Mines of
M/s. Mineral Trading Syndicate,
At./Po. Barbil, Dist. Keonjhar, Orissa

...1st Party-Management

(And)

Shri Raja Munda,
S/o. Gura Munda,
Village- Rugudi, Po. Chamakpur,
Via-Champua, Orissa, Keonjhar

...2nd Party-Workman

Appearances:

None	...	For the 1 st Party-Management
None	...	For the 2 nd Party-Workman

ORDER

Both the parties are found absent on repeated call. Perusal of the case record reveals that the 2nd party-Workman filed its statement of claim on 4.2.2003, whereas the 1st Party-Management on being noticed filed its written statement on 10.1.2005. On the pleadings of the parties issues were settled on 7.9.2010. Thereafter the case was posted for evidence of the 2nd party-workman from time to time. Neither the 2nd party-workman nor the 1st Party-Management made their appearance after settlement of issues. Both of them remained absent for which notices were issued to them fixing 19.4.2016 for their appearance. As none of the parties has appeared on the date fixed it seems that either they are not interested to prosecute their dispute or the dispute might have been settled amicably out of the Tribunal. In the above back-drops there is no alternative than to pass a no-dispute award and accordingly a no-dispute award is passed in the case.

2. Accordingly the reference is answered in the above terms.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1688.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स मिनरल ट्रेडिंग सिंडिकेट के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 108/2002) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-29012/27/2002-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 8th August, 2016

S.O. 1688.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 108/2002) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the

management of M/s. Mineral Trading Syndicate and their workman, which was received by the Central Government on 08.08.2016.

[No. L-29012/27/2002-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 108/2002

L-29012/27/2002-IR(M), dated 17.10.2002

Date of Passing Order – 17th June, 2016

Between:

The Managing Director,
Bhulbeda Iron Mines of
M/s. Mineral Trading Syndicate,
At./Po. Barbil, Dist. Keonjhar, Orissa

...1st Party-Management

(And)

Smt. Subaso Munda,
W/o. Dandala Munda,
Village- Rugudi, Po. Chamakpur,
Via-Champua, Orissa, Keonjhar

...2nd Party-Workman

Appearances:

None	...	For the 1 st Party-Management
None	...	For the 2 nd Party-Workman

ORDER

Both the parties are found absent on repeated call. Perusal of the case record reveals that the 2nd party-Workman filed its statement of claim on 4.2.2003, whereas the 1st Party-Management on being noticed filed its written statement on 10.1.2005. On the pleadings of the parties issues were settled on 7.9.2010. Thereafter the case was posted for evidence of the 2nd party-workman from time to time. Neither the 2nd party-workman nor the 1st Party-Management made their appearance after settlement of issues. Both of them remained absent for which notices were issued to them fixing 19.4.2016 for their appearance. As none of the parties has appeared on the date fixed it seems that either they are not interested to prosecute their dispute or the dispute might have been settled amicably out of the Tribunal. In the above back-drops there is no alternative than to pass a no-dispute award and accordingly a no-dispute award is passed in the case.

2. Accordingly the reference is answered in the above terms.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1689.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मैसर्स इंडियन ऑयल कार्पोरेशन लिमिटेड एवं अन्य के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, भुवनेश्वर के पंचाट (संदर्भ सं. 7/2006) को प्रकाशित करती है जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-30011/58/2005-आईआर (एम)]

समीर कुमार दास, अवर सचिव

New Delhi, the 8th August, 2016

S.O. 1689.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 7/2006) of the Central Government Industrial Tribunal/Labour Court, Bhubaneswar now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Indian Oil Corporation Ltd. and others and their workman, which was received by the Central Government on 08.08.2016.

[No. L-30011/58/2005-IR (M)]

SAMIR KUMAR DAS, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT BHUBANESWAR

Present:

Shri B.C. Rath,
Presiding Officer, C.G.I.T.-cum-Labour
Court, Bhubaneswar

INDUSTRIAL DISPUTE CASE NO. 07/2006

Date of Passing Award – 24th June, 2016

Between:

1. The Deputy General Manager,
M/s. IOCL, 304, Bhoi Nagar,
Bhubaneswar, Orissa.
2. Shri Samarendra Mohapatra,
M/s. Shakti Marketers,
Ramchandrapur Bazar, Po./Ps. Jatni,
Dist. Khordha, Orissa.
3. The Senior Depot Manager,
M/s. IoCL, Chhanaghar Kushamati,
Ps. Jatni, Dist. Khordha, Orissa

...1st Party-Managements

(And)

The General Secretary, All Orissa
Tank Lorry Transport Workers Union,
Pot No. 251, Kharvelanagar, CITU Office,
Unit-III, Bhubaneswar, Khordha, Orissa

...2nd Party-Union.

Appearances:

Shri P.K. Roy, Auth. Representative	...	For the 1 st Party- Management No. 1 & 3
None	...	For the 1 st Party-Management No. 2.
Kallamudin Khan	...	For the 2 nd Party-Union.

AWARD

The Government of India in the Ministry of Labour has referred an industrial dispute existing between the employers in relation to the management of M/s. IOCL, 304, Bhoi Nagar, Bhubaneswar and their workman 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 vide its letter No. L-30011/58/2005 – IR (M) dated 17.04.2006 in respect of the following matter.

“Whether the action of the management of M/s. IOCL, Jatni Depot, Khurda in refusing employment to Sri Kallamuddin Khan w.e.f. 17.06.2003 through their Contractor M/s. Shakti Marketeers, instead of regularizing his service in M/s. IOCL, even after rendering more than 8 years of continuous service to the organization in regular & perennial nature of job, is legal and justified? If not, what relief the workman is entitled to?”

2. Shown off unnecessary details the case of the 2nd party-Union as emerged from its claim statement is that the 2nd party-workman, namely Shri Kallammuddin Khan was appointed and engaged with designation of “Office Boy” with effect from 17.10.1994 in the Depot of the 1st Party-Management at Jatni. He was discharging his service with all sincerity and honesty. After several years of his such employment his service was shifted by the 1st Party-Management without following proper procedure and law to under a contractor namely M/s. Shakti Marketers owned by one Shri Samarendra Mohapatra. The workman Shri Kallammuddin was asked to work as a contract labour of handling contractor with an assurance that he would be absorbed as a regular employee within a short period of time. He and other workmen were not paid minimum wages as fixed by the Central Government even though their services were utilized in the 1st Party-Management which is a Central Government undertaking. Statutory benefits like P.F. & E.S.I. were not extended to them either by the 1st Party-Management or by the contractor, M/s. Shakti Marketers. When a dispute was raised by the 2nd party-Union on the above aspects as well as on regularization of the workman and his two other colleagues, the 1st Party-Management refused employment on 17.6.2003 to the disputant workman Kallammuddin Khan. It has been pleaded that there was no contract between the 1st Party-Management and M/s. Shakti Marketers to carry out the work of handling through contract labourer and the contractor M/s. Shakti Marketers was being shown a Handling Contractor only to avoid regularization of service of the workman. When the 1st party-Management refused employment to him 16.6.2003 a dispute was raised before the Asst. Labour Commissioner (Central) for his reinstatement and regularization of service resulting in the present reference.

3. The 1st Party-Management has contested the claim taking a stand that at no point of time Kallammuddin Khan who was given appointment or any engagement as Office Boy or handling labour in Jatni Depot either directly or through any contractor. As such question does not arise for shifting of his service from 1st Party-Management to under a contractor (M/s. Shakti Marketers). It is their specific stand that M/s. Shakti Marketers was entrusted to carry out certain works as a Handling contractor in the year 2000 for year and such contract was extended to 29.2.2004. Since the contractor employed less than ten workmen to carry out the work the contractor was not required to be registered in terms of Contract Labour (Regulation & Abolition) Act, 1970. Thus denying the relationship of employer and employee the 1st party-Management has refuted all allegations raised by the 2nd party-Union and made a prayer for dismissal of the claim of the workman.

4. Keeping in view the pleadings of the parties following issues have been settled for effective adjudication of the reference.

ISSUES

1. Whether the disputant Shri Kallammuddin Khan has ever been a workman under the 1st Party-Management No. 1 and 3.
2. Whether the action of the Management of M/s. IOCL, Jatni Depot, Khurda in refusing employment to Shri Kallammuddin Khan w.e.f. 17.6.2003 through their Contractor M/s. Shakti Marketers, instead of regularizing his service in M/s. IOCL, even after rendering more than 8 years of continuous service to the organization in regular & perennial nature of job, is legal and justified?
3. If not, what relief the workman is entitled to?

FINDINGS

ISSUE No. 1, 2 and 3

5. The 2nd party has raised the dispute claiming that Kallammuddin Khan was engaged by the 1st Party-Management in the year 1994, when construction work of the 1st Party-Management- Depot was started in the year 1994 at Jatni and he was designated as “Office Boy”. Subsequently his employment was shifted under the Contractor M/s. Shakti Marketers with an assurance that his service would be regularized in course of time. The agreement between the 1st party-Management and M/s. Shakti Marketers to carry out the handling work is sham and camouflage only to deprive the workman Kallammuddin Khan from being regularized in the service under the 1st Party-Management. When he demanded regularization of his service and services of other workmen he was refused employment with effect from 17.6.2003 by his contractor M/s. Shakti Marketers as well as the principal employer. The 1st Party-Management has refuted the pleading making an averment that in no point of time he was employed or engaged in its establishment and there was no “employer and employee” relationship between it and the workman.

6. Before going to analyze the evidence of the parties specifically on the claim of the workman that he was being shown as a Contract Labourer by inter-posing a fictitious contractor, the principles laid down by the Hon’ble Apex Court in some of the judgements is profitable to be referred to for appreciation of the pleadings and evidence of the parties. In Ram Singh –Versus- Union Territory, Chandigarh, AIR 2004 (SC) 969, it is observed that industrial adjudicator is required to consider the question as to whether the contractor has been interposed either on the ground of having undertaken to produce any given result for the establishment or for supply of contract labourers for work of the

establishment under a genuine contract or is a mere ruse/camouflage to evade compliance with various beneficial legislations so as to deprive the workers of the benefit there-under. If the contract is found to be not genuine the so-called contract labourers will have to be treated as the employees of the principal employer and they shall be directed to be regularized in the establishment of the principal employer. It is further observed that in determining the relationship of employer and employee, “control” is one of the important tests. However, all other relevant facts and circumstances are required to be considered including the terms and conditions of the contract. It is also observed that “integration test” is one of relevant tests which is applied by examining whether the person was fully integrated into the employer’s concern or remained apart from and independent of it. Facts which may be relevant are who has the power to select and dismiss, to pay remuneration, deduct insurance contribution, organize the work, supply tools and materials, and what are the mutual obligations between them. In *General Manager (OSD), Bengal Nagpur Cotton Mills, Rajanandgaon – Versus- Bharat Lal*, 2011 (128) FLR 560 it is laid down that – two of the well recognized tests to find out whether the contract labourer are the direct employees of the principal employer are – (1) whether the principal employer pays the salary instead of the contractor, and (ii) whether the principal employer controls and supervises the work of the employee.

7. In *International Air Port – Authorities –versus International Airport Cargo Workers Union*, 2009(123) FLR 321 (S.C.). It is observed that if the contract is for supply of labour necessarily the labour supplied by the contractor will work under the direction, supervision and control of the principal employer, but that would not make the worker a direct employee of the principal employer, if the salary is paid by the contractor, if the right to regulate employment is with the contractor and the ultimate supervision and control lies with the contractor. It is further observed that the principal employer only controls and directs the work to be done by a contract labourer when such labourer is assigned/allotted/assigned to the principal employer or used otherwise. In short, the worker being the employee of the contractor the ultimate supervision and control lies with the contractor as he decides where the employee will work and subject to what conditions. Only when the contractor sends/assigns the workers to work under the principal employer, the worker works under the supervision and control of the principal employer but there is secondary control.

8. In view of such settled principles the burden lies on the 2nd party-workman to prove that he was paid salary directly by the employer and the principal employer was his supervising authority. In this regard not a single scrap of paper has been produced in the Tribunal except oral assertions by the workman to establish that he was appointed initially as Office Boy by the 1st Party-Management in the year 1994. The only document filed by him to support his averment regarding his employment as “Office Boy” in the year 1994, which is an experience certificate allegedly issued by one P.K. Sinha, Depot Manager Jatni in the letter head of the 1st Party-Management, has been challenged as a forged one by the 1st party-Management. The Management witness M.W.-1 who is himself P.K. Sinha, has denied to have issued the said experience certificate while recording his evidence in the Tribunal. He has also disowned the signature found in the certificate to be his own. In that view of the matter the document Ext.-2 cannot be relied upon. On the other hand in his cross examination the workman has admitted that construction work of the 1st Party-Management’s office was started in the year 1994. He has admitted to have not been employed by the 1st Party-Management either sponsored by the Employment Exchange or having applied for the post directly in pursuant to any advertisement. He has also admitted that he was not issued with any call letter to attend any interview for selection of the post of Office Boy. He is also unable to say whether there was any post of “Office Boy” in the office of the 1st Party-Management. On being cross examined he failed to speak specifically as to whether Shri Sinha had any authority to give him employment. No appointment letter or letter relating to termination of service issued in favour of the workman is filed to show that he was engaged by the 1st Party-Management as a casual labourer or in any capacity for any temporary period. The wage register under Ext.-6 series belongs to the year 2002 and the said register clearly indicates that M/s. Shakti Marketers was his employer. There is no evidence to show that the 1st Party-Management had ever made deductions from the bill of the contractor for making deposits in the above head in favour of the contract labour i.e. 2nd party-workman Kallammuddin Khan. It has been explained by the M.W.-1 that its employee and labourers of its contractor were given training of fire fighting and as such the claim of the 2nd party-workman that he was given training of fire fighting by the Management does not suggest that he worked as an employee of the 1st Party-Management either directly or through a contractor. Thus there is no iota of evidence except oral assertion of W.W.-1 to establish that he was ever engaged directly or through the contractor by the 1st Party-Management either in the year 1994 or subsequent thereafter.

9. The documents filed by the workman more particularly relating to resolution proceedings between the Management and local people represented through the local M.L.A. and other papers are at best going to show that an agitation was taken place before the office of the 1st Party-Management for preference in giving employment to the local people in the 1st party-Management office for which a conciliation proceeding was initiated in the intervention of A.L.C. (C). Those documents do not suggest in any manner that refusal of employment to Kallammuddin and other contractor labourers gave rise to the conciliation proceeding and resolutions drawn between the 1st party-Management and the local people. No safe inference can be drawn on the basis of the documents filed by the 2nd party-workman that Kallammuddin Khan was employed in the 1st party-Management either in the capacity of “Office Boy” or “handling

labourer” temporarily casually, or on the basis of a contract labour through the contractor M/s. Shakti Marketers. On the other hand it is emerging from the evidence of the M.W.-1 and documents relied upon by the Management that handling contract i.e. loading and unloading of oil tanker in the Jatni Depot was entrusted to the contractor M/s. Shakti Marketers and thus, the evidence adduced before the Tribunal leads to a conclusion that he was working as a labourer of the contractor M/s. Shakti Marketers, who handle the loading and unloading of oil tanker works.

10. In the case of General Manager (OSD) Bangal Nagpur Cotton Mills Rajnandgaon And Bharat Lal and Another wherein it has been set out by the Hon’ble Apex Court that “if the industrial adjudicator finds that contract between the principal employer and contractor to be sham, nominal or merely a camouflage to deny employment benefits to the employee and that there was in fact a direct employment, it can grant relief to the employee by holding that the workman is the direct employee of the principal employer. Two of the well-recognized tests to find out whether the contract labour are the direct employees of the principal employer are: (i) whether the principal employer pays the salary instead of the contractor; and (ii) whether the principal employer controls and supervise the work of the employees”. Keeping in view the above settled principle, if, the evidence of the workman is analyzed there is nothing before the Tribunal to hold that the 1st Party-Management was paying salary to the workman directly or indirectly through the contractor and it was controlling and supervising the work of the workman as a principal employer. Hence doubt can be entertained regarding existence of any “employer and employee” relationship between the 1st Party-Management and the workman Kallammuddin Khan and as such it cannot be accepted that the workman was ever employed under the 1st Party-Management as a contract labourer.

11. Thus, it is also found that factors which are enumerated in sub section (2) of Section 10 of Contract Labour Act are absent. Even the “control test” and “integration test” failed. Consequently, the contract, which was existing between the Management and the M/s. Shakti Marketers cannot be said to be a sham and mere camouflage. Once it is held that the contract is not proved to be sham or fictitious the reference also becomes not maintainable.

12. In view of my above findings that Kallammuddin Khan was not ever appointed or he worked in any capacity being employed by the 1st Party-Management or worked as a contract labourer through M/s. Shakti Marketers it cannot be held that he was refused employment by the 1st Party-Management either directly or through M/s. Shakti Marketers and as such he is not entitled to any regularization.

13. In result the reference is answered against the 2nd Party-Union.

Dictated & Corrected by me.

B. C. RATH, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1690.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार फर्टिलाइजर्स एंड केमिकल्स त्रावणकोर लिमिटेड के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, एर्नाकुलम के पंचाट (संदर्भ सं. 23/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 05.08.2016 को प्राप्त हुआ था।

[सं. एल-42011/13/2011-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th August, 2016

S.O. 1690.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (I.D. No. 23/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Ernakulam now as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of the Fertilizers and Chemicals Travancore Limited and their workman, which was received by the Central Government on 05.08.2016.

[No. L-42011/13/2011-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

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

Present: Shri K. Sasidharan, B.Sc., LLB, Presiding Officer

(Thursday the 30th day of June, 2016/09th Ashadha, 1938)

ID 23/2011

Workmen

:

1. Shri. C.C. Thankappan,
Chippidithara House,
Ambadi, Eramalloor PO,
Cherthala Taluk,
Cherthala –
 2. Shri. A. C. Varghese,
Ezhupunna, South PO,
Cherthala Taluk,
Cherthala –
 3. Shri. K. A. Kumaran, (dead)
Veliyil Nikarth,
Vaduthala Jetty PO,
Arookutty,
Cherthala Taluk,
Cherthala –
 4. Shri. A. B. Varghese,
Arakkaparambil House,
Kumbalanghi PO,
Kochi (Kerala) – 7.
 5. Shri. M. Aman,
U. K. House,
Kalluvettankuzhi,
I Mancode PO,
Via Cherthala Taluk,
Cherthala – 691559.
 6. Smt. K. K. Lalitha Kanthakudithara,
Palluruthu, Perumpadappu,
Kochi (Kerala) – 682006.
 7. Shri. K. K. Raghavan,
Nikarthil House,
Pampayimoola,
Palluruthy,
Kochi (Kerala) – 682006.
- By Adv. Shri. Sibi Thomas Jacob
8. Smt. Sumathi Kumaran
W/o late K. A. Kumaran
Veliyil Nikarth, Vaduthala Jetty PO,
Arrookutty,
Cherthala Thaluk,
Cherthala.

(Impleaded as per the Order on IA No.106/2011 dated 21.02.2014 as legal representative of workman No.3 -Late K. A. Kumaran).

Managements

:

1. The Chairman & Managing Director,
Fertilizers and Chemicals Travancore Limited,
Udyogmandal,
Cochin – 682303.
M/s. B. S. Krishnan Associates
2. M/s. K. C. Mathew & Sons,
Pigee Agencies,
IX/247, Veli Fort Kochi,
Kochi (Kerala) – 682001.
(ex-parte)

3. M/s.Syed Sons,
24/492, Navabharat Building,
W/Island,
COCHIN –
(ex-parte)

This case coming up for final hearing on 13.05.2016 and this Tribunal-cum-Labour Court on 30.06.2016 passed the following:

AWARD

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 (Act 14 of 1947) the Central Government referred the following dispute before this Tribunal for adjudication.

2. The dispute is:

“Whether the demand of the contract workers viz. S/Sri C. C. Thankappan, A.C. Varghese, K.A. Kumaran, A.B. Varghese, M. Aman, K.K. Lalitha and K.K. Raghavan working under M/s. K.C. Mathew, Perumaly & Sons, M/s.Pigee Agencies, IX/247, Veli Fort, Kochi-682001 and M/s Syed & Sons, 24/492, Navabharat Building, Willington Island, Kochi-682003, contractors during the period from 1971 to 2002 and from 2002 to 2004 respectively for regularization in service in the establishment of the Principal Employer viz. Fertilizers and Chemicals Travancore Limited, Udyogmandal, Kerala with retrospective effect, is legal and justified? What relief the workmen are entitled to?”

3. After receipt of the reference order No.L-42011/13/2011-IR(DU) dated 15.06.2011, issued by the Ministry of Labour, Government of India, summons was issued to the parties to appear in person and submit pleadings, produce documents to substantiate their respective contentions. On receipt of the summons, workmen Nos.1, 2 and 4 to 7 entered appearance through counsel. Workman No.3 was reported dead and his legal representative was impleaded as additional workman No.8. Management No.1 entered appearance through counsel and submitted their pleadings. Management Nos.2 and 3 remained ex-parte.

4. The contentions in the claim statement filed by workmen Nos.1, 2 and 4 to 8 in brief are as follows:

The dispute involved in this reference centres round the Contract Labour(Regulation and Abolition) Act, 1970 and in view of the dictum laid down in the decision rendered by the Hon'ble Supreme Court of India, reported in Steel Authority of India Vs. National Water Front Workers Union (2001) 7 SCC 1. Eight workmen viz., S/Shri C.C. Thankappan, A. C. Varghese, K. A. Kumaran, A. B. Varghese, M. Aman, M. O. Antony, K. K. Lalitha and K. K. Raghavan along with others numbering more than 116 were employed by the first management for the work of loading and unloading, stitching and staking and transportation of rock phosphate imported from abroad. They were working under the first management ever since 1971. The second management was the private labour contractor. Two prominent political parties through middlemen controlled entire affairs and defeated the lawful right of the workmen. The first management with the assistance of the private labour contractor exploited the workforce of the workmen.

5. The second management was controlling the workmen under the supervision and guidance from the first management from the year 1971 to 2002. From the year 2002 till 2004 the third management was exploiting the same situation in connivance with the first management. Management Nos.1 to 3 have colluded together to exploit the workmen by utilizing their workforce and grabbing their wages. Only one-tenth wages of the workmen were actually paid to them and deducted 9/10 of the wages and all other benefits due to the workmen under one pretext or another. There was willful omission on the part of the employees to deposit the PF contributions deducted from the employees for the period from 1971 to 1995 and then for the period from 2002 to 2004. Part of the contributions recovered from the wages of the workmen were not deposited for the period from 1995 to 2002.

6. Management No.1 started functioning from the year 1970 and earned huge profit by misusing the workforce of the workmen. They started regional centres at Tamil Nadu, Karnataka and Andhra Pradesh with the financial aid and support from the Central Government. The union leaders exploited the workmen and amassed wealth disproportionate to their known sources of income. While so management No.1 began to run at loss due to mismanagement and discontentment of the workmen. Almost all the workmen involved in this reference are suffering from occupational diseases affecting urinary bladder, kidney, skin diseases, ureter ailments, bone decay, heart ailments, cataract, deafness, skidding, lung cancer etc. The workmen were unable to continue the employment in doing the hazardous work. Even though the workmen raised the issue before the union to which they were affiliated, the union leaders have not initiated any step against the management and their henchmen.

7. The workmen involved in this reference were doing perennial nature of work of the first management. The officials of the first management were directly controlling and supervising the work of the workmen involved in this reference. As directed by the first management the workmen continued the work for more than 38 years under them.

8. The workmen were unloading and loading hazardous chemical substances such as ammonium sulphate, sulphuric acid, soda ash, nitric acid, caprolactum and other chemicals imported from abroad. Apart from that imported items such as steel, girder, beams, channel, iron plate etc. belonging to the Steel Authority of India were unloaded from the ship and loaded in lorries for transportation to the Steel Authority of India were also done by the workmen at the instruction of the first management and in connivance with the second management and the union leaders. In short the duty of the workmen includes the handling of hazardous and dangerous chemical substances and heavy weighed items. The workmen involved herein were not considered for regular employment under the first management solely for the reason that they had no political godfathers to protect their interests.

9. There were unfair labour practice – employment to workmen as badlis, casuals or temporaries to continue as such for years together with intent to deprive them the privileges as permanent workmen under the first management. The action of the first management is illegal, unjust and unsustainable.

10. The first management interposed contractors in order to evade the compliance of the benefits under the Contract Labour (Regulation and Abolition) Act, 1970; the Factories Act; the Employees' Provident Funds and Miscellaneous Provisions Act; the Employees' State Insurance Act, the Equal Remuneration Act; the Minimum Wages Act and the Industrial Disputes Act and other later enactments. The action of the first management is against the spirit and purport of the decision rendered by the Hon'ble Supreme Court of India in this regard. There was clear violation of the provisions of the Contract Labour (Regulation and Abolition) Act, 1970 by the first management in connivance with the management Nos.2 and 3. The workmen involved in this reference have not been given the benefit under the Contract Labour (Regulation and Abolition) Act, 1970. The Factories Act, 1948, the Employees' Provident Funds & Miscellaneous Provisions Act and Scheme, the Minimum Wages Act and other allied labour enactments.

