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सं. 46]	नई दिल्ली, नवम्बर 6—नवम्बर 12, 2016, शनिवार/कार्तिक 15—कार्तिक 21, 1938
No. 46]	NEW DELHI, NOVEMBER 6—NOVEMBER 12, 2016, SATURDAY/KARTIKA 15—KARTIKA 21, 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)

श्रम एवं रोजगार मंत्रालय

नई दिल्ली, 3 नवम्बर, 2016

का.आ. 2199.—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 113 ऑफ 1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/333/1995-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 3rd November, 2016

S.O. 2199.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1,

Dhanbad (Ref. No. 113 of 1995) 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 03.11.2016.

[No. L-20012/333/1995-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1, DHANBAD

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

Reference No. 113/1995

Employer in relation to the management of Katras Project 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 08/09/2016

AWARD

By order No. L-20012 /333/1992-IR(C-1) dated 04/09/1995, 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 review of the date of birth of Shri Noor Mohammad Main by the management of Choitudih Colliery of Katras project under M/S BCCL is justified? If so, to what relief is the workman 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, 3 नवम्बर, 2016

का.आ. 2200.—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 55 ऑफ 2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/94/2015-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2200.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 55 of 2015) 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 03.11.2016.

[No. L-20012/94/2015-IR (CM-I)]

M. K. SINGH, Section Officer

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

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

Reference No. 55/2015

Employer in relation to the management of Sijua Area of 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 Pintu Mondal, Rep.

State : Jharkhand

Industry : Coal

Dated : 11/08/2016

AWARD

By order No.-L-20012/94/2015 IR-(CM-I), dated. 09/10/2015 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 Mudidih Colliery of M/S BCCL in dismissing Gopal Rabidas, Ex-M/Loader from the service vide letter dated 11/12.12.2006 is fair and justified? To what relief the concerned workman is entitled to?”

2. The case is received from the Ministry of Labour on 02.11.2015 After receipt of reference , both parties are noticed. The Sponsoring Union files their written statement on 27.11.2015. The management files their written statement -cum-rejoinder on 19.02.2016. Document of management is marked as M-1 to M-10 & document of workman is marked as W-1 to W-9.
3. The point involved in the reference is that the workman has been dismissed from his services On the ground of long absence.
4. Domestic enquiry held by the management is accepted by the workman as Fair & Proper.
5. During hearing of argument on merit. it is revealed that the case is dismissal of workman for long absence on duty. But he has already out of service for 10 years. It is felt to give another chance to the workman to serve.
6. Considering the facts and circumstances of this case, I hold that he be taken into job as a fresh employee as cat-I scale. But the workman be kept under probation for a period two year . Therefore the question of giving back wages does not arise at all.

This is my award.

R. K. SARAN, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2016

का.आ. 2201.—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 56 ऑफ 2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/76/2007-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2201.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 56 of 2007) 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 03.11.2016.

[No. L-20012/76/2007-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

Reference No. 56/2007

Employer in relation to the management of Dugda Coal Washery of M/s. BCCL

AND

Their workmen

Present : Shri R.K. Saran, Presiding Officer

Appearances:

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

For the workman : Shri D. Mukherjee, Advocate

State : Jharkhand

Industry : Coal

Dated : 23/09/2016

AWARD

By order No. L-20012/76/ 2007 /IR (CM-1)) dated 16/11/2007, 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 Dugda Coal Washery of M/S BCCL for not regularizing the services of S/Shri Khirodhar Mahato, Manik Tiwari, Ram Prasad Tiwari and Manoj Kumar Mahato is legal and justified? If not, to what relief are the concerned workmen entitled?”

2. After receipt of the reference, both parties are noticed. But 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, 3 नवम्बर, 2016

का.आ. 2202.—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 103 ऑफ 1995) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/330/1994-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2202.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1,

Dhanbad (Ref. No. 103 of 1995) 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 03.11.2016.