11. The workmen involved in this reference are entitled to be absorbed in the pay scale ₹ 6,100-10,775 at the initial stage and they are entitled to two higher grade time scales and to be paid salary in the time scale ₹ 14,500-18,700/- apart from the benefits of casual leave, earned leave and other benefits due to the permanent workmen.

12. The workmen involved in this reference were discriminated and denied the right of decent living and that their fundamental right to health and life are jeopardized. The uneducated and helpless workers were compelled to work hard which affected their health. Therefore the workmen have requested to pass an award upholding their contentions and to pay ten times compensation for the period of their employment from 10.02.1971 till date of superannuation and cost of this proceeding.

13. The contentions in the written statement filed by the first management in brief are as follows:-

The management No.1 has stated that the issue referred for adjudication is not maintainable either in law or on facts. The issue referred for adjudication is the question of regularization of the workmen and it can be raised only by union. The contract workers have no legal right to raise such an issue for regularization and hence the dispute is not maintainable. The name of Shri. M. O. Antony is not included in the reference and hence his claim as stated in the claim statement cannot be adjudicated in this reference. Moreover, only seven contract workers have raised this dispute. Substantial numbers of workers have not raised this dispute and as such the Industrial Dispute is not maintainable. The first management has two fertilizer producing divisions, one petrochemical division, two consultancy division, one fabrication division and one marketing division. The rock phosphate imported by the first management company for use in the production of straight fertilizers is handed over by the permanent workmen in the company. Some of the workers who raised this dispute are contract workers engaged by the contractor for a specific period for bagging and handling rock phosphate for mixture preparation. The work in the mixing centres has no connection with the main activity of the first management in producing fertilizers which is only seasonal in nature. The Kerala State Advisory Contract Board considered the question as to whether the contract system in the mixing centres at Alappuzha, Chingavanam and Palakkad has to be continued or not. As per order dated 01.12.1992 the Government of Kerala ordered that *"the Government do not consider it necessary to abolish the contract system of Labour prevailing in the three Regional Mixing centers of FACT at Alappuzha, Chingavanam and Palakkad"*.

14. Subsequently similarly situated workers approached the Central Advisory Labour Board seeking abolition of the contract labour system in the management company. The Ministry of Labour, Government of India as per order dated 14.01.2000 ordered that *"decided not to prohibit employment of contract labour in the works/jobs of handling Rock Phosphate in Marketing division, cleaning and painting of utensils, plants, structure and building and other allied equipments connected with the manufacturing process in the Udyogamandal and Marketing division of the establishment of Fertilizers and Chemicals Travancore, Willington Island, Kochi....."*.

15. Similarly placed contract workers filed OP Nos.9130/2000 and 15060/2000 before the Hon'ble High Court of Kerala. As per the judgment dated 03.03.2008 in OP No.9130/2000(J) the Hon'ble High Court of Kerala declined to accept the request of the workmen.

16. The first management company never employed the workmen involved in this reference. They are not employees working under the first management. The workmen were engaged by the contractor in a godown maintained by the first management at Willington Island for handling rock phosphate required for preparing mixtures at the six mixing centers in Kerala. They were not engaged in the handling of rock phosphate required for the production of fertilizers. At the end of every two years a fresh contract is awarded by following the normal procedure of inviting tenders, negotiation and awarding of the contract. All the work done by the workmen in this reference are not within the premises of the first management. The work done by the contractor is not an integral/indispensable part of the main activities of the first management. The terms of engagement as contract workers are as decided by the contractor and not by the first management company. The allegation that the first management exploited the work of the workmen and did not pay them the wages due to them, is false and incorrect. The first management has denied all the claims put forward by the workmen involved in this reference. They have stated that the workmen herein are not entitled to any of the relief claimed. They have requested to uphold their contentions and disallow the claim of the workmen.

17. After filing written statement by the management the workmen filed rejoinder reiterating the contentions in the claim statement. They have stated that they are the workmen under the first management as defined under Section 2(s) of the Industrial Disputes Act and are entitled to all the statutory benefits available under the Labour Legislations now in force.

18. After affording sufficient opportunity to take steps and for production of documents, the matter was posted for recording evidence. On behalf of the workmen WW1 and WW2 were examined and Exts.W1 series to W6 series and W7 to W14 were marked. On behalf of the first management MW1 was examined and Exts.M1 to M4 were marked. Heard both sides.

19. The points arising for consideration are:

- “(i) Whether the dispute raised by the individual workmen S/Sri C. C. Thankappan, A.C. Varghese, K.A. Kumaran, A.B. Varghese, M. Aman, K.K. Lalitha and K.K. Raghavan is maintainable in law?
- (ii) Whether the workmen S/Smt/Shri C. C. Thankappan, A.C. Varghese, K.A. Kumaran, A.B. Varghese, M. Aman, K.K. Lalitha and K.K. Raghavan those involved in this reference are permanent workers under the first management?
- (iii) To what relief the workmen aforesaid are entitled?”

20. Point No.(i):- The dispute referred for adjudication is:-

“Whether the demand of the contract workers viz. S/Sri C. C. Thankappan, A.C. Varghese, K.A. Kumaran, A.B. Varghese, M. Aman, K.K. Lalitha and K.K. Raghavan working under M/s. K.C. Mathew, Perumaly & Sons, M/s.Pigee Agencies, IX/247, Veli Fort, Kochi-682001 and M/s Syed & Sons, 24/492, Navabharat Building, Willington Island, Kochi-682003, contractors during the period from 1971 to 2002 and from 2002 to 2004 respectively for regularization in service in the establishment of the Principal Employer viz. Fertilizers and Chemicals Travancore Limited, Udyogmandal, Kerala with retrospective effect, is legal and justified? What relief the workmen are entitled to?”

The workmen involved in this reference are - S/Smt/Sri C. C. Thankappan, A.C. Varghese, K.A. Kumaran, A.B. Varghese, M. Aman, K.K. Lalitha and K.K. Raghavan. Workmen No.3 Shri K. A. Kumaran died in the course of conciliation proceedings and his widow was impleaded as a party to this proceeding. The contention of the workmen involved in this reference is that they along with others numbering more than 116 were employed by the first management for the purpose of loading, unloading, stitching, staking and transportation of rock phosphate imported from abroad. It is stated that the workmen were employed under the first management from the year 1971. The contention of the workmen is that two prominent political parties through their middlemen controlled the entire affairs and defeated their lawful right. They would also state that the first management with the assistance of the private labour contractor exploited the work force of the workmen. It is stated that from the year 1971 to 2002 the second management was controlling the workmen under the supervision and guidance of the first management. From the year 2002 till 2004 the third management was exploiting the same situation in connivance with the first management. The workmen have contended that they will come under the purview of Section 2(s) of the Industrial Disputes Act, 1947 and that they were working under the first management ever since 1971 and hence they are entitled to all the statutory benefits available to them under the labour legislations now in force.

21. The first management has contended that the issue referred for adjudication is as to whether the workmen are entitled to be regularized in service under the first management. It is stated that the workmen involved in this reference

are contract workers under the second and third managements and that they have no legal right to raise claim for regularization. It is also stated that the claim is put forward by the individual workman and not espoused by the union at their instance and hence the reference is not maintainable.

Section 2(k) of the Industrial Disputes Act defines “Industrial Dispute”. As per Section 2(k), “*industrial dispute*” means any dispute or difference between employers and employers, or between employers and workmen, or between workmen and workmen, which is connected with the employment or non-employment or the terms of employment or with the conditions of labour, of any person;”

22. In the decision *Workmen Vs. Dharam Pal Prem Chand* – AIR 1966 SC 182 the Hon’ble Supreme Court of India held that “*notwithstanding the width of the words used in s2(k), a dispute raised by a single workman cannot become an industrial dispute, unless it is supported either by his union or in the absence of a union, by a substantial number of the workmen*”. This principle was reiterated by the Hon’ble Supreme Court of India in the *Workmen of Indian Express Newspaper Pvt Ltd Vs. Management* – AIR 1970 SC 737.

23. In the decision reported in *Associated Cement Companies Ltd Vs. Workmen* – 1960 (1 LLJ 491) on page the Hon’ble Supreme Court of India has held that “*Even a minority group of workmen of an establishment, can make a demand and thereby, raise an industrial dispute which, in a proper case, may be referred for adjudication*”.

24. In the decision reported in *Indian Cable Co. Ltd. Vs. Workmen* – 1962 (1 LLJ 409) in page 415 the Hon’ble Supreme Court of India has held that “*The number of workmen must, however, be such as to lead to an inference that the dispute is one which affects the workmen as a class*”.

25. In the decision *Oil and Natural Gas Corporation Ltd., Pondicherry Vs. Petroleum Coal Labour Union, Chennai and Ors.* – 2011 (3 LLJ 497) the Hon’ble Madras High Court has held that “*Dispute regarding unfair labour practice - Is an industrial dispute.*”

26. In this case the workmen have contended that the unions are not espousing their claim. They have stated that they are being exploited by the union. Even though the workmen have limited the relief to the persons involved in this reference, they have stated that more than 116 workmen are being exploited by the first management in violation of the provisions of the Contract Labour (Regulation & Abolition) Act. In view of the dictum laid down in the decisions above and in view of the fact that the workmen involved in this reference raised the dispute for regularizing the contract workers, their claim is maintainable as an industrial dispute as defined under Section 2(k) of the Industrial Disputes Act. Point No.(i) is answered accordingly.

27. Point No.(ii):- The workmen involved in this reference have stated that they are working under the first management ever since 1971 and they are being exploited by the union members. It is stated that the first management is their employer and they are entitled to be treated as workmen under the first management ever since 1971 and that they are entitled to all the statutory benefits available to them under the labour legislations in force. It is stated that ever since 1971 the second management was controlling the workmen under the supervision and guidance from the first management. It is stated that management Nos.1 to 3 have colluded together to exploit the workforce and grabbing their wages.

28. The first management has contended that the workmen involved in this reference are not employed by them. They have further stated that the workmen herein have no legal right for regularization of service or continuity of employment under the first management. It is stated that the workmen were engaged by the contractor in a godown maintained by the first management at Willington Island for handling raw phosphate required for preparing mixtures at six mixing centres in Kerala. It is stated that the workmen were never engaged in the handling of raw phosphate required for the production of fertilizers. The first management has stated that at the end of every two year; a fresh contract is awarded by following the normal procedure of inviting tenders, negotiation and awarding of contract. They would also state that the work done by the contractor is not an integral/indispensable part of the main activities of the first management.

29. The first management has stated that the terms and conditions of engagement as contract workers are decided by the contractor and not by the first management company. The allegation that the first management exploited the workforce of the workmen involved in this reference and failed to pay the wages due to them is denied by them. They would also state that there was no employer-employee relationship between the workmen involved in this reference and the first management.

30. The first management has stated that the Kerala State Advisory Contract Labour Board considered the question as to whether the contract system in the mixing centres at Alappuzha, Chingavanam and Palakkad has to be continued or not and that the Government of Kerala ordered that the *Government do not consider it necessary to abolish the contract system of Labour prevailing in the three Regional Mixing centres at FACT at Alappuzha, Chingavanam and Palakkad.*” The first management has stated that the workers approached the Central Advisory Labour Board requesting to abolish the contract labour system in the management company. It is stated that the

Ministry of Labour, Government of India as per order dated 14.01.2000 ordered that “*decided not to prohibit employment of contract labour in the works/jobs of handling Rock Phosphate in Marketing division, cleaning and painting of utensils, plants, structure and building and other allied equipments connected with the manufacturing process in the Udyogamandal and Marketing division of the establishment of Fertilizers and Chemicals Travancore, Willington Island, Kochi.....*”.

31. The first management has stated that the contract workers approached the Hon’ble High Court of Kerala by filing OP No.9130/2000 and OP No.15060/2000 and the Hon’ble High Court of Kerala declined to accept their request.

32. While examined as WW1, workman No.1 has stated that there is a document to prove that the workmen were appointed after conducting interview. He has further stated that the said document was shown to the workman and it was taken back. He has stated that the workman produced documents to prove that the first management paid salaries to them. He has admitted that OP No.9130/2000 filed by the workman No.2 involved in this reference was dismissed by the Hon’ble High Court of Kerala. He has further stated that he has no knowledge as to whether the Central Government has issued a notification on 14.01.2000 permitting to have contract labour employment under the first management.

33. While examined as WW2 the witness examined on the side of the workman has stated that the workmen involved in this reference were employed under the second management. He has stated that he was a contractor under the first management. WW2 has stated that he was a contract worker ever since 1993 and his wages were paid by the second management.

34. On going through the evidence tendered by WW1 and WW2 it can be seen that the workmen involved in this reference were not selected or appointed by the first management for employment under them. It is clear from the pleadings of the workmen and the evidence tendered by WW1 and WW2 that they were contract workers employed under the second and third managements from time to time. The documents produced by the management reveal that the Government of Kerala as well as the Union of India permitted to continue contract labour under the first management. Moreover it can be seen from Exts.M3 and M4 documents that the claim put forward by the workmen for permanency in employment under the first management was declined by the Hon’ble High Court of Kerala. Even as per the admission of the workmen they were employed under the contractor engaged by the first management. The documents produced by the workmen do not reveal that they were engaged directly by the first management. It follows that the workmen involved in this reference are not entitled to get any of the relief as claimed in the claim statement. Hence the point for consideration is answered against the workmen.

35. Point No.(iii):- In view of the finding on Point No.(ii) the workmen involved in this reference are not entitled to the relief claimed. The point is answered accordingly.

36. In the result an award is passed holding that the workmen involved in this reference are not entitled to get an order for regularization in service under the first management. The reference is answered accordingly.

The award will come into force one month after its publication in the Official Gazette.

Dictated to the Personal Assistant, transcribed and typed by her, corrected and passed by me on this the 30th day of June, 2016.

SASIDHARAN K., Presiding Officer

APPENDIX

Witnesses for the workmen

WW1	Shri C. C. Thankappan	04.03.2015
WW2	Shri V. I. Varghese	12.11.2015

Witnesses for the management

MW1	Shri Anil Raghavan	09.03.2016
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Exhibits for the workmen

W1	-	Annual Statement of Accounts for the year 2001-2002 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri C. C. Thankappan, FACT Ltd.
W1(a)	-	Annual Statement of Accounts for the year 2002-2003 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri C. C. Thankappan, FACT Ltd.

- W1(b) - Annual Statement of Accounts for the year 2003-2004 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri C. C. Thankappan, FACT Ltd.
- W1(c) - Annual Statement of Accounts for the year 2004-2005 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri C. C. Thankappan, FACT Ltd.
- W1(d) - Annual Statement of Accounts for the year 2005-2006 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri C. C. Thankappan, FACT Ltd.
- W2 - Annual Statement of Accounts for the year 2005-2006 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri A. C. Varghese, FACT Ltd.
- W2(a) - Annual Statement of Accounts for the year 2002-2003 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri A. C. Varghese, FACT Ltd.
- W2(b) - Annual Statement of Accounts for the year 2003-2004 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri A. C. Varghese, FACT Ltd.
- W2(c) - Annual Statement of Accounts for the year 2004-2005 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri A. C. Varghese, FACT Ltd.
- W3 - True copy of Annual Statement of Accounts for the year 2001-2002 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri A. B. Varghese, FACT Ltd.
- W3(a) - True copy of Annual Statement of Accounts for the year 2002-2003 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri A. B. Varghese, FACT Ltd.
- W3(b) - True copy of Annual Statement of Accounts for the year 2003-2004 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri A. B. Varghese, FACT Ltd.
- W3(c) - True copy of Annual Statement of Accounts for the year 2004-2005 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri A. B. Varghese, FACT Ltd.
- W3(d) - True copy of Annual Statement of Accounts for the year 2005-2006 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri A. B. Varghese, FACT Ltd.
- W4 - True copy of Annual Statement of Accounts for the year 2005-2006 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri M. Aman, FACT Ltd.
- W4(a) - True copy of Annual Statement of Accounts for the year 2004-2005 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Shri M. Aman, FACT Ltd.
- W5 - Annual Statement of Accounts for the year 2001-2002 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Smt K. K. Lalitha, FACT Ltd.
- W5(a) - Annual Statement of Accounts for the year 2002-2003 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Smt K. K. Lalitha, FACT Ltd.
- W5(b) - Annual Statement of Accounts for the year 2003-2004 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Smt K. K. Lalitha, FACT Ltd.

- W5(c) - Annual Statement of Accounts for the year 2004-2005 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Smt K. K. Lalitha, FACT Ltd.
- W5(d) - Annual Statement of Accounts for the year 2005-2006 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Smt K. K. Lalitha, FACT Ltd.
- W6 - Annual Statement of Accounts for the year 2001-2002 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Smt K. K. Raghavan, FACT Ltd.
- W6(a) - Annual Statement of Accounts for the year 2002-2003 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Smt K. K. Raghavan, FACT Ltd.
- W6(b) - Annual Statement of Accounts for the year 2003-2004 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Smt K. K. Raghavan, FACT Ltd.
- W6(c) - Annual Statement of Accounts for the year 2004-2005 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Smt K. K. Raghavan, FACT Ltd.
- W6(d) - Annual Statement of Accounts for the year 2005-2006 issued by the Regional Provident Fund Commissioner, Sub-Regional Office, Bhavishya Nidhi Bhavan, Kochi to Smt K. K. Raghavan, FACT Ltd.
- W7 - Pension Payment Order in respect of Shri C.C. Thankappan.
- W8 - Pension Payment Order PART-II & PART-III in respect of Shri A.C. Varghese.
- W9 - Pension Payment Order in respect of Shri Varghese A. B.
- W10 - Copy of Pension Payment Order PART-II & PART-III in respect of Shri M. Aman.
- W11 - Pension Payment Order in respect of Smt K. K. Lalitha.
- W12 - Pension Payment Order in respect of Smt K. K. Raghavan.
- W13 - Pension Payment Order in respect of Shri K. A. Kumaran.
- W14 - Cheque forwarding Memo dated 22.12.2007 issued by the Chief Manager (Finance), The Fertilisers and Chemicals Travancore Limited, Udyogamandal for an amount of ₹ 33,234/- against Bill No.14-7001611 dated 20.11.2007 to Shri V. I. Varghese, Vypin-682508.

Exhibits for the management

- M1 - True copy of the Circular bearing No.U-23013/27/99-LW dated 14.01.2000 issued by the Under Secretary to Government of India, Ministry of Labour, New Delhi to all Members of Central Advisory Contract Labour Board.
- M2 - True copy of the letter bearing No.DGM(F)-MK-32-299 dated 20.08.1999 issued by the Deputy General Manager, The Fertilizers and Chemicals Travancore Limited, a Government of India Enterprise, Marketing Division (Head Office), Udyogamandal to the Deputy Chief Labour Commissioner(Central), Indian Institute of Workers Education Complex, Kurla(W), Mumbai – 400070.
- M3 - True copy of the Judgment of the Hon'ble High Court of Kerala, Ernakulam in OP Nos.9130 & 15060 of 2000 dated 03.03.2008.
- M4 - True copy of the Judgment of the Hon'ble High Court of Kerala, Ernakulam in OP Nos.9130 & 15060 of 2000 dated 03.03.2008.

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1691.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डिपार्टमेंट ऑफ टेलीकम्यूनिकेशन के प्रबंधन के संबंध में नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय

सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ केस सं. सीजीआईटी/एलसी/आर/129/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 02.08.2016 को प्राप्त हुआ था।

[सं. एल-40012/144/2000-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th August, 2016

S.O. 1691.—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/129/2000) 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 Telecommunication and their workman, which was received by the Central Government on 02.08.2016.

[No. L-40012/144/2000-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

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

NO. CGIT/LC/R/129/2000

Shri Wahid Khan,
S/o Gafoor Khan,
C/o Md.Wasim H.No.165,Mufti Bagh,
Shahjahanabad,
Bhopal (MP)

...Workman

Versus

Chief General Manager,
Deptt. Of Telecommunication,
Hoshangabad Road, MP Circle,
Bhopal.

General Manager,
Telecom. CTO Building,
T.T.Nagar, Bhopal

...Management

AWARD

Passed on this 18th day of July 2016

1. As per letter dated 30-6-2000 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-40012/144/2000-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 Wahid Khan S/o Shri Gafoor Khan w.e.f. July 92 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 2/3. Case of workman is that he was employed by management as casual labour for 355 days in 1982-83, 70 days in June 83 to December 86, 807 days in February 87 to August 90. That in 1993, he worked for 51 days from June 83 to 86 on ACG. The entries regarding his working were verified by the authorities from his personal record book issued by the department. Above contentions are reiterated by Ist party contending that despite working more than 240 days, he was not accorded temporary status, no steps were taken for his regularization by the management, he was continued as casual labour. His services were terminated orally, he was not paid retrenchment compensation, notice of termination was not issued to him. The action of the management is discriminatory and illegal. On such ground, workman prays for his reinstatement with backwages.

3. 2nd party management filed Written Statement opposing claim of Ist party workman at Page 6/1 to 6/2. 2nd party submits that workman as engaged as casual labour as per availability of work. Workman was never appointed. Ist party worked for 240 days during June 82 to December 84. 151 days during Jan 83 to May 83. Ist party workman was continuously absent from June 83 to Jan 87. During feb87 to December87, he worked for 332 days. Feb 88 to Dec-88 for 289 days, Jan-89 to Nov-89 for 91 days, feb90 to Aug 90 for 95 days. That Ist party himself absent from work without informing management. He was irregular on work. Workman is not eligible for regularization as per scheme of department as per circular dated 17-12-93. That casual mazdoors who were engaged during 31-3-83 to 26-6-88 and who was still continuing for such work in the circles where they initially engaged and who are not absent for the last more than 365 days are eligible for benefit of said scheme. 2nd party reiterates that workman is not entitled for 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 management of Chief General Manager, Telecom in terminating the services of Shri Wahid Khan S/o Shri Gafoor Khan w.e.f. July 92 is justified?	Services of Ist party are not terminated in July 1992.
(ii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

REASONS

5. Workman is challenging termination of his service contending that his services are orally terminated after completion of 240 days, he was not given temporary status or regularization in service, retrenchment compensation is not paid to him. The termination of his service is illegal. 2nd party reiterates that workman was engaged as casual employee, he was intermittently working, workman himself remained absent from work, he is not entitled for regularization/ reinstatement.

6. Ist party workman filed affidavit of his evidence supporting his contentions in statement of claim that he worked for 355 days during 1982-83, he worked for 70 days as ACG and for the period from 87 to 90, he worked for 807 days. The term of reference indicates his services were terminated in July 1992. The evidence of workman himself shows that he worked till August 1990. It is clear from his own evidence that he was not terminated in July 1992. Besides above, workman in his cross says he has passed 1th standard, the post was not advertised, his name was not sponsored through Employment Exchange. He was paid wages for his actual working days. He denies that he left work himself. He denies that he not completed 240 days continuous service. management has shown working days of Ist party workman in Para-3 of the Written Statement, 240 days during June 82 to December 84, during feb87 to December87, he worked for 332 days. Feb 88 to Dec-88 for 289 days. During all those years, as per Written Statement of the 2nd party, Ist party worked more than 240 days . that Ist party workman is not entitled to benefit of scheme of department as he remained absent more than 365 days during relevant period. Document Exhibit W-1 shows working days of workman during 1982 to 1989. As per term of reference, services of Ist party were terminated in July 1992 Exhibit W-3 shows Ist party worked for 186 days during January 89 to August 1990. Workman has not worked for 240 days preceding alleged termination of his service therefore termination of his service in violation of Section 25-F is not established. Copy of the circular dated 17-12-93 is produced at Exhibit W-2. Relevant portion of circular provides the matter has further been examined in this office and it is decided that all those casual mazdoors who were engaged by the circles during the period from 31-3-85 to 22-6-88 and who are still continuing for such works in the circles where they were initially engaged and who are not absent for the last more than 365 days counting from the date of issue of this order be brought under the above said scheme. The evidence of workman doesnot fulfill above criteria's besides the term of reference doesnot pertain to regularization of services of workman. The contentions of workman pertaining to regularization of his service is beyond term of reference.

7. The evidence of management's witness Sayed Tahir Mahmood is in nature of denial of the claim.

8. As workman has not worked more than 240 days preceding termination of his service in July 1992 or even 12 calendar months preceding August 1990, termination of Ist party workman in violation of Section 25-F is not established. Considering the evidence on record, termination of services of workman in July 1992 is not established. Accordingly I record my finding in Point No.1.

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

- (1) The termination of service of workman w.e.f. July 1992 is not established.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1692.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डिपार्टमेंटल कैंटीन, टेलीकॉम फैक्ट्री के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ केस सं. सीजीआईटी/एलसी/आर/90/98) को प्रकाशित करती है जो केन्द्रीय सरकार को 02.08.2016 को प्राप्त हुआ था।

[सं. एल-40012/138/96-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th August, 2016

S.O. 1692.—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/90/98) 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 Departmental Canteen, Telecom Factory and their workman, which was received by the Central Government on 02.08.2016.

[No. L-40012/138/96-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

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

NO. CGIT/LC/R/90/98

Shri Raj Kumar,
Qr.No. 955, Cherital,
Harijan Basti, Jabalpur (MP)

...Workman

Versus

Secretary,
Departmental Canteen,
Telecom Factory,
Jabalpur

...Management

AWARD

Passed on this 20th day of July, 2016

1. As per letter dated 16-4-98 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-40012/138/96-IR(DU). The dispute under reference relates to:

“Whether the action of the management of Departmental Canteen, Telecom Factory, Jabalpur in terminating the services of Shri Rajkumar is legal and justified? If not, to what relief the workman is entitled to?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 2/1 to 2/4. Case of Ist party workman is that he was appointed as cleaner in 1982 against clear vacant post. He worked with honesty. He could not perform his duties for certain period due to ill health. However he had sent information with medical certificates to the department regarding his illness. On 28-4-92, punishment of withholding increment of 5 years was imposed against him. His pay was reduced from Rs.762/- to Rs.750/- for 5 years. Workman further submits it was alleged by management that he worked for 193 days w.e.f. June 89 to April 90 and major punishment was imposed against him without giving opportunity for defence. The departmental enquiry was conducted behind his back. His absence was totally ignored by the management. Chargesheet was also issued to him on 18-3-92 for unauthorized absence from 16-8-91 till date. He had appeared before Enquiry Officer on 5-8-92 and accepted that he was absent from duty because of his illness. Doctor has advised him for complete bed rest. Showcause notice was

issued to him which was replied by him. The workman explained his absence due to serious illness. He had submitted Medical Certificate that he was advised by Doctor for bed rest. He had resumed duty after submitting medical certificate. That he was absent from duty due to compelling circumstances. Management did not consider his explanation on humanitarian ground.

3. Ist party further submits that enquiry conducted against him is not proper and legal. Principles of natural justice were violated. Enquiry Officer recorded his findings ignoring his defence. No reasons were assigned by defence of Ist party. Extreme punishment imposed against him is disproportionate. On such ground, Ist party prays for his reinstatement.

4. Management filed Written Statement at Page 6/1 to 6/2 opposing claim of workman. 2nd party submits that Ist party was appointed as cleaner on 1-11-1988, he was negligent towards his duty, he was remaining absent without intimation or permission. On account of his absence cleaning work in canteen was suffering at large and uncleanness was increasing. After regular appointment of Ist party between March 89 to April-90, his attendance was only days. Due to his absence and negligence, management was compelled to take disciplinary action. Enquiry was conducted against him. Penalty of stoppage of increment for 5 year was imposed on 28-4-92. It is reiterated that the Ist party was habitual absentee. Fresh enquiry was started against workman on 18-3-92 and enquiry ended by imposing penalty of dismissal on 9-11-92. There is no illegality in the enquiry conducted or punishment imposed against workman. 2nd party submits that reference be answered in its favour.

5. Rejoinder is filed by Ist party at Page 7/1 to 7/3 reiterating his contentions in statement of claim.

6. As per order dated 29-5-15, enquiry conducted against workman is held proper and legal.

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

REASONS

8. As per order dated 29-5-15, enquiry conducted against workman is found proper and legal. Question arise whether charges alleged against workman are proved from evidence in Enquiry Proceedings. Learned counsel for Ist party Shri P.Yadav pointed out my attention that Ist party workman was not able to speak and he could not be cross-examined. The record of Enquiry Proceeding is produced. Workman in his statement dated 5-8-92 admitted charges against him that he was absent without intimation since 16-8-91. He had nothing to say in his defence. From above statement, the charges alleged against workman are proved. Therefore I record my finding in Point No.1 in Affirmative.

9. Point No.2- Next question arise as to whether punishment of dismissal imposed against workman is proper and legal, whether punishment is disproportionate. Ist party workman in his affidavit of evidence stated that he was working as cleaner since 1982. The chargesheet for unauthorized absence was issued on 18-3-92. While imposing punishment of dismissal, length of service of Ist party was not considered. For alleged unauthorized absence, punishment of dismissal imposed against workman appears disproportionate, punishment of dismissal deserves to be modified to compulsory retirement. Accordingly I record my finding in Point No.2.

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

- (1) The punishment of dismissal imposed against workman is not legal.
- (2) The punishment of dismissal imposed on workman is modified to compulsory retirement. 2nd party is directed to allow retiral benefits to Ist party as per rules.

R. B. PATLE, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1693.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार गवर्नमेंट ओपियम एंड अल्कलॉइड फैक्ट्री के प्रबंधन के संबंध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ केस सं. सीजीआईटी/एलसी/आर/69/03) को प्रकाशित करती है जो केन्द्रीय सरकार को 02.08.2016 को प्राप्त हुआ था।

[सं. एल-42012/14/2000-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th August, 2016

S.O. 1693.—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/69/03) 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 Govt. Opium and Alkaloid Factory, Neemuch and their workman, which was received by the Central Government on 02.08.2016.

[No. L-42012/14/2000-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

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

NO. CGIT/LC/R/69/2003

Shri Jagdishchandra
S/o Shri Nandlalji,
Jaisinghpura,
Neemuch (MP)

... Workman

Versus

General Manager,
Govt. Opium & Alkaloid Factory,
Neemuch (MP)

... Management

AWARD

Passed on this 19th day of July, 2016

1. As per letter dated 6-5-03 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-42012/14/2000-IR(DU). The dispute under reference relates to:

“Whether the action of the management of General Manager, Govt. Opium and Alkaloid Works in terminating the services of Shri Jagdish Chandra S/o Shri Badbakhu w.e.f. 8-6-90 is justified? If not, to what relief the workman is entitled for?”

2. After receiving reference, notices were issued to the parties. Ist party workman filed statement of claim at Page 9 to 15. Case of Ist party workman is that he was working as casual labor with 2nd party. He was paid scale pay plus 51 % DA. His service record was unblemished. He was appointed on 18-4-76. His services were terminated illegally on 8-6-90 without order in writing. That he had completed more than 240 days except artificial breaks given by the management. That there are several vacant post with 2nd party but he was not regularized on the vacant post. His grievance was also raised by the Union but no action was taken by the management. Other junior casual employees engaged by management were absorbed as temporary unskilled employees in pay scale 196-232. The services of Ist party workman were terminated without giving any opportunity of hearing in violation of Section 25-F of ID Act. He was not paid retrenchment compensation, termination notice was not served on him. That more than 100 employees are working in establishment of 2nd party, termination of his service is in violation of Section 25 N of ID Act. 2nd party had not taken permission of Central government for terminating his services. Termination of his service is in violation of

principles of natural justice by way of victimization. Ist party workman further submits that he is rendered unemployed after his termination, he prays for his reinstatement with backwages.

3. Workman died during pendency, his LR Smt. Chanda Bai - widow, Sangita and Puja daughters and Ravindra son are brought on record as his LRs.

4. 2nd party appeared through Advocate Shri R.C.Shrivastva, Sajid Akhtar, Kanak Gaharwar. However no Written Statement is filed by 2nd party.

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 General Manager, Govt. Opium and Alkaloid Works in terminating the services of Shri Jagdish Chandra S/o Shri Badbkakhu w.e.f. 8-6-90 is 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 legality of termination of services of Ist party workman Jagdish Chandra w.e.f. 8-6-90. Ist party died during pendency of reference proceeding. His LRs are brought on record. 2nd party has not filed Written Statement. Widow Chandra Bai filed affidavit of her evidence stating that her husband was appointed on 18-4-76. Her husband was given certificates about is working. Services of her husband were terminated in 1993 without order in writing, retrenchment compensation was not paid to him. From his evidence, documents W-1 to W-9 /1 to 9/10 are admitted in evidence. Her evidence remained unchallenged as 2nd party not participated in reference. Document Exhibit W-1 shows Jagdish Chandra, S/o Nandlalji was engaged as mazdoor at wages Rs.8.75 per day on 6-6-80. Exhibit W-2 shows the appointment letter dated 10-2-82. The conditions of appointment are mentioned that his appointment was to the post of casual labour purely temporary. Exhibit W-3 is certificate about his engagement from 18-4-76, W-4 is certificate about his engagement from 28-5-78 to 14-8-78. Exhibit W-5 is certificate about his engagement as casual worker from 6-10-79 to 3-5-80. W-6 is certificate about his engagement from 12-6-80 to 4-2-81. Exhibit W-7 is certificate about his engagement from 11-2-81 to 26-6-81, W-8 is certificate about his engagement from 3-10-82 to 31-12-82. Exhibit W-9/1 shows payment made to deceased workman from 1-4-85 to 12-7-85, 24-10-85 to 15-12-85, W-9/2 shows payment made to late Jagdish for the year 1-2-84 to 27-7-84 – 178 days, W-9/3 shows payment made to Late Jagdish for the period 18-10-84 to 4-1-85 for 79 days. W-9/4 is payment made to workman for 153 days for the period 2-2-86 to 15-7-86. W-9/5 payment made to Jagdish for 117 days during 3-3-87 to 30-6-87. W-9/6 shows payment made to Jagdish for period 1-11-87 to 30-1-87, 15-3-87 to 14-6-88 for 68 days, W-9/7 shows payment made to Jagdish for 120 days and 74 days for the period 8-2-89 to 7-6-89, 15-3-90 to 8-6-90. W-9/10 shows payment made to Jagdish for 10 days for the period 15-10-90 to 14-11-90. The evidence of Chanda Bai remained unchallenged as 2nd party failed to participate in reference proceeding. I find no reason to discard her evidence. That Ist party has produced documents available with her. 2nd party has not filed Written Statement nor participated in reference proceeding. As per evidence of workman and documents produced, termination of Late Jagdish without notice, not paying retrenchment compensation is illegal. For above reasons, I record my finding in Point No.1 in Negative.

7. Point No.2- In view of my finding in Point No.1 termination of Ist party workman Shri Jagdish is illegal, the question remains for consideration whether he is entitled for reinstatement with backwages. Workman died in year 2004. Considering Ist party workman was working with 2nd party since 1976 till termination of his services in 1990, reasonable compensation deserves to be awarded. Considering the length of service of deceased Jagdish, compensation Rs. One Lakh would be adequate. Accordingly I record my finding in Point No.2.

8. 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. One Lakh to Smt. Chanda Bai, widow of deceased 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, 8 अगस्त, 2016

का.आ. 1694.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार डिपार्टमेंट ऑफ टेलीकम्यूनिकेशन के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ केस सं. सीजीआईटी/एलसी/आर/163/95) को प्रकाशित करती है जो केन्द्रीय सरकार को 02.08.2016 को प्राप्त हुआ था।

[सं. एल-40011/3/94-आईआर (डीयू)]

पी. के. वेणुगोपाल, डेस्क अधिकारी

New Delhi, the 8th August, 2016

S.O. 1694.—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/163/95) 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 Telecommunication and their workman, which was received by the Central Government on 02.08.2016.

[No. L-40011/3/94-IR (DU)]

P. K. VENUGOPAL, Desk Officer

ANNEXURE

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

NO. CGIT/LC/R/163/95

Shri Jalam, S/o Shri Mangal,
Towadi Mohalla,
Machchi Bazar,
Khargone (MP)

...Workman

Versus

Director,
Telecom Department,
Bhopal

...Management

AWARD

Passed on this 25th day of July 2016

1. As per letter dated 20-7-95 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-40011/3/94-IR(DU). The dispute under reference relates to:

“Whether the action of the management of Divisional Engineer (Telephone), Khargone in terminating the services of 16 casual labours (as shown in the list attached) w.e.f. the dates mentioned against each is justified or not? If not, to what relief the workmen are entitled to?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 3/1 to 3/4. Order of reference pertains to termination of 16 casual labours. Statement of claim is submitted by Jalam. Case of Ist party workman is they were working as casual employee with 2nd party management on clear vacancies. Their service details are shown in separate sheets. That all those employees have completed more than 240 days continuous service in each of the calendar year. They are covered as employee under Section 25 B of ID Act. Their services are terminated under Section 25-F of ID Act. They were not paid retrenchment compensation at the time of termination of their service. termination of their service is void-ab-initio. Ratio held in case Mohanlal versus Bharat Electronics Ltd 1981-3(SCC)-225 Ist party further submits that retrenchment of the services of all those employees is without permission of Government of India. It is in violation of Section 25-N of ID Act. Violation of 25-H of ID Act is also alleged. Though the statement of claim refers to the service particulars given but no such list is found along with statement of claim. Separate written submissions are found have been made by Kailash S/o bala that he was working with 2nd party from 1991 to 1993. His services were terminated in 1994. Shri Hariram S/o Tukaram submitted

separate written submissions contending that he was working with 2nd party as labour till 1991 during 1987, he was working at Village Barud, Distt. Khargone in 1992, his services were terminated. Considering he was working since 1984 to 1990, he was allowed to appear in exam. After termination of his service, he is rendered unemployed.

3. 2nd party filed Written Statement at Page 11/1 to 11/3 opposing claim of Ist party. 2nd party submits that any of the employees were not engaged, appointment letter was not issued to them. The services of any of the employees were not terminated. Ist party be directed to produce their appointment orders if available. Claim of Ist party is false and imaginary. That Ist party has made allegations, the same are denied. That 2nd party used to engage daily wage employees as per exigencies for the work of laying cables, digging ditches etc. daily wage employees were paid their wages after their working. daily wage employees are not covered under Section 25 B of ID Act. Any of the employees were not given appointment. Termination of Ist party employees, violation of Section 25-F, 25-H –N is denied. 2nd party reiterates it has not committed violation of any statutory rules.

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 management of Divisional Engineer (Telephone), Khargone in terminating the services of 16 casual labours (as shown in the list attached) w.e.f. the dates mentioned against each is justified or not?	Termination of the 16 workmen shown in the list is not proved.
(ii) If not, what relief the workman is entitled to?"	Workmen are not entitled to any relief.

REASONS

5. The term of reference pertains to termination of services of 16 casual labours, their names are shown in Annexure I. Jamal S/o Mangal, appointed on 29-4-89 & terminated on 19-11-93, Shri Amarsingh S/o Sardar Singh, Asharam S/o Chaganlal, Hariram, S/o Sakaram, Totaram S/o Tukaram, Nanuram S/o Dayaram, Karan S/o Chetram, Maan singh S/o Kaluram, Santosh S/o Tulsiram, Jagdish S/o Hiralal, Hariram S/o Budhiya, Maheshpal S/o Ramcharan, Pratap Singh S/o Motilal, Kailash S/o Govind, Kailash S/o Jaswant, Nanuram S/o Ganpat the date of appointment and date of termination are shown against their name from 1989 to 1993.

6. Ist party filed affidavit of Shri Jalam S/o Mangal. He failed to appear for his cross examination. Other casual labours pertaining to the dispute not participated in the reference proceeding.

7. Management filed affidavit of Rajendra Sakrawar, Ramesh Jaiswal. Above witnesses of management not appeared for cross-examination. Management filed affidavit of Shri S.S.Mishra supporting contentions in Written Statement that any of the casual workers pertaining to the dispute were not appointed by management. For exigency of work, casual labours were engaged on daily wages for digging ditches, laying cables, wages were paid to them. In his cross-examination, management's witness says from 2013, he is working as SDO at Khargone. Any document pertaining to working of casual labour during 1989 to 1992 is not available in the office. The documents about payments made to casual labours are not available. The casual labours were engaged on work, they were not issued appointment orders. Ist party has not adduced cogent evidence, Jalam has not appeared for cross-examination, his evidence cannot be considered. Claim of Ist party workers are not supported by evidence. Therefore I record my finding in Point No.1 in Affirmative.

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

- (1) The action of the management is proper and legal.
- (2) Workmen are not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1695.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ सं. 09/2000) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-22012/252/1999-आईआर (सीएम-2)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th August, 2016

S.O. 1695.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 09/2000) of the Central Government Industrial 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 workman, received by the Central Government on 08.08.2016.

[No. L- 22012/252/1999-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. 09 OF 2000

PARTIES : The management of Khas Kajora Colliery of M/s. ECL

Vs.

Shri Surendra Harijan

REPRESENTATIVES :

For the management : Sri P. K. Goswami, learned advocate

For the union (Workman) : Sri Rakesh Kumar, President of union

INDUSTRY : COAL STATE: WEST BENGAL

Dated: 12.07.2016

A W A R D

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-22012/252/99/IR (CM-II) dated 30.12.1999 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Khas Kajora Colliery of M/s. ECL in dismissing Sri Surendra Harijan, Underground Loader from services is legal and justified? If not, to what relief the workman is entitled to? ”

1. Having received the Order NO. L-22012/252/99/IR (CM-II) dated 30.12.1999 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 09 of 2000 was registered on 18.01.2000 /10.10.2001 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.

2. Case called out. Sri Rakesh Kumar, President of the Union appears on behalf of the workman and Sri P. K. Goswami, learned advocate appears on behalf of the Management.

3. Sri Rakesh Kumar submits that he has been unable to contact the workman. As a result he could not file evidence of the workman. On perusal of case record I find that the case is running for evidence of the workman from 07.05.2013. So far 12 dates were granted to Sri Rakesh Kumar for filing evidence of the workman but all in vain. Registered notice was also issued to the workman/union on 04.01.2012. It seems to me that the workman is now not at all interested to proceed with the case further. Had he been interested to proceed with the case he would appear before the court. As such the case is closed and a 'No Dispute Award' is hereby passed accordingly.

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, 8 अगस्त, 2016

का.आ. 1696.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, आसनसोल के पंचाट (संदर्भ सं. 06/2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-22012/183/2002-आईआर (सीएम-2)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th August, 2016

S.O. 1696.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 06/2003) of the Central Government Industrial Tribunal-cum-Labour Court, Asansol as shown in the Annexure in the Industrial dispute between the management of Bahula Colliery under Kenda Area, M/s. ECL, and their workman, received by the Central Government on 08.08.2016.

[No. L-22012/183/2002-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. 06 OF 2003

PARTIES : The management of Bahula Colliery, Kenda Area of M/s. ECL

Vs.

Sri Kartar Singh

REPRESENTATIVES :

For the management : Sri P. K. Das , learned advocate

For the union (Workman) : Sri Rakesh Kumar, President of union

INDUSTRY : COAL STATE : WEST BENGAL

Dated: 14.07.2016

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-22012/183/2002-IR(CM-II) dated 08.05.2003 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Bahula Colliery under Kenda Area of M/s. Eastern Coalfields Limited in dismissing Sri Kartar Singh, Underground Leader, from service w.e.f. 23.06.1998 is legal and justified? If not, to what relief is the workman entitled?”

1. Having received the Order NO. L-22012/183/2002-IR(CM-II) dated 08.05.2003 of the above said reference from the Govt. of India, Ministry of Labour, New Delhi for adjudication of the dispute, a reference case No. 06 of 2003 was registered on 19.05.2003 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.
2. Case called out. Sri Rakesh Kumar, President of the union appears on behalf of the workman and Sri P. K. Das, learned advocate appears on behalf of the Management.
3. Sri Rakesh Kumar submits that the case may be closed as the workman is dead. He has also put his remarks on the order sheet to that effect. Since the workman has already expired and the union does not want to proceed with the case further the case is closed and a ‘No Dispute Award’ is hereby passed accordingly.

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, 8 अगस्त, 2016

का.आ. 1697.—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 सं. 19/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-22012/76/2009-आईआर (सीएम-2)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th August, 2016

S.O. 1697.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 19/2010) of the Central Government Industrial 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 workman, received by the Central Government on 08.08.2016.

[No. L-22012/76/2009-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 2010

PARTIES : The management of Jambad O.C.P of M/s. ECL

Vs.

Sri Rahul Chatterjee

REPRESENTATIVES :

For the management : Sri P. K. Goswami , Learned Advocate

For the union (Workman) : Sri G. P. Mal, Learned Advocate

INDUSTRY : COAL STATE : WEST BENGAL

Dated: 08.07.2016

A W A R D

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-22012/76/2009-IR(CM-II) dated 15.06.2010 has been pleased to refer the following dispute for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of M/s. ECL for allegedly not providing employment to Sri Rahul Chatterjee, the adopted son of the deceased workman, Late Ms. Anita Chatterjee, on compassionate basis is legal and justified? To what relief is the claimant entitled for?”

1. Having received the Order No. L-22012/76/2009-IR(CM-II) dated 15.06.2010 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 2010 was registered on 02.07.2010. 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. Both the parties appeared in the Tribunal, through their representative.

2. Sri Rahul Chatterjee has stated, in brief, in his written statement that he is adopted son of Late Ms. Anita Chatterjee, daughter of Late Kamala Kanta Chatterjee resident of Village & Post- Baktar Nagar, P.S.- Raniganj, Dist- Burdwan. Late Ms. Anita Chatterjee is his adoptive mother. His father's name is Sri Dinanath Chatterjee, son of Late Kamala Kanta Chatterjee, resident of Village & Post- Baktar Nagar, P.S.- Raniganj, Dist- Burdwan. Name of his natural mother is Smt. Basanti Chatterjee resident of the same village. Her adoptive mother Late Ms. Anita Chatterjee was unmarried and had no male or female issue. She with the consent of his natural father and mother adopted him (Sri Rahul Chatterjee) as his adopted son. The said give and take between his adoptive mother and his natural parents took place in the presence of witnesses and relatives, villagers and neighbours and same was solemnized at Village & Post- Baktar Nagar, P.S.- Raniganj, Dist- Burdwan on 29.08.2000. Necessary rituals were observed. At the time of adoption his age was 13 years. After the said adoption he began to live in the house of his adoptive mother namely Late Ms. Anita Chatterjee. Late Ms. Anita Chatterjee looked after him as her son with full affection and love. Sri Rahul Chatterjee also loved respected and honoured her mother and he was fully dependent on her. His natural father is the brother of adoptive mother but they live separately. His natural father is not an employee but he is unemployed. After adoption, his natural parents did not look after him. Adoption deed was recorded on 29.08.2000 at Asansol court with two witnesses of his Village & Post- Baktar Nagar, P.S.- Raniganj, Dist- Burdwan. It was duly stamped and signed and certified by 'Notary' Sri Tapa Priya Chatterjee. His adoptive mother Late Ms. Anita Chatterjee was a permanent employee of Jambad O.C.P under Kajora Area of M/s. Eastern Coalfields Limited as clerk being U.M. No. 564036, C.M.P.F. No. ASN 20/B/25, B.F. No. G-522, Date of Birth 28.02.1954, Date of Appointment 26.08.1982. His adoptive mother applied before competent authority for inclusion of name of Sri Rahul Chatterjee as her adopted son in service record / SRE kept in the office of the company. Competent authority after verification of documents, considering her application to be genuine, approved the inclusion of the name of Sri Rahul Chatterjee in her service record. It was communicated by letter Ref. No. Kj/Pm/C-6/69/284/2273 dated 02.05.2003 mentioned therein Note Sheet No. KA/J OCP/C-6/2296 dated 06.01.2003 signed by Dy. P.M., Kajora Area on 05.05.2003 and further communication of the same to my adoptive mother Late Ms. Anita Chatterjee under reference KJ/O.C.P/C-6/03/217 dated 15/16.05.2003 signed by Dy. P.M., Jambad O.C.P. His adoptive mother Late Ms. Anita Chatterjee availed 01.09.2004 - 07.05.2009 L.T.C./L.L.T.C. dated 01.12.2003 -08.12.2003. Benefit and Medical benefits mentioning his name as her adopted son and thereby his adoptive mother and himself provided the benefit granted by the competent authority of the company. His adoptive mother Late Ms. Anita Chatterjee died on 27.12.2006 at 09:40 AM at C. H. Kalla of M/s. Eastern Coalfields Limited where she was admitted on 22.12.2006 at 01:25 PM. The said Date of Death of my adoptive mother was duly recorded with the Registrar Birth & Death, Asansol Municipal Corporation on 15.01.2007. Adoptive mother of Sri Rahul Chatterjee, Late Ms. Anita Chatterjee was in service of the company in M/s. Eastern Coalfields Limited on 27.12.2006 and she died at C.H. Kalla of M/s. Eastern Coalfields Limited on 27.12.2006. She died in harness while in service. Being adopted and dependent son of Late Ms. Anita Chatterjee I performed "Shradha" and other ceremonies at her / my residence at Village & Post- Baktar Nagar, P.S.- Raniganj, Dist- Burdwan as per Hindu rituals / laws in vogue in the locality. After the death of his adoptive mother he have been still living in the same house / home of his adoptive mother Late Ms. Anita Chatterjee. As per provisions of N.C.W.A. dependent adopted son or daughter is entitled to get

employment in company in place of deceased employee in service. He submitted application with necessary documents. The concerned authority of Kajora Area of M/s. Eastern Coalfields Limited directed him to appear before screening committee on 21.03.2007. He was again directed by competent authority to appear before screening committee of Kajora area on 11.05.2007 along with original documents. He appeared before screening committee on 21.03.2007 and 11.05.2009. But he has not been provided employment in M/s. Eastern Coalfields Limited as per N.C.W.A. Sri Rahul Chatterjee has prayed that the management of M/s. Eastern Coalfields Limited be directed to provide him employment in M/s. Eastern Coalfields Limited.