[No. L-20012/330/1994-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

Reference No. 103/1995

Employer in relation to the management of Kedla OCP 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 : 08/09/2016

AWARD

By order No. L-20012 /330/1994-IR(C-1) dated 25/08/1995, 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 Kedla open cast Project of C.C.Ltd. P.O. kedla, Dist. Hazariabagh in terminating the services of Shri Sona Ram Manjhi w.e.f. 27/12/1993 (AN) is justified ? 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, 3 नवम्बर, 2016

का.आ. 2203.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सीसीएल 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 140 ऑफ 1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/391/1992-आईआर (सीएम-I)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2203.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 140 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 03.11.2016.

[No. L-20012/391/1992-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

Reference No. 140/1994

Employer in relation to the management of Pindra Colliery of 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 : None

State : Jharkhand

Industry : Coal

Dated : 10/08/2016

AWARD

By order No. L-20012 /391/1992-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 in the denial to rectify date of birth of Shri birth of Shri Nabbi Bux as 31/12/1947 instead of 16/06/1938 is justified? If not, to what relief is shri Nabbi Bux entitle?”

2. After receipt of the reference, both parties are noticed. But appearing for certain dates, none appears 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, 3 नवम्बर, 2016

का.आ. 2204.—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 165 ऑफ 1994) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/52/1994-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2204.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 1, Dhanbad (Ref. No. 165 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 03.11.2016.

[No. L-20012/52/1994-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

Reference No. 165/1994

Employer in relation to the management of Moonidih Project of 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 : None

State : Jharkhand

Industry : Coal

Dated : 22/09/2016

AWARD

By order No. L-20012 /52/1994-IR(C-1) dated 27/07/1994, 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 Moonidih Project of M/S BCCL, P.O. Moonidih, Dist. Dhanbad in dismissing Sri Chatna Bhuiya, PRM T. No. 2066 w.e.f. 11/05/1992 is justified? 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 on behalf of the workman. 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, 3 नवम्बर, 2016

का.आ. 2205.—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. 2, धनबाद के पंचाट (संदर्भ संख्या 89 ऑफ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/84/2003-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2205.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 89 of 2003) 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 03.11.2016.

[No. L-20012/84/2003-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

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

PRESENT : Shri R.K.Saran, Presiding Officer

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

REFERENCE NO 89 OF 2003

PARTIES : The Secretary,
Coal Field Mazdoor Union
Kargali Bazar PO: Bermo, Distt: Bokaro -829116
Vs.

The Project Officer,
Amlo Project of M/s. CCL.
PO: Dhori, Distt: Bokaro-829116.

Order No. **L-20012/84/2003-IR (C-I) dt.19/22.08.2003.**

APPEARANCES :

On behalf of the workman/Union : Mr. C. Prasad, Ld. Advocate

On behalf of the Management : Mr. D. K. Verma, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 20th Sept., 2016

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. **L-20012/84/2003-IR (C-I) dt.19/22.08.2003.**

SCHEDULE

“Whether the action of the Management of CCL, Amlo Project to superannuate Sri Asruddin Mia, Drill Operator from service w.e.f. 1.3.2000 is legal and justified in view of the date of birth recorded in his various service records If not, to what relief is the workman entitled?”

Neither appearance from the Union /Petitioner nor did produce long awaited evidence of workman hanging in balance since 18.11.2005 even after posting of dates on numerous times after its inception and registration of the case on 06.10.2003 and subsequently, issuance of formal Notices dt.26.12.2003, 25.12.2014, and 07.04.2015 to both the litigant parties on the addresses referred in the Order of the Reference itself. The case is almost stalled over evidence of the workman before filing of documents by the OP/Management. The case is all about premature retirement based on discrepancies in date of birth of workman in the Company's related records under Management of the Amlo Project of M/s CCL, a subsidiary of the Coal India Ltd. Mr.D.K.Verma, Ld. Advocate. for the Management side has all along been present and, even this time too.

On meticulous study of the case and documents available on record it has been apparently transparent to hold to realization the workman/Union seems to be obsessed of letting it roll down without conclusion. The workman is no longer interested to get it to finality through adjudication rather did show keeping adjournments not less than ten times. More so, sufficient opportunities were provided to the workman/Union to come out and defend the case but they proved repeatedly failure even to notices served them upon. So there is no second opinion to hold it on further rather to close it down in the line of natural justice just to save wastage of energy of the Tribunal. As such the case is closed as non-existent of dispute between the parties and, accordingly the case is disposed of as No dispute. An order of 'No Dispute Award' is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2016

का.आ. 2206.—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. 2, धनबाद के पंचाट (संदर्भ संख्या 63 ऑफ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/284/2002-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2206.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 63 of 2003) 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 03.11.2016.