3. The Agent / Dy. CME of Jambad O.C.P. of M/s. Eastern Coalfields Limited has stated, in brief, in his written statement that Late Ms. Anita Chatterjee during her lifetime did not take adoption of Sri Rahul Chatterjee according to the provisions of law. Statement of adoption is entirely vague. The deed of adoption is not duly registered which is required by law to be registered. The alleged deed is supposed to have been prepared in the year 2000, but the witnesses put there signature in the year 2002. Even a single word has not been uttered regarding eligibility of adoption of Sri Rahul Chatterjee. Statement made in the written statement of the claimant is vague and frivolous. Claimant is not adopted son of ex-employee. Dy. CME of Jambad O.C.P. under Kajora Area of M/s. Eastern Coalfields Limited has prayed that Sri Rahul Chatterjee is not entitled for employment. He is not entitled to any relief.

4. Sri Rahul Chatterjee has filed 6 (Six) documents as documentary evidence namely :

(i) Photocopy of Adoption Deed, (ii) Photocopy of Letter of Dy. PM of Jambad O.C.P. under Kajora Area of M/s. Eastern Coalfields Limited dated 02.05.2003, (iii) Photocopy of Medical I.D. Card of Late Ms. Anita Chatterjee, (iv) Photocopy of letter of Dy. Estate Manager of Kajora Area of M/s. Eastern Coalfields Limited dated 05.07.93, (v) Copy of Gas Consumer Book, (vi) Copy of Certificate from Pradhan of Ballavpur Gram Panchayat.

Sri Rahul Chatterjee has filed affidavit in his evidence he has been cross-examined by the learned advocate of Jambad O.C.P. under Kajora Area of M/s. Eastern Coalfields Limited.

Agent of Jambad O.C.P. under Kajora Area of M/s. Eastern Coalfields Limited has filed copy of L.T.C. of Late Ms. Anita Chatterjee. Agent / Dy. CME of Jambad O.C.P. under Kajora Area of M/s. Eastern Coalfields Limited has not examined any witness.

5. I have heard Sri G. P. Mal, learned advocate on behalf of employee and Sri P. K. Goswami, learned advocate on behalf of Jambad O.C.P. under Kajora Area of M/s. Eastern Coalfields Limited.

6. Sri G. P. Mal, learned advocate appearing on behalf of the employee has argued that Sri Rahul Chatterjee is adopted son of miss Late Ms. Anita Chatterjee. The name of Sri Rahul Chatterjee has been recorded in the Service Excerpts of M/s. Eastern Coalfields Limited. The name of Sri Rahul Chatterjee has been recorded in the Medical I.D. card and other relevant documents. His has been allotted a seat in the school bus managed by colliery. Sri Rahul Chatterjee still resided in the house of Late Ms. Anita Chatterjee after adoption. As per N.C.W.A. he is entitled for job being dependent adopted son of Late Ms. Anita Chatterjee. He has also filed written argument. On other hand Sri P. K. Goswami, learned advocate appearing on behalf of Jambad O.C.P. under Kajora Area of M/s. Eastern Coalfields Limited has argued that the name of Sri Rahul Chatterjee is entered being dependent on Late Ms. Anita Chatterjee in the Service Excerpts of M/s. Eastern Coalfields Limited, but the Adoption Deed is not registered.

7. It is admitted fact that Late Ms. Anita Chatterjee was permanent employee of Jambad O.C.P. under Kajora Area of M/s. Eastern Coalfields Limited bearing U.M. No. 564036. It is not disputed that Late Ms. Anita Chatterjee expired during employment. The claim of Sri Rahul Chatterjee is on the basis of Adoption Deed, being adopted dependent son of Late Ms. Anita Chatterjee. But Jambad O.C.P. under Kajora Area of M/s. Eastern Coalfields Limited has denied the claim for employment because of Adoption Deed being unregistered.

8. As per Clause 9.3.3 of Chapter IX of N.C.W.A. the adopted dependent son is entitled for the job. The relevant rule is below :

“ The dependant for this purpose means the wife/husband as the case may be, unmarried daughter, son and legally adopted son. If no such direct dependant is available for employment, brother, widowed daughter/ widowed daughter-in-law or son-in-law residing with the deceased and almost wholly dependant on the earnings of the deceased may be considered to be the dependant of the deceased.”

9. The adoption of male or female Hindu has been described under Hindu Adoption and Maintenance Act, 1956. As per section 16 of Hindu Adoption and Maintenance Act, 1956 the Adoption Deed need not be registered. Though, if Adoption Deed is registered there will be presumptions regarding its validity. Even if Adoption Deed is unregistered it will be enforceable, but it must be scrutinized so that its authenticity can be verified. Off course as per N.C.W.A. which is bipartite agreement the adopted dependent son is entitled for employment in place of his or her deceased adoptive father or mother. But it should be ensured that Adoption Deed is genuine and was really executed and was in existence and enforced prior to the death of deceased adoptive mother.

10. At this stage perusal of Adoption Deed is necessary. As per Adoption Deed the ceremony of adoption has been performed on 06.08.2000 in presence of friends, relatives and respectable persons including the attesting witnesses. The Adoption Deed has not been registered, but it has been notarized by Notary Public on 29.08.2000. But it is surprising to note that witnesses Sri Subrata Chatterjee and Sri Shibnath have put their signature on 20.09.2002. When the Adoption Deed was notarized in the presence of witnesses why these witnesses put their signature after more than two years? This fact has not been explained. This circumstance arouses serious suspension about genuineness of Adoption Deed. It is also relevant to mention the names of any witness, friends or relatives have not been described in the Adoption Deed. The so called witnesses Sri Subrata Chatterjee and Shibnath who put their signature after 2 (Two) years for the reasons best known to them even their names are not mentioned in the Adoption Deed. This important circumstance inspires to disbelieve on the Adoption Deed itself. It indicates that Adoption Deed has been manipulated for procuring employment in M/s. Eastern Coalfields Limited. Moreover Sri Rahul Chatterjee has not filed any document of his school etc. By submitting copies of school certificate it would have been verified that in School Certificate whose name is entered as his mother. Though, name of Sri Rahul Chatterjee has been entered as dependent in the Service Excerpt of Late Ms. Anita Chatterjee maintained by Jambad O.C.P. under Kajora Area of M/s. Eastern Coalfields Limited. Name of Sri Rahul Chatterjee is also entered as adopted son of Late Ms. Anita Chatterjee in medical ID card. He has been also allotted a seat in the school bus managed by concerned colliery. But these documents can not create any right in favour of claimant when Adoption Deed is itself found to be suspicious. When the basis of claim is itself not genuine, then entries in Service excerpt of Late Ms. Anita Chatterjee in favor of Sri Rahul Chatterjee as adopted son will not create any right in favour of Sri Rahul Chatterjee.

11. In the view of discussion above the action of management of Jambad O.C.P. under Kajora Area of M/s. Eastern Coalfields Limited for not providing employment to Sri Rahul Chatterjee, the adopted son of deceased employee, Late Ms. Anita Chatterjee on compassionate basis is legal and justified. The claimant is not entitled for any relief.

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, 8 अगस्त, 2016

का.आ. 1698.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस.सी.सी. एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मकार के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, गोदावरीखनी के पंचाट (संदर्भ सं. 12/2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-22013/1/2016-आईआर (सीएम-2)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th August, 2016

S.O. 1698.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal-cum-Labour Court, Godavarikhani (IT/ID/12/2014) as shown in the Annexure in the Industrial dispute between the employers in relation to the management of SCCL, and their workmen, which was received by the Central Government on 08.08.2016.

[No. L-22013/1/2016-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CHAIRMAN, INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-CUM-VI ADDL. DIST. AND SESSIONS COURT, GODAVARIKHANI

Present:- SRI G.V.KRISHNAIAH, Chairman-cum-Presiding Officer

INDUSTRIAL DISPUTE No.12 OF 2014

Tuesday, the 5th day of July, 2016

Between:-

KOVVURI RAYAMALLU, S/o. Banaiah,
Age 50 years, Occ: Badli Filler, R/o.Mallapalli,
Mandal Manthani, Dist.Karimnagar.

...Petitioner

AND

1. The Colliery Manager, 5 Incline, Godavarikhani.
2. The General Manager, RG-I, Godavarikhani.
3. The Managing Director, Singareni Collieries (Administration),
PO: Kothagudem, District: Khammam.
4. The Chief Managing Director, SC Company Ltd.,
Erramangil colony, Singareni Bhavan,
Lakdikapool, Hyderabad.

...Respondents

This case coming before me for final hearing in the presence of Sri S.Bhagavantha Rao, Advocate for the petitioner and of Sri D.Krishna Murthy, Advocate for the respondents; and having been heard and having stood over for consideration till this day, the Tribunal delivered the following:-

AWARD

1. This petition is filed U/Sec. 2(A)(2) of I.D., Act challenging the dismissal of petitioner by respondent No. 2 praying for his reinstatement into service with continuity of service, all attendant benefits, full back wages release of gratuity P.F., and other benefits or compensation in lieu of reinstatement.
2. Petitioner was dismissed from service orally by the respondent No.2 on 30-01-1992.
3. Petitioner challenges his dismissal order as follows. He was appointed as Badli Filler in the year 1973 and worked upto 31-3-1985. Petitioner was foisted a charge of absenteeism and he was terminated from service. Petitioner was not issued charge memo, charge sheet and he was abruptly terminated from service. Petitioner submitted several representations to the respondents to supply the documents, but they did not supply them to petitioner. Petitioner also submitted a letter dt.6-1-2005 to release gratuity and P.F., amount, but the respondents did not release, kept with them and the company is under obligation to pay with penal interest. Again petitioner submitted a written representation to GM, RG-I through RPAD claiming gratuity of Rs.3,42,000/- but the respondent did not reply or paid any amount to petitioner. Petitioner's case was covered by several settlements such as 1998 to 2000 and 2000 to 2010. At present, petitioner is out of employment. Therefore, petitioner prays to allow the petition.
4. In response to this challenge, respondents filed counter justifying the dismissal of the petitioner. Petitioner was initially appointed in the company during the year 1972 and was dismissed from service in the year 1993 for his misconduct of un-authorized absenteeism. Petitioner kept quiet for all these years and filed this petition after lapse of 20 years which is barred by limitation U/Sec. 2A(3) of Industrial Disputes Amendment Act, 2010. As per the MOS dt.12-03-1990, though the respondents re-appointed petitioner into service on 01-06-1990, he did not change his attitude and continued to absent himself for duty. As such, Respondents' Company dis-empanelled the petitioner w.e.f., 25-07-1993. As petitioner was re-appointed in the year 1990 and was dis-empanelled in 1993, he is not entitled for gratuity as total service rendered by him was less than 5 years. The appropriate authority for settlement and pay of CMPF is the Regional Commissioner, Coal Mines Provident Fund, Godavarikhani and the respondents have no control over the same. As per the service register of petitioner, his age was recorded as 21 years as on 7-3-1973. Petitioner had already crossed the age of superannuation in the year 2012. Therefore, respondents pray to dismiss the petition without granting any relief to the petitioner.
5. During the course of hearing, Ex.W-1 to Ex.W-14 on behalf of petitioner. No documents are marked on behalf of respondents.
6. Heard both sides. Perused the material papers on record.
7. The point for consideration is whether the petitioner is entitled to any relief?
8. **POINT:-** Petitioner was appointed in the respondents' company during the year 1972. He was dismissed from the services of the company for his misconduct of unauthorized absenteeism; and was reappointed in the year 1990. Again he was dis-empanelled in the year 1993. Petitioner kept quiet for more than 20 years and raised the dispute in the year 2014. Admittedly age of the petitioner as on 7-3-1973 (date of his initial appointment) was recorded as 21 years. As such, petitioner already attained the age of superannuation in March, 2012 itself. The relief of reinstatement sought for in this petition has become infructuous. Petitioner failed to raise any dispute regarding his dis-empanelment in the year 1993, within a reasonable time. The averments of the petition that petitioner was dismissed from service is not correct and admittedly no dismissal order is filed. No evidence is produced before this court by petitioner to substantiate his unauthorized absenteeism. No plausible explanation is offered for 20 years long delay in

raising the dispute. Under those circumstances, I am constrained to hold that petitioner is not entitled to any relief and petition is liable to be dismissed, for want of merits. Accordingly, the petition is dismissed.

9. In the result, the petition is dismissed.

Typed to my dictation by Typist, corrected and pronounced by me in open Court, on this the 5th day of July, 2016.

G.V. KRISHNAIAH, Chairman-cum-Presiding Officer

Appendix of Evidence

Witnesses Examined

For workman:-

-Nil-

For Management:-

-Nil-

EXHIBITS

For workman:-

Ex.W-1	Dt.	05-04-2000	Demand letter and its postal receipts
Ex.W-2	Dt.	15-03-1989	Representation of petitioner for appointment
Ex.W-3	Dt.	31-05-1990	Office order of appointment as Badli Filler
Ex.W-4	Dt.	06-01-2005	Application for gratuity and CMPF
Ex.W-5	Dt.	30-03-2011	Application for supply of removal order
Ex.W-6	Dt.	13-09-2011	Form-I application for gratuity with Regd.Post receipt
Ex.W-7	Dt.	09/1990	Pay slip, x.copy
Ex.W-8	Dt.	21-12-2011	Letter to petitioner by Sri N.S.Chakravarthi
Ex.W-9	Dt.	24-06-2011	Letter to the petitioner seeking information by Sri N.S.Chakravarthi, Public Information Officer
Ex.W-10	Dt.	14-04-2011	Letter issued to petitioner by Public Information Officer
Ex.W-11	Dt.	13-05-2011	Letter to the petitioner by Sri N.S.Chakravarthi, Public Information Officer, RG-I Area.
Ex.W-12	Dt.	30-03-2011	Application for supply of documents 1 to 6.
Ex.W-13	Dt.	11-04-2011	Letter issued to petitioner by P.I.O., corporate area for providing information under RTI Act, 2005.
Ex.W-14	Dt.	05-04-2014	Application for supply of documents letter addressed under Regd.Post with Ack., postal receipt.

For Management:-

-Nil-

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1699.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एसईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 197/97) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-22012/193/1996-आईआर (सीएम-2)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th August, 2016

S.O. 1699.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 197/97) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the management of SECL, Dhelwadih Project and their workmen, received by the Central Government on 08.08.2016.

[No. L-22012/193/1996-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

No. CGIT/LC/R/197/97

Shri Lada Ram,
Ex.Driller, Dhelwadih Project,
R/o Prem Nagar,
Post Bhairotal,
Distt. Bilaspur (MP)

...Workman

Versus

Dy.General Manager,
SECL, Dhelwadih Project,
Post Banki Mongra,
Distt. Bilaspur (MP)

...Management

AWARD

Passed on this 20th day of July 2016

1. As per letter dated 11-15/7/97 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-22012/193/96/IR(C-II). The dispute under reference relates to:

“Whether the action of the management of Dhelwadih Project of SECL, Distt. Bilaspur in terminating the services of Shri Lada Ram Ex-Driller w.e.f. 14-4-94 is legal and justified? If not, to what relief is the workman entitled and from which date?”

2. After receiving reference, notices were issued to the parties. Ist party workman submitted statement of claim at Page 4/1 to 4/2. Case of Ist party workman is that he was working with 2nd party as driller since last 15 years. He performed service to the satisfaction of his superiors. He was dismissed from service as per order dated 14-4-94, no chargesheet was issued to him neither enquiry was conducted as per rules. Further Ist party contends if enquiry conducted by 2nd party is illegal, workman was not given full opportunity for his defence. Enquiry Officer did not inform him date of hearing. Enquiry was conducted. Principles of natural justice were not followed. The copy of findings of Enquiry Officer was not given to him. Termination of his service is illegal. On such ground, Ist party prays for his reinstatement with backwages.

3. Management filed Written Statement at Page 9 to 11 opposing claim of Ist party workman. 2nd party submits that Ist party was appointed as casual piecerated worker on 15-2-85, he was regularized on 1-1-1990. Showcause notice was issued to him on 28-8-93 giving the details of his attendance from January to July 1993. It is reiterated that the Ist party was remaining absent from work affecting coal production. The workman was again informed by Letter dated 29-8-93 about his attendance during January to July 93 was only 81 days. Chargesheet was issued to workman on 23-1-93 on absence from duty without information. Ist party workman was given warning but there was no improvement. Chargesheet was issued to Ist party on 6-10-93 pertaining to his absence from duty from March to Sept 93. Ist party workman accepted charges against him. Workman was allowed co-worker in the enquiry proceedings, opportunity for his defence was given. As workman admitted charges, the same have been proved considering the report of Enquiry Officer, punishment was imposed. Action of management is proper and legal.

4. As per order dated 18-9-14, enquiry conducted against workman is found 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 charges alleged against workman is proved from evidence in Enquiry proceedings?	In Affirmative
(ii) Whether the punishment of dismissal imposed against workman is proper and legal?	In Affirmative
(iii) If not, what relief the workman is entitled to?"	Workman is not entitled to any relief.

REASONS

6. Enquiry conducted against workman is found legal as per order dated 18-9-14. Question remains whether charges against Ist party workman are proved needs to be decided from evidence in Enquiry Proceedings. During course of argument, learned counsel for 2nd party Shri A.K.Shashi pointed out documents MD-6 chargesheet issued to workman dated 6-10-93 pertaining to unauthorized absence from 56-3-93. Document MD-13 Ist party workman has admitted charge explained to him. At Page 26 of Enquiry Proceedings, statement of CSE was recorded. Workman has admitted his absence from duty as he had property dispute with his brother. Apprehending danger to his life, he was unable to attend duty. He had requested for leniency in the matter. When workman admitted charges against him, the charges against Ist party was proved. No further evidence was required when fact was admitted. For above reasons, I record my finding in Point No.1 in Affirmative.

7. Point No. 2- In view of my finding in Point No.1 charges of unauthorized absence alleged against workman are proved, question remains for consideration is whether punishment of dismissal imposed against workman is proper and legal. Perusal of record shows that workman did not participate in the reference proceeding, he failed to adduce evidence on the preliminary issue as well as on other issues. When workman has not adduced any evidence in the matter, the evidence of management's witness was recorded.

8. Learned counsel for management Shri A.K.Shashi submits that punishment of dismissal deserved no interference. In support of his argument, Shri A.K.Shashi relies on ratio held in case of Chairman-cum-Managing Director versus Mukul Kumar Choudhuri reported in AIR 2010-SC-75. Their Lordship dealing with departmental enquiry held delinquent admitting charges conclusion arrived at by Inquiry Officer about proof of charges. Absence of any procedural illegality or irregularity in conduct of departmental enquiry. It has to be held that charges against delinquent stood proved and warranted no interference.,

Considering ratio in above cited case and workman remained absent, not adduced evidence in reference proceeding, punishment of dismissal doesnot call for interference, I record my finding in Point No.2 in Affirmative.

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

- (1) The action of the management is proper and legal.
- (2) Workman is not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 8 अगस्त, 2016

का.आ. 1700.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एसईसीएल के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 73/1996) को प्रकाशित करती है, जो केन्द्रीय सरकार को 08.08.2016 को प्राप्त हुआ था।

[सं. एल-22012/235/1995-आईआर (सीएम- II)]

राजेन्द्र सिंह, अनुभाग अधिकारी

New Delhi, the 8th August, 2016

S.O. 1700.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 73/96) of the Central Government Industrial Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the Industrial dispute between the management of SECL, Ramnagar Area and their workmen, received by the Central Government on 08.08.2016.

[No. L-22012/235/1995-IR (CM-II)]

RAJENDER SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR****No. CGIT/LC/R/73/96**

Secretary,
Koyla Mazdoor Sabha (UTUC),
Hasdeo Area,
Post Jhimar Colliery,
Distt. Shahdol (MP)

...Workman/Union

Versus

Sub Area Manager,
Ramnagar Area of SECL,
Post Jhimar Colliery,
Distt. Shahdol (MP)

...Management

AWARDPassed on this 14th day of July 2016

1. As per letter dated 28-2-96 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-22012/235/95-IR(C-II). The dispute under reference relates to:

“Whether the demand of the Secretary, Koyla Mazdoor Sabha (UTUC), Hasdeo Area that the Sub Area Manager, Ramnagar R.O.Sub Area of Hasdeo Area of SECL should take 48 workers (Schedule annexed) engaged in the work of water carriers and other misc. civil works should be taken on the roll of management is legal and justified? To what relief these workers are entitled?”

2. After receiving reference, notices were issued to the parties. Ist party Union filed statement of claim at Page 3/1 to 3/7. Case of Ist party Union is that it is registered Union having right to collective bargaining system. That Shri Lallan Tiwari and 48 other workers were carrying the work of waterman, fetching water from wells and supplying drinking water to staff mazdoors and officers to their families residing in the colonies of Jhimar colliery of Ramnagar sub area. The workers were employed in March 1985. They were paid Rs.30/- per day. The rates were increased to Rs.50 per day from March 97, that salary was paid directly by the Colliery Management. That Lallan was shown as contractor, was himself also doing the work of supplying water. All those workers were not paid wages as per NCWA. They were not extended benefits of the regular employees of colliery. As per NCWA Appendix V Item 8, waterman are classified in Category I unskilled. It is reiterated that all those waterman were not absorbed in service. his services were not regularized despite they completed more than 240 days continuous service during each of the year. The Union prays that management be directed to regularize services of those workers. Continuing them on Badli casual temporaries denying regularization amount to unfair labour practice. On such ground, Union is demanding regularization of those workers.

3. 2nd party filed Written Statement opposing claim of Union. It is submitted that the Union has raised demand for regularization of Lallan and 47 others claiming to be contractual. Present reference was merged with R/70/93. The names of worker shown in R/70/93 and present reference are common. As shown in Para 3(d) of Written Statement, 2nd party denies that those workers are engaged for water supply since March 1985 @ Rs.30 per day increased to Rs.50/- in March 97. The wage structure and other conditions of services including fringe benefits of employees of Coal India Ltd are covered on recommendations of Wage Board for Coal Mining Industry which is known as NCWA. As per the long prevailing practice, drinking water facility is provided to Officers and others daily 2-4 times. The amount was paid as per the quantity of water supplied. The contractor was engaged for supply of water was paid the amount as per quantum of supply. 2nd party denies that all those 48 workers were engaged by management. Management was making them payment. Rather it is contented that the claimants were engaged by the contractors, they were never engaged by management of SECL. The person employed in mine has to mark his attendance in Form B Register in the mine. There is no employer employee relationship. The appointment of claimants was not made as per the rules and regulations of CIL. The claim of claimants is violative of Article 16 of guarantee of employment to the citizens. It is reiterated that the workmen were not directly engaged by the management rather they were engaged by the contractors. There is no employer employee relationship. The claimants are not entitled for regularization.

4. I may also mention here that the 2nd party management had submitted application for supplying better particulars. The particulars requested by 2nd party were not furnished.

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 demand of the Secretary, Koyla Mazdoor Sabha (UTUC), Hasdeo Area that the Sub Area Manager, Ramnagar R.O. Sub Area of Hasdeo Area of SECL should take 48 workers (Schedule annexed) engaged in the work of water carriers and other misc. civil works should be taken on the roll of management is legal and justified?	Ist party failed to adduce evidence, point could not be decided on merit.
(ii) If not, what relief the workman is entitled to?"	Workmen are not entitled to any relief.

REASONS

6. Present dispute pertains to the demand of Union for regularization of services of Lallan Tiwari and 47 others working as waterman supplying drinking water to the officers and employees in the colony. The claim of Ist party is opposed by 2nd party filing detailed Written Statement. That Ist party Union did not participate in reference proceeding and adduce evidence in support of its demand. The evidence of Ist party Union is closed on 17-11-2014.

7. 2nd party management filed affidavit of evidence of Shri T.Samuel S/o Late Rathnaiah Sr. Personal Manager supporting contentions of management in Written Statement. Ist party remained absent and failed to cross examine the management's witness. The evidence of management's witness remained unchallenged. I donot find any reason to disbelieve his evidence. As Ist party Union failed to adduce evidence in support of their demand, the point could not be decided in merit.

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

- (1) As Ist party failed t properly participate in the reference proceeding, the dispute could not be decided on merit.
- (2) Employees are not entitled to any relief.

R. B. PATLE, Presiding Officer

नई दिल्ली, 9 अगस्त, 2016

का.आ. 1701.—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, जयपुर के पंचाट (संदर्भ सं. 21/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 09.08.2016 को प्राप्त हुआ था।

[सं. एल-12012/67/2012-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 9th August, 2016

S.O. 1701.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 21/2013) of the Central Government Industrial Tribunal-cum-Labour Court, Jaipur as shown in the Annexure in the Industrial Dispute between the management of Syndicate Bank and their workmen, received by the Central Government on 09.08.2016.

[No. L-12012/67/2012-IR (B-II)]

RAVI KUMAR, Desk Officer

अनुबंध

केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जयपुर

सी.जी.आई.टी. प्रकरण सं. 21 ध2013

भरत पाण्डेय, पीठासीन अधिकारी

रेफरेन्स नं. L-12012/67/2012— IR (B-II) दिनांक 05/03/2013

Shri Deepak Kumar Garg, S/o. Shri Nar Singh Garg,
H.No.153/18, Saydagar Mohalla,
Diggi Bazar, Distt.- Ajmer. (Rajasthan)

v/s

Dy.General Manager, (Personnel Section),
Syndicate Bank, Regional Office, Jaipur.
Jaipur

प्रार्थी की तरफ से : श्री पी. डी. खन्ना — एडवोकेट

अप्रार्थी की तरफ से : श्री संजय वर्मा — एडवोकेट

: पंचाट :

दिनांक : 29. 04. 2016

1. केन्द्रीय सरकार द्वारा औद्योगिक विवाद अधिनियम 1947 की धारा 10 उपधारा 1 खण्ड (घ) के अन्तर्गत दिनांक 05/03/2013 के आदेश से प्रेषित विवाद के आधार पर यह प्रकरण न्यायनिर्णयन हेतु संस्थित है। केन्द्रीय सरकार द्वारा प्रेषित विवाद निम्नवत् है :—
2. 'Whether the action of the management of Syndicate Bank, Kishangarh District Ajmer in terminating the services of Shri Deepak Kumar Garg w.e.f. 05/01/2012 is justified or legal ? What relief the workman is entitled to?'
3. स्टेटमेन्ट आफ क्लेम में दिये गये तथ्यों के अनुसार संक्षिप्त: याची दीपक कुमार गर्ग का कथन है कि प्रार्थी की नियुक्ति सिंडिकेट बैंक, शाखा किशनगढ़, जिला अजमेर में दिनांकित 1.4.2010 को अस्थायी परिचर के पद पर हुई थी। प्रार्थी ने दिनांक 1.4.2010 से दिनांक 5.1.2012 तक लगातार मेहनत और ईमानदारी से कार्य किया।
4. आगे प्रार्थी का याचिका के प्रस्तर 5 में कथन है कि विपक्षीगण ने प्रार्थी को दिनांक 17.3.2007 को एक पत्र भेजकर साक्षात्कार हेतु दिनांक 26 मार्च 2007 को सिंडिकेट बैंक, शाखा नया बाजार, अजमेर बुलाया क्योंकि प्रार्थी का पंजीयन रोजगार कार्यालय, अजमेर में था।
5. प्रार्थी के व्यवहार, कार्य के प्रति जानकारी, कर्तव्य तथा साथ-साथ रोजगार कार्यालय के कार्ड के आधार पर साक्षात्कार कमेटी ने प्रार्थी का चयन अस्थायी परिचर के पद पर कर लिया। साक्षात्कार के समय साक्षात्कार कमेटी द्वारा प्रार्थी की शैक्षणिक योग्यता की जानकारी से सम्बन्धित प्रश्न नहीं पूछे गये थे।
6. दिनांक 20.3.2010 को शाखा प्रबन्धक, पुराना मिल चौराहा, किशनगढ़ ने प्रार्थी को एक पत्र भेजकर बुलाया जिसके आधार पर प्रार्थी किशनगढ़ शाखा पहुँचा। शाखा प्रबन्धक ने प्रार्थी को मौखिक रूप से प्रार्थी के कार्य, कर्तव्य एवं अधिकारों की जानकारी प्रदान की। प्रार्थी की सम्पूर्ण शैक्षणिक योग्यता के सम्बन्ध में जानकारी तथा प्रमाण पत्र लिया। प्रार्थी का पैरा 7 में कथन है कि नियुक्ति के समय ही अप्रार्थीगण को प्रार्थी की शैक्षणिक योग्यता की जानकारी थी तो उसके बाद भी प्रार्थी से 2 साल तक नौकरी करवा लेने के बाद प्रार्थी की सेवा समाप्ति गलत, विधि विरुद्ध और अवैध है। दिनांक 1.4.2010 को प्रार्थी को अस्थायी परिचर हेतु विपक्षी संख्या 1 ने नियुक्ति पत्र दिया जिसमें सेवा की तिथि 1.4.2010 से 30.4.2010 के लिए थी और मासिक वेतन 4060 रु. अंकित था। मंहगाई भत्ता और मकान किराया भत्ता अलग से देय बताया गया। प्रार्थी ने दिनांक 1.4.2010 को कार्यभार ग्रहण किया।
7. विपक्ष द्वारा प्रार्थी को एक-एक माह का नियुक्ति पत्र दिया जाता रहा जिसमें विपक्षी प्रार्थी का वेतन बढ़ाते रहे। 2011 में प्रार्थी का वेतन 5500 रु. प्रतिमाह था जिस पर मंहगाई भत्ता और मकान किराया भत्ते का भुगतान अलग से अतिरिक्त रूप में देय था प्रार्थी ने दिसम्बर 2011 तक लगातार 523 दिन कार्य किया।
8. विपक्षी ने प्रार्थी को एक पत्र दिनांकित 15.9.2011 को जारी कर शैक्षणिक योग्यता छिपाने के सन्दर्भ में स्पष्टीकरण मांगा जिसका जवाब प्रार्थी ने अपने पत्र दिनांक 26.9.2011 द्वारा दिया। विपक्षीगण ने जवाब से सन्तुष्ट होने के पश्चात दिनांक 5.1.2012 तक प्रार्थी से कार्य भी करवाया और दिनांक 5.1.2012 को शाम 6 बजे प्रार्थी की सेवा समाप्ति से सम्बन्धित पत्र दिया। इस पत्र के साथ विपक्षीगण ने 2 पे आर्डर चेक कमशः 9,778.27 रुपये (एक माह की नोटिस के बदले में) तथा दूसरा चेक 13,037.69 रुपये (छटनी मुआवजा से सम्बन्धित) संलग्न किया था।

प्रार्थी सेवा समाप्ति का आदेश पाकर हतप्रभ हो गया क्योंकि विपक्षीगण द्वारा उसी शैक्षणिक योग्यता के आधार पर दिनांक 1.4.2010 से दिनांक 5.1.2012 तक कार्य करवाया गया था। प्रार्थी ने विपक्षीगण को सेवा समाप्ति के पत्र के बाद यह भी बताया कि जब उसका साक्षात्कार लिया गया था तो साक्षात्कार कमेटी ने प्रार्थी से केवल दसवीं कक्षा का प्रमाण पत्र लिया।

9. दिनांक 9.1.2012 को प्रार्थी ने विपक्षी के पत्र का जवाब देते हुए दोनों चेक लौटा दिये जो विपक्षीगण को दिनांक 10.1.2012 को प्राप्त हो गये क्योंकि विपक्षी बैंक के सेवा नियमों में यह स्पष्ट रूप से वर्णित किया हुआ है कि जिस अस्थायी कर्मचारी ने 180 दिन या 240 दिन लगातार नियमित रूप से अपनी सेवाएं दी हैं वह स्थायी होने का हकदार हो जाता है।

10. विपक्षीगण द्वारा प्रार्थी का स्पष्टीकरण प्राप्त करने के पश्चात प्रार्थी की सेवा समाप्ति एक स्थायी कर्मचारी के रूप में नियम का अनुसरण करना चाहिए था जो नहीं किया गया है इसलिये सेवा समाप्ति में अवैधता और त्रुटि की गई है। प्रार्थी ने 528 दिन लगातार नियमित रूप से कार्य किया है इसलिये वह स्थायी हो चुका है तथा उसकी सेवा समाप्ति में धारा 25-एफ का अनुपालन का विपक्ष ने गलत सहारा लिया है। विपक्षीगण ने प्रार्थी की सेवा समाप्ति के पूर्व कोई जांच नहीं की है और सुनवाई का अवसर नहीं दिया है तथा प्राकृतिक न्याय के सिद्धान्त के विरुद्ध अचानक अवैध रूप से सेवा समाप्त कर दी है जो विधि विरुद्ध होने के कारण शून्य व निष्प्रभावी है। प्रार्थी की सेवा समाप्ति में विपक्षीगण ने औद्योगिक विवाद अधिनियम 1947 के प्राविधानों एवं भारतीय संविधान के अनुच्छेद 14 व 16 का उल्लंघन किया है।

11. प्रार्थी ने दिनांक 5.1.2012 की सेवा समाप्ति के आदेश से क्षुब्ध होकर धारा 10,11, व 12 औद्योगिक विवाद अधिनियम 1947 के अन्तर्गत श्रम आयुक्त केन्द्रीय/समझौता अधिकारी के समक्ष आवेदन प्रस्तुत की और विपक्षीगण द्वारा जवाब दिनांक 22.2.2012 को प्रस्तुत किया गया। जवाब के विरुद्ध जवाबुलजवाब दिनांक 19.4.2012 प्रस्तुत किया। समझौता अधिकारी के समक्ष वार्ता असफल होने के बाद असफल वार्ता रिपोर्ट समझौता अधिकारी ने श्रम मन्त्रालय को प्रेषित की जिसके आधार पर श्रम मन्त्रालय द्वारा प्रेषित विवाद न्यायाधिकरण के समक्ष याची ने प्रस्तुत किया है।

12. याची ने प्रार्थना की है कि सेवा समाप्ति का आदेश दिनांक 5.1.2012 गैर-कानूनी घोषित कर उक्त प्रार्थी को स्थायी कर्मचारी मानते हुए समस्त वेतन 18 प्रतिशत ब्याज के साथ खर्चा मुकदमा सहित दिलवाया जाय।

13. वादोत्तर प्रस्तुत कर विपक्षीगण द्वारा याचिका के प्रस्तर 1,2,3,4 और 5 के सम्बन्ध में कहा गया है कि रिकार्ड से सम्बन्धित होने के कारण जवाब का मोहताज नहीं है। प्रस्तर 3 के सम्बन्ध में अतिरिक्त कथन में कहा गया है कि अस्थायी परिचरों की अजमेर जिले की सूची बनाने के उद्देश्य से रोजगार कार्यालय अजमेर को एक मांग पत्र दिया गया था ताकि सूची हेतु अभ्यर्थियों का चयन किया जा सके तथा आवश्यकतानुसार रिक्तियों के विरुद्ध उनकी नियुक्ति की जा सके। वादोत्तर के साथ संलग्नक अनुलग्नक 1 होने का उल्लेख है जिसमें पात्रता सम्बन्धित शर्तों का उल्लेख था। आगे यह उल्लेख है कि प्रार्थी दीपक कुमार गर्ग ने अपना नाम रोजगार कार्यालय में पंजीकरण संख्या 30941/99/96 के अन्तर्गत केवल दसवीं परीक्षा उत्तीर्ण अभ्यर्थी के रूप में पंजीकृत करा रखा था और इसी आधार प्रार्थी का नाम रोजगार कार्यालय द्वारा अग्रेसित किया गया था। विपक्ष द्वारा रोजगार कार्यालय की सिफारिश के आधार पर बैंक ने प्रार्थी को साक्षात्कार हेतु दिनांक 17.3.2007 के पत्र द्वारा आमन्त्रित किया था। साक्षात्कार हेतु प्रेषित पत्र डाक्यूमेन्ट संख्या 1 और दीपक कुमार गर्ग की रोजगार कार्यालय में पंजीयन हेतु प्रस्तुत आवेदन दस्तावेज 2 के रूप में वादोत्तर के साथ संलग्न है।

14. प्रार्थी की याचिका के प्रस्तर 6 के सम्बन्ध में यह कहा गया है कि प्रस्तर 6 में वर्णित तथ्य केवल रिकार्ड सम्बन्धित होने की हद तक स्वीकार है। प्रस्तर 6 के विरुद्ध अतिरिक्त कथन में यह कहा गया है कि अभ्यर्थी अपनी आवेदन में जो सूचना प्रस्तुत करता है उसी आधार पर साक्षात्कार लिया जाता है। अभ्यर्थी द्वारा अपनी आवेदन में प्रस्तुत सूचना उसकी व्यक्तिगत जानकारी में होती है और उससे अपेक्षा की जाती है कि वह सही-सही सूचना प्रस्तुत करे बशर्ते उसका कोई गलत इरादा ना हो। इस मामले के सन्दर्भ में साक्षात्कार के दौरान अभ्यर्थी से उसकी शैक्षणिक योग्यता के बारे में नये सिरे से पूछताछ करने की कोई जरूरत नहीं थी। आगे यह उल्लेख है कि प्रार्थी ने रोजगार कार्यालय में दी गई सूचना में अपनी शैक्षणिक योग्यता कक्षा 10 पास दिखाई और महत्वपूर्ण तथ्य छिपाये हैं। प्रार्थी ने पंजीयन के नवीनीकरण के समय भी अपनी उच्चतर शिक्षा की जानकारी रोजगार कार्यालय को नहीं दी है। उक्त तथ्यों से यह प्रदर्शित होता है कि रोजगार प्राप्त करने के प्रथम चरण में ही प्रार्थी ने विश्वास भंग किया है। प्रस्तर 7, 18,19 व 20 के सम्बन्ध में कहा गया है कि रिकार्ड सम्बन्धित होने के कारण उत्तर का मोहताज नहीं है। प्रस्तर 21 के सम्बन्ध में कहा गया है कि कानून पर आधारित होने के कारण उत्तर का मोहताज नहीं है। प्रस्तर 17 के सम्बन्ध में कहा गया है कि विवाद से सम्बन्धित नहीं होने के कारण उत्तर का वह मोहताज नहीं है। प्रस्तर 8,9,11,12,13,14,15 और 16 के सम्बन्ध में कहा गया है कि जिस प्रकार वर्णित है स्वीकार नहीं है। अतिरिक्त कथन में यह कहा गया है कि सही तथ्य यह है कि बैंक ने शैक्षणिक योग्यता छिपाने के सम्बन्ध में दिनांक 15.9.2011 के पत्र (डाक्यूमेन्ट- 8) द्वारा प्रार्थी से स्पष्टीकरण मांगा था, इस सम्बन्ध में प्रार्थी का यह कथन सही नहीं है कि बैंक ने प्रार्थी का स्पष्टीकरण स्वीकार कर लिया था, चूंकि प्रार्थी औद्योगिक विवाद अधिनियम 1947 में दी गई परिभाषा के अनुसार कामगार की श्रेणी में आता है इसलिये ऐसे मामले में कार्यवाही करते समय एक निर्धारित प्रक्रिया का पालन करना पड़ता है, तदनुसार बैंक ने औद्योगिक विवाद अधिनियम 1947 के प्राविधान को लागू करने की प्रक्रिया शुरू की है। बैंक द्वारा प्रार्थी को नोटिस की अवधि के बदले एक माह का वेतन देकर तथा

छंटनी का मुआवजा देकर छंटनी कर दी है। प्रार्थी की छंटनी उसकी कार्य निष्पादन में किसी कमी के कारण नहीं की गई, दरअसल सम्बन्धित पद के लिये अपेक्षित शैक्षणिक योग्यता से उच्चतर शैक्षणिक योग्यता रखने के कारण प्रार्थी का नाम अस्थायी परिचरों की सूची में रखना बैंक की नीति और सरकार के दिशा निर्देश के विरुद्ध है। बैंक द्वारा प्रार्थी के मामले में औद्योगिक विवाद अधिनियम 1947 के किसी प्राविधान का उल्लंघन नहीं किया गया है तथा धारा 25 का पूरी तरह पालन किया गया है। वास्तविकता यह है कि प्रार्थी इस तथ्य से पूरी तरह से अवगत था कि उसने गलत सूचना दी है और सत्यता को छिपाया है।

15. प्रार्थी ने 10 वीं कक्षा उत्तीर्ण करने के बाद रोजगार कार्यालय में अपना पंजीकरण करवाया लेकिन पंजीयन का नवीनीकरण कराते समय उसने रोजगार कार्यालय को यह सूचना नहीं दी कि उसने 12 वीं कक्षा पास कर ली है।

16. याचिका के प्रस्तर 10 के विरुद्ध प्रार्थी को दिनांक 15.9.2011 का पत्र भेजा जाना और प्रार्थी द्वारा पत्र का जवाब देने के तथ्य को स्वीकार किया गया है। अतिरिक्त कथन में यह कहा गया है कि निर्धारित शैक्षिक योग्यता से उच्चतर शैक्षिक योग्यता रखने के कारण प्रार्थी अस्थायी परिचरों की सूची शामिल होने तथा स्थायी नियुक्ति पाने से अपात्र हो गया इस कारण बैंक की जिम्मेदारी नहीं है कि अस्थायी परिचर की सेवा को नियमित करें। बैंक ने इस तथ्य से स्पष्ट इन्कार किया है कि प्रार्थी दीपक कुमार की छंटनी करने में बैंक ने धारा 25 एफ औद्योगिक विवाद अधिनियम का दुरुपयोग किया है। वादोत्तर के प्रस्तर 11 में यह कहा गया है कि प्रार्थी की छंटनी करते समय निर्धारित प्रक्रिया का पालन किया गया है तथा औद्योगिक विवाद अधिनियम के प्राविधानों के अन्तर्गत कार्यवाही की गयी है। प्रार्थी से शैक्षिक योग्यता छिपाने के सम्बन्ध में स्पष्टीकरण की मांग प्राकृतिक न्याय के सिद्धान्तों के अनुसरण में किया गया है।

17. आगे वादोत्तर में यह कहा गया है कि प्रार्थी का चयन रोजगार कार्यालय के पंजीयन कार्ड और अनुलग्नक 1 में दर्शायी गयी प्रार्थी की योग्यता के आधार पर किया गया था। उक्त पद के लिए निर्धारित शैक्षिक योग्यता से उच्चतर शैक्षिक योग्यता रखने के कारण प्रार्थी उक्त पद पर बने रहने के लिए अपात्र हो गया है। प्रार्थी का उक्त पद पर बना रहना बैंक की नीति और सरकार के दिशा निर्देशों का उल्लंघन होगा, अतः इस बात से इन्कार है कि बैंक ने कोई अवैध, गलत अथवा कानून के विरुद्ध कार्य किया।

18. यह भी कहा गया है कि प्रार्थी स्थायी कर्मचारी नहीं है, इसलिये स्थायी कर्मचारियों पर लागू सेवा शर्तें प्रार्थी पर लागू नहीं होती। स्थायी कर्मचारियों पर लागू सेवा शर्तों का उल्लेख विभिन्न एवार्डों और द्विपक्षीय समझौतों में वर्णित है जो प्रार्थी पर लागू नहीं है। औद्योगिक विवाद अधिनियम में छंटनी के मामले में जाँच प्रक्रिया का पालन करने का कोई प्राविधान नहीं है अतः प्रार्थी के मामले में जाँच करने का प्रश्न उत्पन्न नहीं होता फिर भी बैंक ने औद्योगिक विवाद अधिनियम की धारा 25 के प्राविधानों को लागू करने से पहले प्रार्थी से स्पष्टीकरण मांगा गया था, इस प्रकार बैंक द्वारा प्रार्थी के विरुद्ध कार्यवाही नियमानुसार की गयी। बैंक द्वारा सरकार की तरफ से भी निर्धारित सभी नियमों एवं विनियमों का पालन किया गया है।

19. याचिका के प्रस्तर 17 के सम्बन्ध में कहा गया है कि इसमें वर्णित तथ्य विवाद से सम्बन्धित नहीं है, अतः जवाब की आवश्यकता नहीं है और प्रस्तर 21 के सम्बन्ध में कहा गया है कि कानूनी तथ्य से सम्बन्धित होने के कारण जवाब की आवश्यकता नहीं है। प्रस्तर 18, 19 और 20 के सम्बन्ध में कहा गया है कि रिकार्ड पर आधारित होने के कारण जवाब की आवश्यकता नहीं है और प्रस्तर 22 के सम्बन्ध में कहा गया है कि याची अनुतोष पाने का हकदार नहीं है तथा याचिका सव्यय खारिज होने योग्य है।

20. जवाबुलजवाब में याचिका में प्रस्तुत तथ्यों की पुनरावृत्ति की गयी है और कहा गया है कि विपक्षी बैंक की मुख्य शाखा द्वारा निर्गत सरक्यूलर संख्या 034-2006-बी.सी.-एच.आर.डी. Appointment of Temporary Employees in Sub Staff Cadre जो दिनांक 24.6.2006 को जारी हैं उसमें यह अंकित नहीं है कि अस्थायी परिचारक के रूप में प्रार्थी की शैक्षिक योग्यता क्या होगी, ऐसी स्थिति में जब विपक्षी के दस्तावेज में शैक्षिक योग्यता का उल्लेख नहीं है तो प्रार्थी द्वारा 2 साल की सेवा पूरी करने के बाद उसकी सेवा समाप्ति अवैध एवं गलत है।

21. याची की तरफ से सूची के साथ 66 अभिलेख फोटोप्रति के रूप में प्रस्तुत है जो Ex-w/1 लगायत Ex-w/66 है। इसके अतिरिक्त तीन अभिलेख दिनांक 8.12.15 को प्रस्तुत है।

22. विपक्षीगण की तरफ से समस्त बैंकों के प्रमुख को सम्बोधित भारत सरकार वित्त मन्त्रालय का पत्र दिनांकित 8.9.2004 प्रस्तुत है जिसमें बैंकों में नियुक्ति से सम्बन्धित शैक्षिक योग्यता का अनुसरण करने हेतु निर्देश अंकित है एवं यह निर्देश इसी बिन्दु पर दिनांक 19.9.2001 के निर्देश के अनुक्रम में है।

23. अजमेर जिले के लिए बैंक के उपयोग हेतु अस्थायी परिचरों की सूची तैयार करने के उद्देश्य से बैंक द्वारा अभ्यार्थियों के चयन हेतु रोजगार कार्यालय, अजमेर को विपक्षी बैंक ने मांग पत्र भेजा था ताकि आवश्यकता पडने पर रिक्तियों के विरुद्ध परिचरों की नियुक्ति की जा सके। मांग पत्र के साथ पात्रता सम्बन्धी सूचना भी रोजगार कार्यालय को भेजी गयी थी। बैंक की तरफ से उक्त प्रस्तुत अभिलेख दिनांकित 8.9.2004 के विरुद्ध याची की तरफ से खण्डेलवाल कमेटी की जिन संस्तुतियों को भारत सरकार ने स्वीकार कर लिया उनकी सूची दिनांकित 21.10.11 प्रस्तुत है। यह सूची समस्त बैंकों के प्रमुखों को सम्बोधित कर उनसे अपेक्षा की गयी है संस्तुतियों का समावेश कर HR PLAN तैयार किया जाय तथा तैयार HR PLAN की संस्तुति 31.12.11 तक अपने अपने बैंकों के बोर्ड आफ डायरेक्टर्स से कराली जाय। बोर्ड आफ डायरेक्टर्स की संस्तुति से सम्बन्धित कोई सूचना याची पक्ष ने नहीं प्रस्तुत

की है। बैंक की तरफ से प्रस्तुत दिनांकित 8.9.2004 के पत्र में परिचरों की शैक्षिक योग्यता “A pass in eight standard or it's equivalent but the candidate should not have passed 10+2 exam or it's equivalent” है। याची पक्ष द्वारा 21.10.11 के पत्र में प्रस्तावित योग्यता, “minimum qualification for sub staff to be X Standard pass” है।

24. याची पक्ष की तरफ से याची श्री दीपक कुमार की शपथ-पत्र साक्ष्य में प्रस्तुत है जिनकी प्रतिपरीक्षा विपक्ष द्वारा की गयी है। विपक्षीगण की तरफ से श्री अवधेश तिवारी, मुख्य प्रबन्धक एवं प्रभारी अधिकारी, शाखा किशनगढ़ की शपथ पत्र साक्ष्य में प्रस्तुत है जिनकी प्रतिपरीक्षा याची पक्ष द्वारा की गयी है।

25. मैंने याची की तरफ से तथा विपक्षीगण की तरफ से उनके विद्वान प्रतिनिधिगण की बहस सुनी तथा पत्रावली का सम्यक् अवलोकन किया। याची पक्ष की तरफ से लिखित बहस भी प्रस्तुत की गयी है। विपक्ष ने लिखित बहस नहीं प्रस्तुत की है।

26. याची पक्ष की तरफ से निम्नलिखित विधिक दृष्टान्त प्रस्तुत किये गये हैं :-

(1) 2014 LAB. I. C. 4193 (सर्वोच्च न्यायालय) लाइफ इन्श्योरेंस कारपोरेशन ऑफ इन्डिया एवं अन्य बनाम त्रिवेणीशरन मिश्रा

(2) 2014 LAB. I. C. 2822 (कर्नाटक उच्च न्यायालय) बेंगलोर इलेक्ट्रिक सिटी सप्लाय कम्पनी लिमिटेड बेंगलोर एवं अन्य बनाम एस. ज्योति एवं अन्य