[No. L-20012/284/2002-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD****PRESENT : Shri R.K.Saran, Presiding Officer**

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

REFERENCE NO. 63 OF 2003

PARTIES : The Asstt. Secretary,
Koyla Ispat Mazdoor Panchayat,
P.Box No. 59, PO: Jharia, Dhanbad
Dhanbad. -826001

Vs.

The Project Officer,
North Tisra Colliery of M/s. BCCL
PO: Khasjeenagora, Dhanbad-826001

Order No. **L-20012/284/2002-IR(C-I) dt. 16.07.2003****APPEARANCES :**

On behalf of the workman/Union : Mr. S. C. Gaur, Ld. Advocate

On behalf of the Management : Mr. D. K. Verma, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 17th Aug., 2016**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. **L-20012/284/2002-IR(C-I) dt. 16.07.2003.**

SCHEDULE

“Whether the demand of Koyla Ispat Mazdoor Panchayat from the Management of North Tisra Colliery of M/s. BCCL for regularization of Sri Chandi Charan Das as Helper Category –II w.e.f. 26.11.94 and Excavation Grade ‘E’ w.e.f. 26.07.99 is legal and justified” If so, what relief the workman concerned is entitled to ?”

2. Neither the workman nor the Union Representative is reported present on date nor did get the workman's witness completed hanging since 29.1.2016 leading proceedings of the Court to come to a grinding halt, which is fixed for an order. At twin stages, the proceedings stagnated over evidence of Management and appearance of the workman. The status reveals the case has been crawling over evidence of the workman, against which formal Notices dt. 9.9.2003, 21.9.2007 and 27.11.2014 have already been sent to the Union's address referred in the order of the Reference itself. But that did not work. The case is about regularization of the workman first as Helper Cat- II and finally in Excavation Gr. -E. in North-Tisra Colliery under of M/s. BCCL Management.

On emphatically scrutinizing the case and materials available on record, there is no argument the conduct and gesture Union /petitioner walks with, they apparently seem to be obsessed with taking adjournment rather to ensure proper step being followed in getting the case to finality through adjudication. It shows the workman is no longer interested to get evidence on his part completed. Needless to say sufficient opportunity was provided to the workman/petitioner to defend, who proved failure even for closure of the chapter of evidence of the workman. The case seems to have lost its merits as of now, due to sheer disinterestedness workman, as reflected from workman. Accordingly, the 'move' will not be termed unfair, unjust and against the natural justice if the case is wrapped up as 'No Dispute Award'. Thus it is passed as "No Dispute Award".

R. K. SARAN, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2016

का.आ. 2207.—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. 2, धनबाद के पंचाट (संदर्भ संख्या 78 ऑफ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/72/2003-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2207.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 78 of 2003) 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 03.11.2016.

[No. L-20012/72/2003-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

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

PRESENT : Shri R.K.Saran, Presiding Officer

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

REFERENCE NO. 78 OF 2003

PARTIES : The Joint Secretary,
Janta Mazdoor Sangh,
Regional Committee CCL
At/PO Rai, Distt; Hazaribagh

Vs.

The Project Officer,
Sirka Colliery of M/s. CCL,
P.O. Argada, Distt; Hazaribagh.

Order No.L-20012/72/2003-IR(C-I) dt. 19.08.03

APPEARANCES :

On behalf of the workman/Union : Mr. K. Chakraborty, Ld. Advocate

On behalf of the Management : Mr. D. K. Verma, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 12th Sept., 2016

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act., 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No.L-20012/72/2003-IR(C-I) dt. 19.08.03.

SCHEDULE

“Whether the action of the Management of CCL Sirka Colliery Argada Area to retire Sri Navin Choudhary on superannuation w.e.f. 30.06.2002 is proper and justified? If not, to what relief is the workman entitled?”