(3) 2014 LAB. I. C. 2643 (सर्वोच्च न्यायालय), भुवनेश कुमार द्विवेदी ...अपीलार्थी, बनाम मैसर्स हिन्डाल्को इण्डस्ट्रीज लिमिटेड...प्रत्यर्थी

(4) 2014 LAB. I. C. 4266 (सर्वोच्च न्यायालय) रघुवीर सिंह बनाम जनरल मैनेजर, हरियाणा रोडवेज, हिंसार

27. विपक्ष की तरफ से कोई विधिक दृष्टान्त नहीं प्रस्तुत है।

28. प्रार्थी के विद्वान अधिवक्ता की तरफ से बहस की गयी है एवं लिखित बहस में भी उल्लेख है कि प्रार्थी को अस्थायी परिचर के पद पर नियुक्ति हेतु साक्षात्कार में बैंक के पत्र दिनांकित 17.3.2007 द्वारा बुलाया गया था एवं उसका चयन हुआ था। यह भी कहा है कि उसको नियुक्ति हेतु पत्र दिनांकित 20.3.10 भेजा गया था तथा नियुक्ति 1.4.10 को अस्थायी परिचर के पद पर हुई थी एवं 5.1.12 तक उसने लगातार कार्य किया। यह भी कहा है कि साक्षात्कार में शैक्षिक योग्यता के सम्बन्ध में प्रश्न नहीं पूछे गये थे एवं नियुक्ति के समय प्रार्थी से सम्पूर्ण शैक्षिक योग्यता का प्रमाण पत्र लिया गया तथा उसे क्षेत्रीय कार्यालय भेजा गया था। बहस में यह उल्लेख भी है कि उसने नियुक्ति पत्र दिनांकित 1.4.2010 में नियुक्ति की अवधि 31.4.10 तक के लिए थी।

आगे बहस में यह का गया है कि उसे अपनी शैक्षिक योग्यता छुपाने के सम्बन्ध में स्पष्टीकरण प्रस्तुत करने हेतु बैंक का एक पत्र दिनांकित 15.9.2011 प्राप्त हुआ जिसका उत्तर प्रार्थी ने दिनांक 26.9.11 को दिया तत्पश्चात् दिनांक 5.1.12 को उसे सेवा समाप्ति का एक पत्र मिला। अचानक इस पत्र की प्राप्ति से प्रार्थी हतप्रभ हो गया। प्रार्थी ने सेवा समाप्ति के आदेश को गलत बताने के आधार दर्शाये हैं जिनमें एक आधार यह भी है कि साक्षात्कार के समय उससे शैक्षिक योग्यता सम्बन्धित प्रश्न ही नहीं पूछे गये थे एवं केवल कक्षा 10 का प्रमाण पत्र ही लिया गया।

29. विपक्ष के विद्वान प्रतिनिधि ने बहस की है कि प्रार्थी ने सही तथ्य को छुपाकर नौकरी हासिल की। उसे कारण बताओ नोटिस दिया गया, और जवाब सन्तोषजनक न पाकर औद्योगिक विवाद अधिनियम के प्राविधानों का पालनकर नोटिस के बदले वेतन एवं मुआवजा की अदायगी कर हटाया गया है। यह बहस भी की गयी है कि प्रार्थी ने शैक्षिक योग्यता छुपाने का कार्य रोजगार कार्यालय में पंजीकरण के नवीनीकरण के समय भी किया है। यह भी विपक्ष की तरफ से कहा गया है कि सेवा में सम्मिलित होने के समय प्रार्थी द्वारा इण्टरमीडिएट का शैक्षिक प्रमाण पत्र जमा करना और लगभग दो साल की सेवा कर लेना प्रार्थी द्वारा हासिल की गयी विधि विरुद्ध नियुक्ति को विधिमान्य नहीं बना सकती। यह बहस भी की गयी है सेवा से प्रार्थी का पृथक्करण सही एवं विधिसंगत है तथा प्रार्थी की आवेदन खारिज होने योग्य है।

30. उभयपक्ष के अभिवचनों से निम्न मुख्य प्रश्न विचारण हेतु उत्पन्न होते हैं :-

1. क्या प्रार्थी ने चयन प्रक्रिया में अपनी शैक्षिक योग्यता छुपाकर चयन हासिल किया है।

2. क्या प्रार्थी की विपक्ष द्वारा सेवामुक्ति का आदेश उचित एवं विधि संगत है।

31. जहाँ तक प्रथम बिन्दु के निस्तारण का प्रश्न है उभयपक्ष के अभिवचनों से यह जाहिर है कि अस्थायी परिचरों की जनपद अजमेर के लिए सूची तैयार करने (panel) के कार्य में बैंक संलग्न था ताकि सूची से रिक्तियों के विरुद्ध आवश्यकतानुसार नियुक्ति की जा सके। इसके लिये बैंक ने रोजगार कार्यालय को इस सम्बन्ध में मांग पत्र भेजा और मांग पत्र के साथ अभ्यर्थियों की योग्यता की सूचना भी भेजी। याची श्री दीपक कुमार गर्ग ने भी अपना पंजीयन सन् 1996 में रोजगार कार्यालय में करवाया था जिसकी पंजीयन संख्या 30941/99/96 है जिसमें

शैक्षिक योग्यता कक्षा 10 पास अंकित करायी थी। पत्रावली पर याची द्वारा प्रस्तुत अभिलेख Ex-w/42 पंजीयन प्रमाण पत्र से यह जाहिर है कि सन 99, 2002, 2005, 2008 तथा 2011 में याची ने पंजीयन का नवीनीकरण भी करवाया और अन्तिम बार अंकित शैक्षिक योग्यता कक्षा 10 पास की सूचना में कोई परिवर्तन अंकित नहीं कराया गया है जबकि याची ने कक्षा 12 की परीक्षा सन 2000 में उत्तीर्ण की है और बैंक द्वारा मांग पत्र सन 2007 में रोजगार कार्यालय भेजा गया है। प्रार्थी ने पंजीयन कार्यालय में इण्टरमीडिएट पास की सूचना अंकित न हो पाने का अपने स्पष्टीकरण में जो कारण दर्शाया है उससे सम्बन्धित विवरण का अंश निम्नवत् है, "..... मैंने अपनी आठवीं कक्षा पास करने के पश्चात से ही मैं अजमेर में निजी दुकानों पर कार्य करने के साथ-साथ ही मैंने अपनी पढाई लिखाई को आगे बढ़ाया था धीरे-धीरे समय निकलता गया फिर मैंने सन 2000 में कक्षा बारहवीं पास की थी। बारहवीं कक्षा पास करने के पश्चात ही मैं निजी नौकरियों की तलाश में शहर से बाहर चला गया था व निजी कार्य करने लग गया था और ना ही मुझे ऐसी जानकारी थी कि अपनी नियमित शिक्षा बीच में ही किसी कारणवश बन्द कर देने के पश्चात भी बीच में रोकी गई शिक्षा को भी रोजगार कार्यालय में पंजीकृत कार्ड में दर्ज करवानी आवश्यक होती थी। तत्पश्चात पंजीकृत कार्ड में तारीख परिवर्तित करवाने का कार्य मेरे घर के सदस्यों द्वारा किया जाता था। अतः इन्हीं मूलभूत कारणों, परिस्थितियों व अनभिज्ञता के कारण ही मैंने ना तो पहले और ना ही आज तक अपनी बारहवीं कक्षा पास की शैक्षणिक योग्यता रोजगार कार्यालय के पंजीकृत कार्ड में दर्ज नहीं करवा सका।"

32. याची द्वारा चयन के दौरान शैक्षिक योग्यता छुपायी गयी इसकी जानकारी होने पर विपक्ष ने याची को कारण बताओ नोटिस जारी की जो निम्नवत् है :-

प्रेषक

उप महा प्रबंधक,
कार्मिक अनुभाग,
क्षेत्रीय कार्यालय,
जयपुर

सेवामें

श्री दीपक कुमार गर्ग, अस्थायी परिचर, शाखा किशनगढ़

संदर्भ सं./ Ref. No. 773/ROJ/PS/US/2011 दिनांक 15.9.2011

विषय : प्राप्त शैक्षणिक योग्यता को छिपाना

आपके द्वारा भेजे गए अनुबन्ध-II में प्रस्तुत सूचना से यह प्रतीत होता है कि आप 12 कक्षा वर्ष 2000 में ही प्राप्त कर चुके थे जबकि आपका चयन वर्ष 2006 में दसवीं के आधार पर हुआ था। अस्थायी परिचर हेतु अधिकतम अपेक्षित शैक्षणिक योग्यता 10 वीं है। आपने रोजगार केन्द्र में वर्ष 2002, 2005, 2008 तथा 2011 में नवीकरण करवाने पर भी उक्त प्राप्त शैक्षणिक योग्यता को दर्ज नहीं करवाया। अतः यह स्पष्ट होता है कि अस्थायी परिचर के पैनल के साक्षात्कार के समय आपने दसवीं कक्षा दर्शाया, जबकि आप उस वक्त 12 वीं कक्षा उत्तीर्ण कर चुके थे।

उक्त को मददेनजर रखते हुए कृपया इस उच्च शैक्षणिक योग्यता के बारे में अपना स्पष्टीकरण दें। कृपया आपका उत्तर इस पत्र की प्राप्ति से 7 के अंदर हमें प्रस्तुत करें व नोट करें आपका उत्तर प्राप्त न होने पर उक्त तथ्यों को सही मानते हुए तदनुसार कार्यवाही कर जाएगी।

भवदीय

हस्ताक्षर अपठनीय

उप महा प्रबंधक DY GENERAL MANAGER

33. याची द्वारा विपक्ष को कारण बताओ नोटिस का जवाब दिनांकित 26.9.2011 निम्नवत् है :-

सेवामें,

श्रीमान उपमहाप्रबन्धक महोदय,
कार्मिक अनुभाग, क्षेत्रीय कार्यालय,
जयपुर।

द्वारा — शाखा प्रबन्धक, किशनगढ़ शाखा।

विषय : प्राप्त शैक्षणिक योग्यता के बारे में।

संदर्भ सं. / Ref. No. 773/ROJ/PS/US/2011

महोदय,

उपरोक्त संदर्भ में मेरा निवेदन है कि :-

1. मैं एक गरीब व साधारण परिवार का व्यक्ति हूँ। मैंने अपनी आठवीं कक्षा पास करने के पश्चात् से ही मैं अजमेर में निजी दुकानों पर कार्य करने के साथ-साथ ही मैंने अपनी पढाई लिखाई को आगे बढ़ाया था धीरे-धीरे समय निकलता गया फिर मैंने सन 2000 में कक्षा बारहवीं पास की थी। बारहवीं कक्षा पास करने के पश्चात् ही मैं निजी नौकरियों की तलाश में शहर से बाहर चला गया था व निजी कार्य करने लग गया था और ना ही मुझे ऐसी जानकारी थी कि अपनी नियमित शिक्षा बीच में ही किसी कारणवश बन्द कर देने के पश्चात् भी बीच में रोकी गई शिक्षा को भी रोजगार कार्यालय में पंजीकृत कार्ड में दर्ज करवानी आवश्यक होती थी। तत्पश्चात् पंजीकृत कार्ड में तारीख परिवर्तित करवाने का कार्य मेरे घर के सदस्यों द्वारा किया जाता था। अतः इन्हीं मूलभूत कारणों, परिस्थितियों व अनभिज्ञता के कारण ही मैंने ना तो पहले और ना ही आज तक अपनी बारहवीं कक्षा पास की शैक्षणिक योग्यता रोजगार कार्यालय के पंजीकृत कार्ड में दर्ज नहीं करवा सका।

2. सिंडिकेट बैंक शाखा अजमेर के द्वारा एक पत्र प्राप्त हुआ जिसमें मुझे दिनांक 26.3.2007 को साक्षात्कार के लिए बुलाया गया। उस दिन मैं शाखा में सभी मूल शैक्षणिक योग्यता से सम्बन्धित दस्तावेजों के साथ शाखा में उपस्थित था। बैंक के साक्षात्कार के अधिकारियों द्वारा मुझसे जो भी प्रश्न किए व मेरे कर्तव्यों के बारे में पूछा गया। उन सभी प्रश्नों व कर्तव्यों का मैंने अपनी जानकारी के अनुसार सही-सही उत्तर दिये। मुझसे जो भी दस्तावेज मांगे गए उन सभी दस्तावेजों को मेरे द्वारा जमा करा दिया गया था। फिर लगभग 3 माह पश्चात् शाखा प्रबन्धक का मेरे पास फोन आया और मुझे बैंक में आकर अपनी सेवाएँ देने का आदेश दिया और शाखा प्रबन्धक द्वारा मुझसे कुछ दस्तावेजों पर नाम, पता, जन्म तारीख व मोबाइल नम्बर अंकित करवाकर मेरे हस्ताक्षर करवाए गए और मुझसे कहा गया कि आप कार्य करो आपके कार्य के आधार पर व आपके जमा दस्तावेजों के आधार पर हम इसे भरकर हमारे उच्च अधिकारियों को आपकी रिपोर्ट पेश करेंगे। शाखा प्रबन्धक द्वारा मुझसे दो दिनों तक कार्य करवाया गया फिर मुझे कहा गया कि अब हमारी किसी भी शाखा के द्वारा आपके दर्ज पते पर नियुक्ति हेतु पत्र भिजवा दिया जावेगा।

अतः इन्हीं हालातों व परिस्थितियों के कारण ही मैं साक्षात्कार के समय दसवीं कक्षा ही दर्शा पाया था क्योंकि साक्षात्कार के समय पूछे गए प्रश्न मेरे हाथ में नहीं थे और अगर साक्षात्कार के समय मैं बिना पूछे गए प्रश्नों का उत्तर देता तो वह भी नियमों व साक्षात्कार के वातावरण के अनुकूल नहीं होता। इस कारण जब मेरा साक्षात्कार हुआ उसमें दसवीं कक्षा ही दर्ज हुई थी। क्षेत्रीय कार्यालय, जयपुर द्वारा भेजे गए पत्र में मुझ पर जो शैक्षणिक योग्यता छिपाने का जो आरोप लगाया गया है मैं इन आरोपों को पूर्ण ईमानदारी/सत्यनिष्ठा व मेरे पूर्ण सहयोग के आधार पर निम्न प्रकार से निराधार व असत्य साबित कर रहा हूँ।

(1) सिंडिकेट बैंक शाखा किशनगढ़ से दिनांक 20.3.2010 को लिखित पत्र प्राप्त हुआ जिसमें मुझे शाखा किशनगढ़ में अस्थायी परिचर पद पर कार्यभार ग्रहण करने का आदेश प्राप्त हुआ मैंने दिनांक 1.4.2010 को किशनगढ़ शाखा में उपस्थिति देकर पदभार ग्रहण किया व शाखा प्रबन्धक द्वारा मुझसे मौखिक रूप से मेरा नाम, पता व सम्पूर्ण शैक्षणिक योग्यता व मेरे कार्य के प्रति रुचि के बारे में पूछा गया तथा साथ साथ मेरे कार्य मुझे बताए गए। जिन-जिन दस्तावेजों की प्रतिलिपियां मांगी, मेरे द्वारा शाखा प्रबन्धक को दे दी गई थी। शाखा प्रबन्धक द्वारा क्षेत्रीय कार्यालय को इन सभी बातों से व मेरी सम्पूर्ण शैक्षणिक योग्यता के बारे में भी अवगत करा दिया गया था व साथ-साथ मेरा मासिक विवरण जिसमें कि मेरी 12 वीं पास की शैक्षणिक योग्यता, मेरे कार्य दिवस व वेतन को दर्शाया जाता था। हर माह के अन्त में क्षेत्रीय कार्यालय को भेज दिया जाता था।

(2) क्षेत्रीय कार्यालय के अधिकारियों के द्वारा मेरे कार्य ग्रहण करने के लगभग 3 माह पश्चात् मेरे शाखा प्रबन्धक से मेरी उच्च प्राप्त शैक्षणिक योग्यता जो कि मैंने सन 2000 में प्राप्त की थी के बारे में पूछताछ की गई व मेरी उच्च शैक्षणिक योग्यता को दर्ज करने के लिए उसकी एक प्रतिलिपी जिसको कि सत्यापित करके व साथ-साथ मेरे शाखा प्रबन्धक के व मेरे हस्ताक्षर करवाकर दिनांक 3.8.2010 को क्षेत्रीय कार्यालय, जयपुर मंगवाई गई थी।

(3) मेरी उच्च प्राप्त शैक्षणिक योग्यता की प्रतिलिपि क्षेत्रीय कार्यालय, जयपुर में मंगवाए जाने के तत्पश्चात् ही क्षेत्रीय कार्यालय, जयपुर से मेरे निजी पते पर एक पत्र प्राप्त हुआ जिसका पत्र क्रमांक स.क्षे.का.ज. /8306/क.स./44/10 था। इस पत्र में मुझसे अजमेर से बाहर अपनी सेवाएँ देने की सहमति मांगी गई और कार्य निष्पादन के आधार पर मेरी सेवाओं को नियमित करने का उल्लेख था जिसे मैंने 23.10.2010 को मेरे द्वारा अजमेर व अजमेर से बाहर किसी भी शाखा में परिचर के पद पर कार्य करने की पूर्ण सहमति दे दी गई थी।

3. मेरे शाखा प्रबन्धक द्वारा समय समय पर प्रत्येक माह के अन्त में मेरा मासिक विवरण जिसमें कि सन 2000 में 12 वीं पास कक्षा, मेरे कार्य दिवस व वेतन को दर्शाया जाता रहा। यह विवरण क्षेत्रीय कार्यालय, जयपुर को समय समय पर भेजा जाता रहा। शाखा प्रबन्धक द्वारा दिनांक 9.4.2011 को बैंक में मेरा 1 वर्ष का सेवकाल

पूर्ण हो जाने की सूचना तथा साथ साथ इसका विवरण जिसमें कि मेरे द्वारा पूर्ण वर्ष में 365 दिनों तक बैंक को जो सेवाएँ दी गई थी उसका वार्षिक विवरण क्षेत्रीय कार्यालय, जयपुर को भेजा गया था।

4. दिनांक 1.4.2010 से निरन्तर व आज तक मेरे कार्य, ग्राहकों के प्रति मेरा जो व्यवहार व मेरी ईमानदारी के कारण ही दिनांक 11.8.2011 को शाखा प्रबन्धक के द्वारा क्षेत्रीय कार्यालय, जयपुर को एक पत्र भेजा गया जिसमें कुछ अनुबन्ध व मेरे कुछ दस्तावेजों की प्रतिलिपियाँ थी। जिसमें यह अनुरोध किया गया था कि दीपक कुमार को परिचर के पद पर शाखा किशनगढ़ में स्थाई नियुक्ति दी जावे।
5. फिर तत्पश्चात दिनांक 20.9.2011 को मुझे एक पत्र प्राप्त हुआ जिसमें क्षेत्रीय कार्यालय, जयपुर द्वारा मेरी शैक्षणिक योग्यता को छिपाने से सम्बन्धित आरोप मुझ पर लगाए गए। जो कि सही नहीं है।

अतः आप सभी अधिकारियों से मेरा यह अनुरोध है कि मुझसे साक्षात्कार के समय मेरी उच्च प्राप्त शैक्षणिक योग्यता के बारे में जिन साक्षात्कार अधिकारियों के द्वारा सहवन से मेरी उच्च प्राप्त शैक्षणिक योग्यता के बारे में मुझसे जानकारी प्राप्त करने में जो त्रुटि हो गई थी उसकी सजा मुझे नहीं दी जावे क्योंकि अगर मेरे मन में किसी भी प्रकार से प्राप्त शैक्षणिक योग्यता को छिपाना होता तो मैं अपने जीवनकाल के अन्त तक उसे छिपाए रखता। पर लेकिन मैंने शाखा प्रबन्धक के पूछे जाने पर मेरे द्वारा दिनांक 1.4.2010 को प्रथम दिन ही सत्य बता दिया गया था। अगर इस बात को सही नजर से व विश्वासपूर्ण तरीके से देखा जावे तो उस समय तो मुझे नौकरी एक तरीके से मिली ही नहीं थी। पर लेकिन मैंने जो सत्य था उसे मैंने पूर्ण ईमानदारी से अवगत करा दिया गया था।

इन सभी बातों से यह स्पष्ट निष्कर्ष निकलता है कि मेरे द्वारा किसी भी प्रकार से मेरी उच्च प्राप्त शैक्षणिक योग्यता को छिपाया नहीं गया था। यदि उसके बाद भी यह प्रतीत होता है कि मेरी बारहवीं कक्षा मेरी उक्त नियुक्ति में बाधा उत्पन्न कर सकती है तो मैं आपको विश्वास दिलाता हूँ कि मैं भविष्य में 12 वीं कक्षा के आधार पर बैंक से किसी भी प्रकार का हक नहीं जताऊंगा और ना ही कोई लाभ प्राप्त करूंगा। मैं अब आगे बैंक से आज्ञा लेकर ही उच्च शिक्षा प्राप्त करूंगा। मैंने 1.4.2010 से अब तक मैंने अपना कार्य पूर्ण मेहनत और निष्ठापूर्वक किया है तथा मैं आपको यह आश्वस्त करता हूँ कि आगे भी मैं सम्पूर्ण प्रतिबद्धता तथा लगन से कार्य करता रहूंगा। मेरी आपसे करबद्ध प्रार्थना है कि मेरे कार्यनिष्पादन के आधार पर मेरी कमजोर आर्थिक स्थिति व हालात को ध्यान में रख कर आप मेरी सेवा को नियमित करने की कृपा करें।

।। आदर सहित ।।

दिनांक 26.9.2011

भवदीय

हस्ताक्षर अपठनीय

दीपक कुमार गर्ग
अस्थायी परिचर
शाखा किशनगढ़

34. प्रार्थी की स्पष्टीकरण की प्राप्ति के बाद विपक्ष ने स्पष्टीकरण से असन्तुष्ट होकर प्रार्थी की सेवामुक्ति का आदेश दिनांकित 5.1.12 उसी तिथि को प्रार्थी को दिया।

35. प्रार्थी द्वारा प्रस्तुत उक्त लिखित स्पष्टीकरण से स्वतः यह निष्कर्ष निकलता है कि प्रार्थी ने कक्षा 12 उत्तीर्ण होने के तथ्य को छुपाया है क्योंकि साक्षात्कार के समय उसकी तरफ से केवल कक्षा 10 पास का प्रमाण पत्र ही प्रस्तुत किया गया है। स्पष्टीकरण में प्रार्थी ने अनभिज्ञता भी जाहिर की है कि उसे जानकारी नहीं थी कि कक्षा 12 पास की सूचना पंजीयन कार्यालय को देनी है। यदि प्रार्थी वास्तव में इस बात से अनभिज्ञ था कि उसे कक्षा 12 पास की सूचना रोजगार कार्यालय में देनी चाहिए तो साक्षात्कार के समय वह निश्चय ही अपने समस्त शैक्षणिक प्रमाण पत्र कक्षा 12 पास के प्रमाण सहित जमा किया होता परन्तु ऐसा नहीं किया गया है, इससे भी यह निष्कर्ष निकलता है कि प्रार्थी साक्षात्कार के समय वास्तविक शैक्षिक योग्यता प्रकट करने के दुष्परिणाम से अवगत था। प्रार्थी ने मौखिक साक्ष्य में प्रतिपरीक्षा में यह उल्लेख किया है कि यह कहना गलत है कि उसने आवश्यक तथ्यों को छिपाकर सेवा में प्रवेश लिया था। यह उल्लेखनीय है कि रोजगार कार्यालय द्वारा अभ्यार्थी के रूप में प्रार्थी का नाम इस आधार पर साक्षात्कार हेतु अग्रेषित किया गया था कि उसने रोजगार कार्यालय के समक्ष अपनी शैक्षिक योग्यता केवल कक्षा 10 पास बतायी थी, यदि शैक्षिक योग्यता कक्षा 12 पास बतायी होती तो रोजगार कार्यालय द्वारा उसका नाम अग्रसारित नहीं होता। प्रार्थी द्वारा एग्जीबिट डब्ल्यू/42 रोजगार कार्यालय का पहचान पत्र प्रस्तुत है जिसमें प्रार्थी द्वारा निम्न अण्डरटेकिंग है, “नोट—यदि मेरे द्वारा दी गई कोई सूचना बाद में असत्य साबित हो जाती है तो मेरा पंजीकरण रद्द किया जा सकता है।

हस्ताक्षर पठनीय दीपक कुमार

हस्ताक्षर प्रार्थी”

उक्त प्रार्थी द्वारा हस्ताक्षरित अण्डरटेकिंग के बाद प्रार्थी के पास यह कहने के लिए कोई कारण नहीं बचता कि वह इस बात से अनभिज्ञ था कि उसे कक्षा 12 पास की सूचना रोजगार कार्यालय में नहीं प्रस्तुत करनी थी या नहीं।

प्रार्थी ने रोजगार कार्यालय में कक्षा 12 पास की सूचना दर्ज न होने का एक कारण यह भी दर्शाया है कि उसके घर वाले समय समय पर पंजीयन का नवीनीकरण कराये हैं, परन्तु प्रार्थी द्वारा उक्त अण्डरटेकिंग सन् 1996 में पंजीयन के समय दी गयी है इसलिये घर के सदस्यों द्वारा नवीनीकरण कराने को बचाव के रूप में आधार नहीं बनाया जा सकता। घर के सदस्यों द्वारा नवीनीकरण कराने की बात इसलिये भी ग्रहण किये जाने योग्य नहीं है क्योंकि प्रार्थी द्वारा सन् 1999 से 2005 तक स्वयं नवीनीकरण के लिए उपलब्ध न रहने का कोई सम्यक, विश्वसनीय एवं विधिमान्य स्पष्टीकरण नहीं प्रस्तुत किया गया है। प्रार्थी ने सन 2000 में नियमित अभ्यर्थी के रूप में कक्षा 12 की परीक्षा उत्तीर्ण की है। नियमित (Regular) परीक्षार्थी के रूप में परीक्षा उत्तीर्ण करने के कारण प्रार्थी का यह कथन भी झूठा साबित होता है कि वह नौकरी के सिलसिले में विभिन्न शहरों में घूमता रहा जिसके कारण नवीनीकरण उसके परिवार के सदस्य ही कराते थे और वह कक्षा 12 की शिक्षा का उल्लेख रोजगार कार्यालय में नहीं करा सका। वास्तव में अनभिज्ञता और उक्त असमर्थता दोनों साथ-साथ चलने योग्य नहीं है, न स्वीकार्य एवं तर्क संगत है। इससे एक ही अर्थपूर्ण निष्कर्ष निकलता है कि शैक्षिक योग्यता की प्रविष्टि को दबाना या छुपाना उद्देश्यपूर्ण थी।

36. दिनांक 26.3.2007 को साक्षात्कार हेतु बुलावा पत्र में प्रार्थी को निर्देश था कि साक्षात्कार के समय रोजगार कार्यालय पंजीयन कार्ड, शिक्षा एवं जाति के मूल प्रमाण पत्र तथा उसकी एक एक फोटो प्रति प्रस्तुत करें। प्रार्थी ने केवल कक्षा 10 पास होने का ही प्रमाण प्रस्तुत किया। इसी से यह प्रकट होता है कि प्रार्थी को योग्यता की शर्तों का ज्ञान भली प्रकार था और साक्षात्कार के समय प्रार्थी अपनी सही योग्यता बताया होता तो साक्षात्कार में सम्मिलित नहीं किया जाता। उक्त स्थिति से यह स्पष्ट हो जाता है प्रार्थी की अनभिज्ञता की बात भी ग्रहण होने योग्य नहीं है तथा इससे निष्कर्ष निकलता है कि प्रार्थी ने सही शैक्षिक योग्यता छिपायी और इस बात से भलीभांति वह अवगत था कि सही शैक्षिक योग्यता को उजागर करने पर वह साक्षात्कार एवं चयन से वंचित होगा।

37. स्वयं प्रार्थी द्वारा प्रस्तुत Ex-w/63 के अवलोकन से यह जाहिर है कि दिनांक 2.6.2007 को प्रार्थी द्वारा बैंक को प्रस्तुत अपनी आवेदन में उसने अपनी शैक्षिक योग्यता सन 1996 में सेकेण्ड्री परीक्षा उत्तीर्ण बताया है जो प्रार्थी की मिथ्यावादिता तथा शैक्षिक योग्यता छुपाने के तथ्य को जाहिर करता है। प्रार्थी की तरफ से जवाबुलजवाब में उक्त कथन के विरुद्ध कोई प्रतिवाद नहीं है। उक्त स्थिति से भी यह प्रकट है कि प्रार्थी द्वारा शैक्षिक योग्यता छुपाने का प्रयास किया गया और उसकी वजह से प्रार्थी अवगत था तथा उसके द्वारा ऐसा साशय किया गया।

38. प्रार्थी द्वारा यह भी कहा गया है कि साक्षात्कार के समय शैक्षिक योग्यता सम्बन्धित कोई सवाल नहीं पूछा गया इस सम्बन्ध में उल्लेखनीय है कि जब कक्षा 12 पास की योग्यता प्रार्थी ने प्रकट ही नहीं की तो इस मामले से सम्बन्धित कोई पूछताछ करने का कारण नहीं था।

39. प्रार्थी द्वारा सेवामुक्ति की अपनायी गयी प्रक्रिया पर भी आपत्ति की गयी है कि धारा 25 एफ का अनुसरण कर उसे हटाया गया जो विधि संगत नहीं है तथा उसने 240 दिन से ज्यादा सेवा कर ली थी इसलिए उसे स्थायी किया जाना चाहिए था। इस सन्दर्भ में उल्लेखनीय है कि वास्तविक स्थिति यही है कि जब उसे नियमित करने की प्रक्रिया अपनायी जाने लगी उस दौरान बैंक के सञ्ज्ञान में यह तथ्य आया कि प्रार्थी का चयन साक्षात्कार के समय उसके द्वारा शिक्षा के सम्बन्ध में प्रस्तुत झूठी सूचना प्रस्तुत करने तथा सही शैक्षिक योग्यता को छुपाने का परिणाम है तब विपक्ष ने कारण बताओं नोटिस दी है। उक्त स्थिति को दृष्टिगत रख यह स्पष्ट है कि नोटिस का जवाब मिथ्या एवं बनावटी तथ्यों पर आधारित है।

40. जहाँ तक लाइफ इन्श्योरेन्स बनाम त्रिवेणीशरण मिश्रा में दी गयी व्यवस्था का दीपक कुमार गर्ग के मामले में लागू होने का प्रश्न है इस सन्दर्भ में उल्लेखनीय है कि त्रिवेणीशरण के मामले में प्रत्यर्थी के विरुद्ध यह आरोप था कि इन्होंने चपरासी के पद के लिए जब आवेदन प्रस्तुत की तो ये बी.ए.पास थे एवं एम.ए. (अर्थशास्त्र) प्रथम वर्ष के संस्थागत छात्र थे एवं चपरासी के पद के लिए अनुमन्य शैक्षिक योग्यता कक्षा 9 पास थी तथा कक्षा 12 में 50 प्रतिशत या इससे ज्यादा प्राप्तांक तथा बी.ए. एवं एम.ए. पास अभ्यर्थी अर्ह नहीं थे। प्रत्यर्थी ने अपनी वास्तविक शैक्षिक योग्यता छुपायी और चपरासी पद के आवेदन में स्वयं को कक्षा 11 पास (हायर सेकेण्डरी) ही बताया। प्रत्यर्थी का चयन चपरासी के पद पर हो गया। लगभग दो साल बाद प्रत्यर्थी की शैक्षिक योग्यता के सम्बन्ध में जानकारी होने पर अपीलार्थी ने प्रत्यर्थी को शैक्षिक योग्यता छुपाकर चयन हासिल करने के आरोप से आरोपित किया और विभागीय जाँच के उपरान्त कदाचार का दोषी पाकर प्रत्यर्थी को सेवामुक्ति के दण्ड से दण्डित किया। विभागीय अपीलीय प्राधिकारी ने दण्डादेश के विरुद्ध प्रत्यर्थी की अपील खारिज की जिसके विरुद्ध प्रत्यर्थी ने माननीय उच्च न्यायालय के समक्ष रिट याचिका प्रस्तुत की। उभयपक्ष को सुनने के बाद माननीय उच्च न्यायालय ने यह पाया कि दण्डादेश भेदभावपूर्ण (discriminatory) था क्योंकि त्रिवेणीशरण मिश्रा से सम्बन्धित मामले के सदृश एक अन्य कर्मचारी श्री दालूराम के मामले में अपीलार्थी ने केवल दो वर्ष के लिए वेतन वृद्धि रोकने का दण्डादेश पारित किया था। माननीय उच्च न्यायालय ने यह भी पाया कि अपीलार्थी द्वारा निर्धारित शैक्षिक योग्यता भारतीय संविधान के अनुच्छेद 14 के उल्लंघन में थी। माननीय उच्च न्यायालय ने तदनुसार रिट याचिका स्वीकार की जिसके विरुद्ध अपीलार्थी नियोजक ने माननीय सर्वोच्च न्यायालय के समक्ष अपील प्रस्तुत की।

41. माननीय सर्वोच्च न्यायालय के समक्ष यह प्रश्न विचारणीय था कि अपीलार्थी द्वारा अभ्यर्थी के लिए निर्धारित शैक्षिक योग्यता से क्या भारतीय संविधान के अनुच्छेद 14 का उल्लंघन होता है और क्या अपीलार्थी को सेवामुक्ति की दी गयी सजा समान परिस्थितियों में श्री दालूराम पट्टिदार को केवल दो वर्ष की वेतन वृद्धि रोकने की सजा की तुलना में भेदभावपूर्ण है ?

42. बहस में अपीलार्थी की तरफ Kerala Solvent Extraction Ltd. v/s A. unntprishnan & anothers में दी गयी विधि व्यवस्था का प्रबल अवलम्ब लिया गया परन्तु माननीय सर्वोच्च न्यायालय ने उक्त दृष्टान्त की विधि व्यवस्था को श्री त्रिवेदीशरण मिश्रा के मामले के लिए अनुपयुक्त पाया एवं निर्णय के प्रस्तर 10 में यह प्रेक्षण किया, “10. We have carefully gone through the aforesaid case law. In said case issue involved was not whether or not maximum qualification can be fixed for a Class-IV/ Grade-D employee, nor was in said case the employer appears to be either state or instrumentality of the state, What this Court has held in Kerala Solvent Extraction Ltd. (Supra) is that the court should not be led by misplaced sympathy. Paragraphs 9 and 10 of the said judgment are re-produced below;

“9. Sri Vaidyanathan, learned senior counsel for the appellant, submitted, in our opinion not without justification, that the Labour Court’s reasoning bordered on perversity and such unreasoned, undue libeeralism and misplaced sympathy would subvert all discipline in administration. He stated that the Management will have no answer to the claims of similarly disqualified candidates which might have come to be rejected. Those who stated the truth would be said to be at a disadvantage and those who suppressed it stood to gain. He further submitted that this laxity of judicial reasoning will imperceptibly introduce slackness and unpredictability in the legal process and, in the final analysis, corrode legitimacy of the judicial process.

10. We are inclined to agree with these submissions. In recent times, there is an increasing evidence of this, perhaps well-meant but wholly unsustainable, tendency towards a denudation of the legitimacy of judicial reasoning and process. The reliefs granted by the Courts must be seen to be logical and tenable within the framework of the law and should not incur and justify the criticism that the jurisdiction of Courts tends to degenerate into misplaced sympathy, generosity and private benevolence. It is essential to maintain the integrity of legal reasoning and the legitimacy of the conclusions. They must emanate logically from the legal findings and the judicial results must be seen to be principled and supportable on those findings. Expansive judicial mood of mistaken and misplaced compassion at the expense of the legitimacy of the process will eventually lead to mutually irreconcilable situations and denude the judicial process of its dignity, authority, predictability and respectability”.

43. माननीय उच्च न्यायालय ने श्री दालूराम पटिदार के मामले में थोड़ी सजा तथा समान परिस्थितियों ने श्री त्रिवेणीशरण मिश्रा को सेवामुक्ति की बड़ी सजा को भेदभावपूर्ण माना एवं तदनुसार रिट याचिका स्वीकार कर प्रत्यर्थी को सेवा में पुनःस्थापित कर श्री दालूराम को दी गयी सजा ही प्रत्यर्थी को देने के लिए विचार करने हेतु निर्देशित किया। माननीय सर्वोच्च न्यायालय ने माननीय उच्च न्यायालय के निर्णय की पुष्टि की तथा अपीलार्थी की अपील खारिज की।

44. माननीय सर्वोच्च न्यायालय के समक्ष त्रिवेणीशरण के मामले में अपीलार्थी की तरफ से प्रस्तुत दृष्टान्त 1994 II L.L.J. Page 888, S.C. (F.B.) : (2006) 13 S.C.C. 619 : 1994 A.I.R. S.C.W. 2534, Kerala Solvent Extraction Ltd. ----- Appellant v/s A. unntprishnan & anothers-----Respondents से सम्बन्धित प्रकरण का वर्तमान प्रकरण के सन्दर्भ में विस्तृत उल्लेख करना मैं आवश्यक एवं प्रासंगिक समझता हूँ जो निम्नवत है :—

1994 II L.L.J. Page 888, S.C. (F.B.) : (2006) 13 S.C.C. 619 : 1994 A.I.R. S.C.W. 2534, Kerala Solvent Extraction Ltd. ----- Appellant v/s A. unntprishnan & anothers-----Respondents में “बदली” कर्मियों की सूची तैयार होनी थी। अभ्यर्थियों की योग्यता की एक शर्त यह थी कि अभ्यर्थी की शैक्षिक योग्यता कक्षा 8 उत्तीर्ण से अधिक नहीं होनी चाहिए। प्रत्यर्थी/अभ्यर्थी ने शैक्षिक योग्यता का जो प्रमाण पत्र प्रस्तुत किया उसके अनुसार वह मई 15, 1974 को कक्षा 7 उत्तीर्ण था। इस प्रमाण पत्र की प्रस्तुति का उद्देश्य यह दर्शाना था कि उसकी शैक्षिक योग्यता कक्षा 8 से ज्यादा नहीं थी। तदनुसार प्रत्यर्थी अपना नाम “बदली” कर्मियों के रूप सूचीबद्ध कराने में सफल हो गया। अपीलार्थी को जब शिकायत मिली कि सत्य को दबाकर झूठी प्रस्तुति के आधार पर प्रत्यर्थी ने नौकरी प्राप्त की तो उसने प्रत्यर्थी को नोटिस दी कि प्रत्यर्थी कारण बताये कि क्यों न उसके विरुद्ध स्टैन्डिंग आर्डर्स के अधीन कार्यवाही की जाय। प्रत्यर्थी ने जवाब प्रस्तुत कर कहा कि नियत अवधि में वह कक्षा 10 पास था तथा उसके मामले में सहानुभूतिपूर्ण विचार किया जाय। कपटपूर्ण मिथ्या प्रस्तुति के कारण प्रत्यर्थी की सेवा अपीलार्थी द्वारा दिनांक 03 मार्च 1989 को समाप्त कर दी गयी। श्रम न्यायालय ने अपने निर्णय में यह पाया कि प्रत्यर्थी की प्रस्तुति मिथ्या प्रस्तुति नहीं थी। श्रम न्यायालय ने यह अवधारित किया, “According to the management if the candidates who acquired more qualifications than what is required in the notification are appointed there are so many practical difficulties as the qualification prescribed for the supervisors is only SSLC failed.

But it is to be noted that the qualification is not the criterion to supervise and control the subordinate. There is no question of complex or any other things would arise if a supervisor is supervising and controlling his subordinate who acquired more qualifications than that of the supervisors. Therefore the contention of the management is that if the more qualified persons are appointed as Godown badli there would be so many practical difficulties would arise will not hold good.”

श्रम न्यायालय के अवार्ड के विरुद्ध प्रस्तुत रिट याचिका में माननीय उच्च न्यायालय की एकलपीठ ने निर्णय के प्रस्तर 4 में यह अवधारित किया, “..... workers were expected to give correct information as to their qualification. They failed to do so. They were in fact over qualified and therefore ineligible to apply for the job. It has been stated that applications received from some over qualified candidate were rejected, The petitioner as also the workers are bound by the terms of Ext.P-1 which had to be given effect to. Over qualification is certainly, in the circumstances, a disqualification, which aspect the first respondent failed to grasp. Ext. P 10 in these cases is unsustainable and is accordingly set aside.”

5. But, the learned Single Judge said that there would be no hardship or prejudice caused to the appellant if the respondent was reinstated. The learned Single Judge said;

“..... As a special case and not by way of a precedent, the petitioner shall not implement the dismissal order and let the two workers continue in employment as directed.”

45. माननीय एकलपीठ ने तदनुसार रिट याचिका खारिज की। एकलपीठ के निर्णय के विरुद्ध माननीय खण्डपीठ ने भारतीय संविधान के अनुच्छेद 226 के अन्तर्गत रिट अपील इस आधार पर खारिज की कि अनुच्छेद 226 के अन्तर्गत खण्डपीठ द्वारा हस्ताक्षेप के लिए यह उपयुक्त प्रकरण नहीं था। माननीय खण्डपीठ के निर्णय के विरुद्ध अपीलार्थी ने अपील प्रस्तुत की। माननीय खण्डपीठ के निर्णय के विरुद्ध अपील में माननीय सर्वोच्च न्यायालय ने अपील स्वीकार की तथा श्रम न्यायालय एवं माननीय उच्च न्यायालय द्वारा पारित निर्णय को अपास्त करते हुए श्रम न्यायालय के समक्ष प्रत्यर्थी की याचिका खारिज की। माननीय सर्वोच्च न्यायालय ने निर्णय के प्रस्तर 6, 7 एवं 8 में यह अवधारित किया, “6. Sri Vaidyanathan, learned senior counsel for the appellant, submitted, in our opinion not without justification, that the Labour Court’s reasoning bordered on perversity and such unreasoned, undue liberalism and misplaced sympathy would subvert all discipline in administration. He stated that the Management will have no answer to the claims of similarly disqualified candidates which might have come to be rejected. Those who stated the truth would be said to be at a disadvantage and those who suppressed it stood to gain. He further submitted that this laxity of judicial reasoning will imperceptibly introduce slackness and unpredictability in the legal process and, in the final analysis, corrode legitimacy of the judicial process.

7. We are inclined to agree with these submissions. In recent times, there is an increasing evidence of this, perhaps well-meant but wholly unsustainable, tendency towards a denudation of the legitimacy of judicial reasoning and process. The reliefs granted by the Courts must be seen to be logical and tenable within the framework of the law and should not incur and justify the criticism that the jurisdiction of Courts tends to degenerate into misplaced sympathy, generosity and private benevolence. It is essential to maintain the integrity of legal reasoning and the legitimacy of the conclusions. They must emanate logically from the legal findings and the judicial results must be seen to be principled and supportable on those findings. Expansive judicial mood of mistaken and misplaced compassion at the expense of the legitimacy of the process will eventually lead to mutually irreconcilable situations and denude the judicial process of its dignity, authority, predictability and respectability.

8. In this case, we have no hesitation to hold that both the Labour Court and the High Court have erred. We allow the appeal, set aside the orders of the Labour Court and of the High Court in the writ petition, and dismiss the dispute raised by the respondent before the Labour Court.”

46. दीपक कुमार गर्ग के मामले में सम्पूर्ण तथ्य एवं परिस्थितियों को दृष्टिगत में इस निष्कर्ष पर हूँ कि उक्त Kerala Solvent Extraction Ltd. ----- Appellant v/s A. unntprishnan & anothers-----Respondents में दी गयी विधि व्यवस्था वर्तमान मामले में पूर्णतः लागू होती है तथा श्री त्रिवेणीशरण के मामले में दी गयी विधि व्यवस्था से प्रार्थी के प्रकरण में कोई मदद नहीं ली जा सकती है। उक्त समस्त व्याख्या व विश्लेषण के आधार पर मैं इस निष्कर्ष पर हूँ कि प्रार्थी ने चयन प्रक्रिया में अपनी शैक्षिक योग्यता छुपाकर चयन हासिल किया है। प्रथम प्रश्न का निस्तारण तदनुसार किया जाता है।

47. जहाँ तक द्वितीय बिन्दु के निस्तारण का प्रश्न है कि क्या विपक्ष द्वारा प्रार्थी की सेवामुक्ति का आदेश उचित एवं विधिसंगत है इस सन्दर्भ में उल्लेखनीय है कि धारा 25-एफ की प्रक्रिया का अनुसरण कर प्रार्थी को सेवामुक्त किया गया है एवं धारा 25-एफ के अनुपालन में कोई विधिक त्रुटि जाहिर नहीं होती है न दर्शायी गयी है। इसके विरुद्ध याचिका पक्ष का कथन है कि उसे विपक्ष द्वारा स्थायी करने के बजाय सेवामुक्त कर दिया गया जो विधि विरुद्ध है क्योंकि उसने नियमित होने की सेवा अवधि पूरी कर ली थी। इस सम्बन्ध में उल्लेखनीय है पत्रावली पर अभिलेख यह दर्शाते हैं कि प्रार्थी को नियमित करने की कार्यवाही पर विचार की प्रक्रिया प्रारम्भ ही हो रही थी कि प्रबन्धन को उक्त कार्यवाही के दौरान यह तथ्य संज्ञान में आया कि प्रार्थी ने शैक्षिक योग्यता छुपायी थी जिसके बाद सेवा से निष्कासन की कार्यवाही की गयी जिसमें कोई विधिक कमी नहीं नजर आती। प्रार्थी द्वारा मात्र दो साल सेवा पूरी कर लेने से उसे यह छूट नहीं दी जा सकती कि उसे विधि विरुद्ध सेवा में प्रविष्टि का लाभ दिया जाय।

48. 2014 LAB. I. C. 4266 (सर्वोच्च न्यायालय) रघुवीर सिंह बनाम जनरल मैनेजर, हरियाणा रोडवेज, हिंसार का दृष्टान्त प्रार्थी पक्ष की तरफ से इस बिन्दु पर प्रस्तुत किया गया है कि न्यायाधिकरण द्वारा इस औद्योगिक

विवाद को विलम्ब से प्रस्तुति के आधार पर खारिज नहीं किया जाना चाहिए एवं विगत वेतन कम से कम विवाद उठाये जाने कि तिथि से दिया जाना चाहिए। इस मामले में उल्लेखनीय है कि विपक्ष की तरफ से याचिका के विलम्ब से प्रस्तुति के आधार पर खारिज करने से सम्बन्धित कोई बहस नहीं प्रस्तुत की गयी है एवं वादोत्तर में भी ऐसा कोई उल्लेख नहीं है अतः इस बिन्दु पर विचारण की आवश्यकता नहीं है कि याचिका के विलम्ब से प्रस्तुति के आधार पर खारिज होना चाहिए या नहीं। प्रस्तुत दृष्टान्त के अनुसार अपीलार्थी श्री रघुवीर सिंह, कन्डक्टर, हरियाणा रोडवेज, हरियाना, यात्री टिकट से प्राप्त धनराशि न जमा करने के लिए प्रत्यर्थी की शिकायत पर धारा 409 भा. दं. सं. के अपराध हेतु 1993 में न्यायिक मजिस्ट्रेट की न्यायालय में परीक्षित हुए थे जिसमें उनकी दोषमुक्ति की गयी थी। इस मामले में उनकी गिरफ्तारी 15.9.1994 को हुई और 15.11.94 को जमानत पर मुक्त हुए। दिनांक 27.10.94 के आदेश से उक्त अपराध कारित करने कारण श्री रघुवीर सिंह की सेवाएं महाप्रबन्धक, हरियाना रोडवेज हिसार, ने समाप्त कर दी। प्रत्यर्थी ने श्री रघुवीर सिंह को जमानत पर छूटने के बाद विश्वास दिलाया था कि दोषमुक्त होने पर उन्हें सेवा में पुनर्स्थापित कर दिया जायेगा परन्तु 11.7.2002 को सेवामुक्ति पर प्रत्यर्थी ने ऐसा नहीं किया इसके बाद श्रम न्यायालय को सुपुर्द रिफरेन्स श्रम न्यायालय ने दिनांक 22.5.99 को अपीलार्थी के पक्ष में निर्णित कर सेवा में पुनर्स्थापित करने तथा अपीलार्थी द्वारा विपक्षी को डिमान्ड नोटिस जारी करने की तिथि से एवार्ड की विज्ञप्ति तक 60 प्रतिशत तथा विज्ञप्ति की तिथि से सेवा में पुनर्स्थापना की तिथि तक पूर्ण विगत वेतन हेतु एवार्ड पारित किया। माननीय उच्च न्यायालय ने 22.5.99 के आदेश के विरुद्ध 1.4.10 के आदेश से अपील स्वीकार की और मामले को निस्तारण हेतु प्रत्यावर्तित कर दिया। श्रम न्यायालय को प्रत्यावर्तन आदेश के अनुसार प्रार्थी श्री रघुवीर सिंह के मामले में भारतीय संविधान के अनुच्छेद 311 (2) (बी) के लागू होने के बिन्दु पर विचार के साथ मामले को पुनः निर्णित करना था। श्रम न्यायालय ने 17.5.11 के आदेश से रिफरेन्स को समय बाधित (time bound) अवधारित कर खारिज कर दिया। दिनांक 17.5.11 के आदेश के विरुद्ध अपीलार्थी की अपील माननीय उच्च न्यायालय की एकलपीठ ने 14.11.11 को इस आधार पर खारिज की कि अनुशासनिक प्राधिकारी की सेवा से बर्खास्तगी का आदेश जनहित में है अतः हस्ताक्षेप की आवश्यकता नहीं है। 14.11.11 के आदेश के विरुद्ध अपील माननीय खण्डपीठ ने 9.1.12 को इस आधार पर खारिज की कि प्रत्यर्थी ने भारतीय संविधान के अनुच्छेद 311 (2) (का) के अन्तर्गत प्रदत्त शक्ति का प्रयोग कर अपीलार्थी की सेवाएं 21.10.94 को समाप्त की है जबकि अपीलार्थी ने विवाद सन 2002 में डिमान्ड नोटिस के माध्यम से उठाया है। माननीय खण्डपीठ ने एकलपीठ के निर्णय में कोई अनियमितता या अवैधानिकता न पाकर उसकी पुष्टि की। माननीय खण्डपीठ के निर्णय के विरुद्ध सर्वोच्च न्यायालय ने अपीलार्थी की अपील स्वीकार की तथा अपीलार्थी को सेवामें पुनर्स्थापना सहित औद्योगिक विवाद उठाने की तिथि दिनांक 2.3.05 से विगत वेतन एवं अन्य परिणामी लाभ हेतु अनुतोष प्रदान की। इस दृष्टान्त से प्रार्थी के मामले में वर्तमान तथ्य एवं परिस्थिति में कोई मदद नहीं ली जा सकती है।