2. Neither the workman /petitioner nor the Representative of the Sponsoring Union was found present on date nor did the evidence of the workman, hanging since 30.05.2006 get completed. By initiating action to proceed further to close the evidence of the workman formal notices dt. 22.12.2003, 30.12.2014 and 15.07.2015 had already been sent to the address of the Union itself referred in the Order of the Reference but to no avail. The case is about discrepancy of workman's date of birth and thereby challenging the alleged superannuation by seeking relief under it. Contrary to it Mr. D.K.Verma, Ld. Advocate for the Management was found present.

On a meticulous perusal of the case and the materials on the record, it is beyond doubt the evidence of the workman hanging since 30 May, 2006 even after providing sufficient opportunity they did not get the evidence completed nor did put forth cogent reasons thereof but they repeatedly proved failure to put it forward. More so, over

the past years no initiative seems to be visible on the part of the Union /petitioner. The posture and conduct the workman walks, drops sufficient hints of unwillingness to go in for finality the case through adjudication. On this count, the Tribunal cannot be supposed to be mute spectator to let the situation roll for a long spell of time rather pushing it for final closure in the natural interest in presumption of non-existent of issue in real sense. So the case is wrapped up as no Industrial Dispute. Accordingly an 'Award of No Dispute' is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2016

का.आ. 2208.—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. 2, धनबाद के पंचाट (संदर्भ संख्या 85 ऑफ 2003) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/64/2003-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2208.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 85 of 2003) 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 03.11.2016.

[No. L-20012/64/2003-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

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

PRESENT : Shri R.K.Saran, Presiding Officer

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

REFERENCE NO. 85 OF 2003

PARTIES : The Jt Gen. Secretary,
Janta Colliery Mazdoor Congress,
Qr.No. A/9, Damagoria Colliery Staff Colony.
PO: Kalyaneshwari .Distt: Dhanbad.

Vs.

The General Manager,
C.V.Area of M/s. BCCL.
PO: Barakar, Distt; Dhanbad.

Order No. **L-20012/64/2003-IR (C-I) dt.19.08.2003.**

APPEARANCES :

On behalf of the workman/Union : None

On behalf of the Management : None

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 20th Sept., 2016

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. **L-20012/64/2003-IR (C-I) dt.19.08.2003.**

SCHEDULE

“Whether the demand of the Janta Colliery Mazdoor Congress from the Management of Dahibari Colliery of M/s. BCCL for regularizing S/Sri Rabilal Majhi, Pukram Das, Srinath Ram and Sunil Marandi, U.G. Loader as Trammers is fair and justified? If so, to what relief are the concerned workmen entitled and from what date?”

None from workmen concerned nor Representative from the Union appeared on date, not even earlier occasions also nor did produce workman for evidence. The situation more or less is same with the Management too, The status reveals the case has been crawling over evidence of the workman or filing settlement petition. Though notices dt. 22.12.2003, 11.02.2004, 27.09.2004 and 13.02.2015 had already been sent at the addresses of both the litigant parties concerned but they largely remained unresponsive. The case deals with regularization of the workmen namely S/Shri Rabilal Manjhi, Pukram Das, Srinath Ram and Sunil Marandi under reference of Dahibari Colliery of M/s. BCCL.

On perusal of the case and the materials available on record, it is apparently clear that the workmen side/Union do not seem to be in hurry to get the case to finality through adjudication hanging over evidence of the workman or filing of settlement petition. Since then several adjournments took place with posting of dates but no further headway is reported over hearing of evidence nor did assign any cogent reasons. The non-appearance on their part even after so many notices is all about pinning hope over the fact that the Case either seems to have been resolved or settled outside the Court amicably between both the parties concerned. So there is no longer merits in the case as of now. The Court too do not see any substantive fact/material to keep it alive rather close it earlier as better in the pursuit of the natural justice. As such the case is closed as non-existence of dispute between the parties and the case disposed of as No dispute. Accordingly an order of ‘No Dispute Award’ is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2016

का.आ. 2209.—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. 2, धनबाद के पंचाट (संदर्भ संख्या 81 ऑफ 2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/10/2005-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2209.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 81 of 2005) 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 03.11.2016.