49. 2014 LAB. I. C. 2822 (कर्नाटक उच्च न्यायालय) बेंगलूर इलेक्ट्रिक सिटी सप्लाय कम्पनी लिमिटेड बेंगलूर एवं अन्य बनाम एस. ज्योति एवं अन्य में संविदा पर नियुक्त कर्मी सुलहसमझौता वार्ता के दौरान सेवासे हटा दिये गये थे। मामला पंचाट हेतु औद्योगिक न्यायाधिकरण को भेजा गया जिसमें न्यायाधिकरण ने पंचाट इस निर्देश के साथ पारित किया कि नियोक्ता के यहां जब रिक्तियां उत्पन्न हो तथा याचीगण आवेदन करे तो उन्हें उन्ही पदों पर नियुक्ति दी जाय। यह निर्देश भी था कि नियोक्ता नियुक्ति में आरक्षण व्यवस्था को ध्यान में रखेगा तथा नियमित सेवा प्रदान करते समय याचीगण की वरिष्ठता सूची बरकरार रखी जायेगी। उभयपक्ष ने न्यायाधिकरण के आदेश को चुनौती दी जिसे पक्षकारों के मध्य सुलह के आधार पर माननीय उच्च न्यायालय की एकपीठ ने निर्णित की। सुलह की शर्तों में विपक्ष की तरफ से यह कहा गया कि विपक्ष माननीय उच्च न्यायालय के निर्देशानुसार लोक अदालत में सुलह कर याचीगण को स्थायी रूप से सेवा में नियोजित करने को तैयार है परन्तु नियम ऐसे समायोजन की अनुमति नहीं देते अतः उक्त नियम की बाधा माननीय उच्च न्यायालय द्वारा हटा दी जाय तो नियोक्ता याचीगण को नियोजित कर माननीय उच्च न्यायालय के निर्देश का पालन करने को तैयार है। माननीय उच्च न्यायालय ने पक्षकारों की सहमति के आधार पर सुलह की स्वीकृति प्रदान कर छः सप्ताह के अन्दर याचीगण को समायोजित करने हेतु निर्देश दिया। पक्षकारों की सहमति के अनुसार विगत वेतन, अनुगामी लाभ एवं विगत सेवा का लाभ प्राप्त नहीं होना था। बाद में नियोक्ता पक्ष ने माननीय एकलपीठ के समक्ष आवेदन सुलह पर आधारित निर्णय को निरस्त करने की प्रस्तुत की जो खारिज की गयी। तत्पश्चात माननीय उच्च न्यायालय की खण्डपीठ के समक्ष नियोक्ता ने अपील इस आधार पर प्रस्तुत की कि पक्षकारों की सुलह की शर्तों पर सहमति के बावजूद माननीय सर्वोच्च न्यायालय के विभिन्न निर्णयों एवं Regulation के विरुद्ध माननीय एकलपीठ द्वारा याचीगण को समायोजित करने के सम्बन्ध में परमादेश (mandamus) जारी नहीं किया जा सकता क्योंकि ऐसा करने से अवैधानिकता उत्पन्न हो रही थी। यह भी आधार लिया गया कि सुलह की शर्तें हस्ताक्षरित करने के पूर्व कम्पनी के बोर्ड आफ डायरेक्टर्स की संस्तुति प्राप्त नहीं की गयी थी इस प्रकार उसने संस्तुति न लेने की गलती की थी जिससे कम्पनी एक्ट की धारा 291 का उल्लंघन हुआ है जिसकी इजाजत नहीं दी जा सकती। याचीगण की तरफ से खण्डपीठ के समक्ष यह बहस की गयी कि उनकी तरफ से कोई अपील नहीं प्रस्तुत है इसलिए यदि नियोक्ता की अपील विचारण हेतु ग्रहण की जाती है तो याचीगण द्वारा प्रारम्भिक याचिका में प्रस्तुत तथ्यों पर भी अपील के विचारण के समय विचार किया जाय, अतः उभयपक्ष की सहमति से माननीय खण्डपीठ ने सेवामुक्ति के प्रारम्भिक आदेश तथा याचीगण द्वारा याचित अनुतोष भी अपील में विचारण हेतु ग्रहण किया।

50. याचीगण अनुबन्ध पर वर्ष 2003 के पूर्वाद्ध में नियुक्त हुए थे और सन 2004 में संविदा की अवधि की समाप्ति पर याचीगण की सेवायें समाप्त होनी थी जिसके कारण उन्होंने माननीय उच्च न्यायालय में रिट याचिका प्रस्तुत की थी जिसमें यथास्थिति बनाये रखने का आदेश हुआ था। दिनांक 3.7.90 को माननीय उच्च न्यायालय

ने रिट याचिका निस्तारित कर याचीगण द्वारा नियोक्ता के समक्ष प्रस्तुत प्रतिवेदन को निस्तारित करने का आदेश दिया। नियोक्ता ने 28.1.10 को प्रतिवेदन खारिज करते हुए निस्तारित की एवं साथ ही दिनांक 1.3.10 को याचीगण की सेवायें समाप्त करने का आदेश भी कर दिया। इसके विरुद्ध औद्योगिक न्यायाधिकरण द्वारा पारित पंचाट दिनांक 19.8.11 का उल्लेख उपर किया गया है।

51. माननीय खण्डपीठ के समक्ष यह प्रश्न विचारन हेतु उत्पन्न हुआ कि क्या याचीगण की सेवा समाप्ति "छटनी" थी और क्या उक्त स्थिति में धारा 25-एफ के प्राविधान आकर्षित होते हैं ? दूसरा प्रश्न यह विचारणीय था कि समझौता वार्ता के दौरान की गयी सेवा समाप्ति आदेश विधि संगत था ? निर्णय के प्रस्तर 13 में माननीय उच्च न्यायालय की खण्डपीठ ने यथास्थिति कायम रखने के आदेश के अस्तित्व में बने रहने की अवधि में याचीगण द्वारा की गयी सेवा को धारा 25-बी के उद्देश्य हेतु निरन्तर की गयी सेवा अवधारित की एवं तदनुसार धारा 25-एफ के प्राविधान के उल्लंघन में सेवा समाप्ति अवधारित की। सेवा समाप्ति के आदेश दिनांक 1.3.10 को सुलहवार्ता विचाराधीन था इसलिए धारा 33 औद्योगिक विवाद अधिनियम के प्राविधान के विरुद्ध सेवासमाप्ति का आदेश अनुचित एवं अवैध अवधारित किया गया। माननीय खण्डपीठ ने अपील निस्तारित करते हुए निर्णय के प्रस्तर 21 में अपीलार्थी को निर्देशित किया, "21- In view of the facts, circumstances and submissions narrated hereinabove and in order to do complete justice and to bring the litigation to a quietus, it is found to be necessary and in the interest of justice to direct appellant- BESCO to pay to the workmen concerned full back wages at the rate last drawn by them and also to pay to them all the terminal benefits due as on the date of payment as if their services were then being terminated afresh, in compliance with the provisions of Section 25 F of the Industrial Dispute Act, after continuous service from the date of their entry into service till the date of payment. The workmen shall also be entitled to any other statutory benefits such as gratuity or any other terminal benefits to which they may be entitled under the Rules and Regulations of BESCO as may be applicable to the workmen, as on the date of their termination of service now on payment of all such compensation and benefits. it is clarified that unless and until the amounts of terminal benefits as aforesaid are paid to the workmen, they shall be deemed to be in continuous service of BESCO and back wages and terminal benefits shall be calculated and paid accordingly. each of workmen shall also be paid by BESCO the sum of Rs.3,000/- by way of costs. they shall also be entitled to the statutory benefit accruing to them under Section 25H of the I.D. Act."

52. वर्तमान मामले में याची की सेवाएं नियुक्ति की तिथि 1.4.10 से एक-एक माह के लिए विस्तारित थी और अन्तिम विस्तार 1.12.11 से 31.12.11 हेतु थी। प्रार्थी के कथनानुसार उसने दिनांक 5.1.12 तक सेवा की है। इस प्रकार प्रार्थी ने लगातार सेवा की है। Ex-w/31 भुगतान विवरण से यह जाहिर है कि प्रार्थी ने 1.4.10 से 31.3.11 तक कुल 365 दिन का भुगतान प्राप्त किया है इस आधार पर 240 दिन से ज्यादा लगातार कार्य करने के तथ्य की पुष्टि होती है। प्रार्थी के मामले में धारा 2- (oo) (bb) के प्राविधान लागू नहीं होते हैं इस प्रकार प्रार्थी के मामले में धारा 25-एफ के प्राविधान आकर्षित होते हैं एवं उसके अनुपालन के बिना सेवा समाप्ति आदेश विधि विरुद्ध माना जायेगा परन्तु इस सम्बन्ध में प्रार्थी को एकमाह की नोटिस के बदले वेतन एवं छटनी मुआवजा के दो अलग अलग दो चेक दिनांकित 5.1.12 की सेवामुक्ति आदेश के साथ दिये गये हैं जिससे स्पष्ट है कि धारा 25-एफ का पर्याप्त अनुपालन किया गया है। प्रार्थी ने उक्त मद में दोनो चेक विपक्ष को अपने पत्र Ex-w/58 दिनांकित 9.1.12 के माध्यम से वापस कर दिये हैं जिसमें प्रार्थी ने यह कहा है कि उसकी सेवायें अवैध एवं गैरकानूनी तरीके से समाप्त की गयी हैं तथा विपक्ष का यह कृत्य अवैधानिक एवं अमान्य है। उक्त स्थिति में मैं इस मत का हूँ कि दीपक कुमार की सेवायें अस्थायी प्रकृति की थी परन्तु नियमित रिक्रिट के विरुद्ध नियुक्ति प्रक्रिया का पालन कर उसे सेवा में पदस्थापित किया गया था जिसे नियमित किया जाना था और उसकी प्रक्रिया प्रारम्भ भी की गयी थी जिसका उल्लेख विपक्षी साक्षी की प्रतिपरीक्षा तथा पत्रावली पर उपलब्ध अभिलेख से भी जाहिर होता है। सम्बन्धित परिस्थिति में धारा 25-एफ का पालन आवश्यक था जिसका पर्याप्त अनुपालन किया गया है एवं सेवा समाप्ति के लिए अपनाया गया तरीका विधिमान्य है एवं 2014 LAB. I. C. 2822 (कर्नाटक उच्च न्यायालय) बेंगलूर इलेक्ट्रिक सिटी सप्लाई कम्पनी लिमिटेड बेंगलूर एवं अन्य बनाम एस. ज्योति एवं अन्य के मामले से प्रार्थी को कोई मदद नहीं मिलती है।

53. 2014 LAB. I. C. 2643 सर्वोच्च न्यायालय), भुवनेश कुमार द्विवेदी ...अपीलार्थी, बनाम मैसर्स हिन्डाल्को इण्डस्ट्रीज लिमिटेड...प्रत्यर्थी में अपीलार्थी श्रम सुपरवाइजर के पद पर प्रत्यर्थी की फैक्ट्री में दिनांक 30.12.1992 को नियुक्त हुए और औद्योगिक विवाद अधिनियम की धारा 25-बी के अनुरूप सेवा की समाप्ति की तिथि दिनांक 28.7.98 तक सेवा किये। अपीलार्थी का कथन था कि उसने 6 कलेण्डर वर्षों तक सेवा की एवं प्रत्येक वर्ष में 240 दिन से ज्यादा सेवा की परन्तु प्रत्यर्थी ने अपीलार्थी की सेवायें इसलिए समाप्त कर दी क्योंकि अपीलार्थी की सेवा हेतु स्वीकृत अवधि समाप्त हो गयी थी और आगे की सेवा के लिए स्वीकृति (sanction) नहीं थी। सेवासमाप्ति के विरुद्ध प्रार्थी की आपत्ति थी कि नोटिस नहीं दी गयी तथा छटनी मुआवजा नहीं दिया गया न नोटिस के बदले वेतन दिया गया जिससे धारा 6 एन उ.प्र. औद्योगिक विवाद अधिनियम का उल्लंघन हुआ। यह भी कहा गया कि अपीलार्थी की नियुक्ति स्थायी पद के विरुद्ध की गयी थी लेकिन उसकी नियुक्ति अस्थायी तौर पर 1992 से 1998 तक की जाती रही जिसका उद्देश्य अनुचित था क्योंकि हर नियुक्ति के बीच तीन चार दिन का अन्तराल रखा गया है और हर साल की सेवा के अन्त में उसे प्रत्यर्थी "कार्यमुक्ति" की रसीद देते रहे हैं एवं सेवा की अवधि कभी तीन माह कभी छः माह रहती रही है। यह भी कहा गया है कि उसे हर साल के अन्त में प्रत्यर्थी द्वारा वेतन वृद्धि भी दी जाती रही है। इस प्रकार प्रत्यर्थी हर साल के अन्त में सेवा समाप्ति एवं पुर्नियुक्ति का आदेश देते रहे हैं।

अपीलार्थी का कथन है कि उसकी सेवामुक्ति विधि विरुद्ध एवं “छटनी” की परिभाषा से आच्छादित है। श्रम न्यायालय ने सेवासमाप्ति को अनुचित अवधारित कर विगत वेतन सहित सेवा में पुनर्स्थापना का आदेश पारित किया। श्रम न्यायालय के पंचाट के विरुद्ध माननीय उच्च न्यायालय की एकलपीठ ने सिविल रिट याचिका स्वीकार की एवं प्रत्यर्थी को निर्देशित किया कि याची को क्षतिपूर्ति के रूप में एक लाख रूपया ड्राफ्ट के रूप में अथवा नगद अदा करें। सेवा में पुनर्स्थापना का आदेश माननीय उच्च न्यायालय ने निरस्त कर दिया। माननीय उच्च न्यायालय के निर्णय के विरुद्ध माननीय सर्वोच्च न्यायालय ने अपील स्वीकार की एवं श्रम न्यायालय के निर्णय की पुष्टि की। माननीय सर्वोच्च न्यायालय ने यह अवधारित किया कि श्रम न्यायालय एवं माननीय उच्च न्यायालय, दोनों ने यह निष्कर्ष दिया था कि प्रत्यर्थी द्वारा की गयी सेवामुक्ति “छटनी” थी, ऐसी स्थिति में अपीलार्थी की सेवा में पुनर्स्थापना के आदेश की जगह केवल क्षतिपूर्ति प्रदान करने का आदेश पारित कर त्रुटी कारित की। 2014 LAB. I. C. 2643 (सर्वोच्च न्यायालय), भुवनेश कुमार द्विवेदी ...अपीलार्थी, बनाम मैसर्स हिन्डाल्को इण्डस्ट्रीज लिमिटेड.... प्रत्यर्थी की समस्त तथ्य एवं परिस्थितियों तथा श्री दीपक कुमार गर्ग के मामले की तथ्य एवं परिस्थितियों की तुलना से स्पष्ट है कि श्री दीपक कुमार गर्ग के मामले में उक्त दृष्टान्त से कोई मदद नहीं ली जा सकती है। उक्त व्याख्या एवं विश्लेषण के आधार पर मैं इस निष्कर्ष पर हूँ कि विपक्ष द्वारा सेवा मुक्ति का आदेश उचित एवं विधि संगत है। बिन्दु संख्या दो का निस्तारण तदनुसार किया जाता है।

54. पक्षकारों के अभिवचनों एवं उसके समर्थन में उनके द्वारा प्रस्तुत साक्ष्य एवं विधिक दृष्टान्तों की उक्त व्याख्या एवं विश्लेषण के आधार पर मैं इस निष्कर्ष पर हूँ कि सिंडिकेट बैंक, किशनगढ़, जनपद अजमेर के प्रबन्धन द्वारा दिनांक 5.1.12 से प्रार्थी श्री दीपक कुमार गर्ग की सेवा समाप्ति की कार्यवाही उचित एवं विधिसंगत है एवं प्रार्थी याचित अनुतोष पाने का हकदार नहीं है। प्रार्थी की याचिका तदनुसार खारिज की जाती है। न्यायनिर्णयन हेतु प्रेषित निर्देश का उत्तर उक्त प्रकार दिया जाता है। पंचाट तदनुसार पारित किया जाता है।

55. पंचाट की प्रतिलिपि केन्द्रीय सरकार को औद्योगिक विवाद अधिनियम 1947 की धारा 17 (1) के अन्तर्गत प्रकाशनार्थ प्रेषित की जाय।

भरत पाण्डेय, पीठासीन अधिकारी

नई दिल्ली, 9 अगस्त, 2016

का.आ. 1702.—कर्मचारी राज्य बीमा अधिनियम, 1948(1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 सितम्बर, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-IV (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय- V और VI [धारा-76 की उप धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध राजस्थान राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

क्रम संख्या	जिले का नाम
1.	बारां
2.	करौली
3.	चुरु
4.	जालौर
5.	प्रतापगढ़

[सं. एस-38013/34/2016-एस.एस.-1]

अजय मलिक, अवर सचिव

New Delhi, the 9th August, 2016

S.O. 1702.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2016, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following areas in the State of Rajasthan, namely:—

Sr. No.	Name of the District
1.	Karauli
2.	Jalore
3.	Churu
4.	Pratapgarh
5.	Baran

[No. S-38013/34/2016-S.S.-I]

AJAY MALIK, Under Secy.

नई दिल्ली, 9 अगस्त, 2016

का.आ. 1703.—कर्मचारी राज्य बीमा अधिनियम, 1948(1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 सितम्बर, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-IV (धारा 44 व 45 के सिवाय जो पहले ही प्रवृत्त हो चुकी हैं) अध्याय- V और VI [धारा-76 की उप धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध कर्नाटक राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, अर्थात्:

क्रम संख्या	जिला/क्षेत्र का नाम
1.	बीदर
2.	चिक्कबल्लापुरा
3.	चिक्कमगलूरा
4.	कोडगु

[सं. एस-38013/35/2016-एस.एस.-1]

अजय मलिक, अवर सचिव

New Delhi, the 9th August, 2016

S.O. 1703.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2016, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following District in the State of Karnataka where the Provisions of ESI Act, 1948 are already in force :—

Sr. No.	Name of the District/Area
1.	Bidar
2.	Chikkaballapura
3.	Chikkamagaluru
4.	Kodagu

[No. S-38013/35/2016-S.S.-I]

AJAY MALIK, Under Secy.

नई दिल्ली, 9 अगस्त, 2016

का.आ. 1704.—कर्मचारी राज्य बीमा अधिनियम, 1948(1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 सितम्बर, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-IV (धारा 44 व 45 के सिवाय जो पहले ही प्रवृत्त हो चुकी हैं) अध्याय- V और VI [धारा-76 की उप धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध आन्ध्र प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, नामतः :—

क्रम संख्या	जिला/क्षेत्र का नाम
1.	पूर्व गोदावरी
2.	पश्चिम गोदावरी
3.	कृष्णा
4.	गुंटूर
5.	प्रकाशम
6.	नेल्लोर
7.	विजयनगरम
8.	श्रीकाकुलम
9.	विशाखापटनम

[सं. एस-38013/36/2016-एस.एस.-1]

अजय मलिक, अवर सचिव

New Delhi, the 9th August, 2016

S.O. 1704.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2016, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and

Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following District in the State of Andhra Pradesh namely:—

Sr. No.	Name of the District/Area
1.	East Godavari
2.	West Godavari
3.	Krishan
4.	Guntur
5.	Prakasam
6.	Nellore
7.	Vizianagaram
8.	Srikakulam
9.	Visakhapatnam

[No. S-38013/36/2016-S.S.-I]

AJAY MALIK, Under Secy.

नई दिल्ली, 9 अगस्त, 2016

का.आ. 1705.—कर्मचारी राज्य बीमा अधिनियम, 1948(1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 सितम्बर, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-IV (धारा 44 व 45 के सिवाय जो पहले ही प्रवृत्त हो चुकी हैं) अध्याय- V और VI [धारा-76 की उप धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध मध्य प्रदेश राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, नामतः :—

क्र.स.	जिला/क्षेत्र का नाम	क्र.स.	जिला/क्षेत्र का नाम
1.	भिण्ड	12.	खरगोन
2.	भोपाल	13.	मन्दसौर
3.	बुरहानपुर	14.	मुरैना
4.	देवास	15.	नीमच
5.	धार	16.	रायसेन
6.	ग्वालियर	17.	रतलाम
7.	होशंगाबाद	18.	रीवा
8.	इंदौर	19.	सागर
9.	जबलपुर	20.	सतना
10.	कटनी	21.	शहडोल
11.	खण्डवा	22.	उज्जैन

[सं. एस-38013/37/2016-एस.एस.-1]

अजय मलिक, अवर सचिव

New Delhi, the 9th August, 2016

S.O. 1705.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2016, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following District in the State of Madhya Pradesh where the Provisions of ESI Act, 1948 are already in force :—

Sl.No.	Name of the District	Sl.No.	Name of the District
1.	Bhind	12.	Khargone
2.	Bhopal	13.	Mandsaur
3.	Burhanpur	14.	Morena
4.	Dewas	15.	Neemuch
5.	Dhar	16.	Raisen
6.	Gwalior	17.	Ratlam
7.	Hoshangabad	18.	Rewa
8.	Indore	19.	Sagar
9.	Jabalpur	20.	Satna
10.	Katni	21.	Shahdol
11.	Khandwa	22.	Ujjain

[No. S-38013/37/2016-S.S.-I]

AJAY MALIK, Under Secy.

नई दिल्ली, 9 अगस्त, 2016

का.आ. 1706.—कर्मचारी राज्य बीमा अधिनियम, 1948(1948 का 34) की धारा-1 की उप-धारा (3) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा 01 सितम्बर, 2016 को उस तारीख के रूप में नियत करती है, जिसको उक्त अधिनियम के अध्याय-IV (44 व 45 धारा के सिवाय जो पहले से प्रवृत्त हो चुकी हैं) अध्याय- V और VI [धारा-76 की उप धारा (1) और धारा -77, 78, 79 और 81 के सिवाय जो पहले ही प्रवृत्त की जा चुकी हैं] के उपबंध बिहार राज्य के निम्नलिखित क्षेत्रों में प्रवृत्त होंगे, नामतः :—

क्र.सं.	जिला का नाम
1.	पटना
2.	भागलपुर
3.	मुंगेर
4.	बेगूसराय
5.	मुजफ्फरपुर
6.	समस्तीपुर
7.	दरभंगा
8.	कटिहार
9.	गया
10.	रोहतास
11.	सारण
12.	वैशाली
13.	भोजपुर
14.	बिहार शरीफ
15.	बक्सर
16.	सीतामढ़ी

[सं. एस-38013/38/2016-एस.एस.-1]

अजय मलिक, अवर सचिव

New Delhi, the 9th August, 2016

S.O. 1706.—In exercise of the powers conferred by sub-section (3) of Section 1 of the Employees' State Insurance Act, 1948 (34 of 1948) the Central Government hereby appoints the 1st September, 2016, as the date on which the provisions of Chapter IV (except Sections 44 and 45 which have already been brought into force) and Chapter-V and VI [except sub-section (1) of Section 76 and Sections 77, 78, 79 and 81 which have already been brought into force] of the said Act shall come into force in the following District in the State of Bihar namely :—

S. No.	Name of District	S. No.	Name of District
1.	Patna	9.	Gaya
2.	Bhagalpur	10.	Rohtas
3.	Munger	11.	Saran
4.	Bengusarai	12.	Vaishali
5.	Muzaffarpur	13.	Bhojpur
6.	Samastipur	14.	Bihar Sharif
7.	Darbhanga	15.	Buxar
8.	Katihar	16.	Sitamarhi

[No. S-38013/38/2016-S.S.-I]

AJAY MALIK, Under Secy.

GORAKH

NATH YADAV

Digitally signed by
GORAKH NATH YADAV

Date: 2016.09.02

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