[No. L-20012/10/2005-IR (CM-I)]

M. K. SINGH, Section Officer

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

PRESENT : Shri R.K.Saran, Presiding Officer

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

REFERENCE NO. 81 OF 2005

PARTIES : The Vice President,
Rastriya Colliery Mazdoor Sangh,
Michel John Memorial Hall, Rajender Path, Post Box No. 22,
Dhanbad. -826001

Vs.

The General Manager (P & IR)
Koyla Bhawan, PO:Koyla Nagar, Dhanbad-826001

Order No. L-20012/10/2005-IR(C-I) dt. 26.07.2005

APPEARANCES :

On behalf of the workman/Union : Mr. N.G. Arun, Ld.Rep. of the Union

On behalf of the Management : Mr. D.K. Verma, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 16th Aug., 2016

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/10/2005-IR(C-I) dt. 26.07.2005.

SCHEDULE

“Whether the action of the Management of Madhuban Washery of BCCL in not providing protection of pay to Sh.Udho Singh and 10 others (as per list)while regularizing their services as Security Guard is just and fair? If not, to what reliefs are the workmen entitled?”

2. Both neither the workmen /petitioners nor the Union Representative on their behalf are reported to be present on date nor did file the much awaited rejoinder on their behalf .Though Notices dtt. 17.10.2005,07.09.2007 & 30.04.2015 have been regularly served at the address of the Union referred in the Order of the Reference itself but all went vain. The case has been stagnating over filing of rejoinder by the workmen since 11.07.2006 after taking adjournment of more than ten times .The case is about seeking protection while regularizing them in service as Security Guard at Madhuban Washery under the Management of M/s. BCCL. Opposite to it, Mr. D.K.Verma, Ld. Advocate is registered his presence from Management side not for this time but all along since its inception and setting out to be rolling as I.D. Reference Case.

From the perusal of the file concerned and materials on record, prima facie it is apparently clear that the Case does no longer have merits, so as to be proceeded with hearings through adjudication. The case is set to be rolling at slow snail's pace, exposed workmen's absolute disinterestedness to proceed further as if the issue, in question, either to have been already resolved or no more issue in real sense .It all makes the sense to keep the case alive will draw flak rather it should be wrapped up not just for the natural justice but in wider prospect of backlog cases. Under these circumstances, the case is set to be closed as non-existent of Industrial Dispute between the parties, and thus, paying the way to pass An Award of “No Industrial Dispute”.

R. K. SARAN, Presiding Officer

List of the workmen

1. Udho Singh
2. Mahadev Rewani
3. Chamari Mahato
4. Brahmdev Napit
5. Barka Mia
6. Ismaile Mia
7. Jagdish Rewani
8. Lallan Paswan
9. Kanhaiya Singh
10. Bhola Mahato
11. Hema Gaur

नई दिल्ली, 3 नवम्बर, 2016

का.आ. 2210.—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. 2, धनबाद के पंचाट (संदर्भ संख्या 36 ऑफ 2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/62/2007-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2210.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 36 of 2007) 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 03.11.2016.

[No. L-20012/62/2007-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

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

PRESENT : Shri R.K.Saran, Presiding Officer

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

REFERENCE NO. 36 OF 2007

PARTIES : The Secretary,
Bihar Colliery Kamgar Union,
Jharnapara, Hirapur,, Dhanbad.826001

Vs.

The Chief General Manager,
Western Jharia Area of M/s. BCCL
PO: Moonidih, Dhanbad.826001

Order No. L-20012/62/2007-IR (CM-I) dt.23.07.2007

APPEARANCES :

On behalf of the workman/Union : None

On behalf of the Management : Mr. D.K. Verma, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 20th Sep., 2016

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/62/2007-IR (CM-I) dt.23.07.2007.

SCHEDULE

“Whether the action of the Management of 20/21 Pits Colliery of M/s. BCCL in dismissing the services of Shri Gafoor Mia, Explosive Carrier, w.e.f. 29.06.2006 is justified and legal? If not, to what relief is the concerned workman entitled?”

2. Neither any representative of the Union nor the workman Shri Gafoor Mia appeared on date nor did file much awaited rejoinder lying pendency on the onus of the Union itself since 13.10.2015 to be followed by exchange of documents by both the sides. Though Notices were regularly served upon the Union on 04.12.2007, 10.01.2008 and 01.12.2014 at the address referred in the Order of the Reference itself but to no avail. The case is all about dismissal of the workman under the Management of 20/21 Pits Colliery of M/s. BCCL, seeking relief by the workman by challenging the dismissal order. Just opposite to it Mr. D.K.Verma, Ld. Advocate representing the Management registers his presence on date, not for even this time but all along.

On perusal of the case record, it came across with facts that the case has been fixed on the filing rejoinder by the workman barely crossed over the one step by both of the parties concerned after which it came abruptly to a grinding halt with no further steps as reported over, by the workman side since October, 2015, even after notices were served them upon. The case has been stagnating over filing rejoinder for almost last one year but the workman concerned has been proved repeatedly failure for appearance before the Court. This all pinpoints the fact of workman's unwillingness to get the case for finality through adjudication and let the case rollover over one stage for long spell. It serves as a stark reminder of the sorry state of case. So in the line of the natural interest and viewing sheer disinterestedness of the workman, the case should be wrapped up as No Industrial Dispute.

Under these circumstances, the case is closed as no existent Industrial Dispute; accordingly an order of "No industrial Dispute" is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2016

का.आ. 2211.—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. 2, धनबाद के पंचाट (संदर्भ संख्या 17 ऑफ 2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/96/2012-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2211.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 17 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 03.11.2016.

[No. L-20012/96/2012-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE

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

PRESENT : Shri R.K.Saran, Presiding Officer

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

REFERENCE NO. 17 OF 2013

PARTIES : The Jt. Gen.Secretary,
Bahujan Mazdoor Union,
Mines Rescue Station, PO: Dhansar
Dhanbad. -828106.

Vs.

The General Manager,
Lodna Area of M/s BCCL, PO: Khas Jeenagora
Dhanbad-828115

Order No. L-20012/96/2012-IR(CM-I) dt. 08.01.2013

APPEARANCES :

On behalf of the workman/Union : Mr. R.R. Ram, Ld. Advocate

On behalf of the Management : Mr. D.K. Verma, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 18th Aug., 2016

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012/96/2012-IR (CM-I) dt. 08.01.2013.

SCHEDULE

“Whether the action of the Management of Jeenagora Colliery of M/s. BCCL in dismissing Sri Raj Kumar Bhjuia, Ex. M/Loader from the services of the Company vide order dated 10.03.2004 is legal and justified? To what relief is the workman concerned entitled?”

Neither the Union Representative nor anyone from the workman appeared nor did the hearings on substitution petition get completed pending since long, The case is reported to move further by filing W.S. from the workman but later on, as intimated by Ld. Advocate before the Court death of the workman concerned, the case usually stepped up for filing the substitution petition. After filing the substitution petition, proceedings came to a grinding halt due to non appearance either from Union or any Representative from the late workman. The Notices dtt. 02.4.13, 05.03.14 and 03.07.14 were regularly sent to the Union at the address referred in Order of the Reference which largely remained unresponsive. Since then several adjournments took place with posting of dates but no further headway is reported over hearing of alleged substitution petition or appearance in wake of the workman's death. Mr.D.K. Verma, Ld. Adv. for the O.P./Management is present on date. The case is about dismissal of the workman by the Management of Jeenagora Colliery of M/s. BCCL and seeking relief there under by challenging the alleged order,

By going through the file & materials available on the case record, it transpires to dispel the doubts that after 'death of the workman concerned neither the Union nor anyone else from the workman side seems to be not in hurry to get the case to finality through adjudication as no further step reported advanced over hearing of the substitution petition even after more than ten adjournments. It singles out the fact the real issue indeed ceases to exist owing to unwillingness on the part of the workman/union. It does not signify to set the case to be rolling for further dates rather wraps it up for wider prospects and the natural interest of justice. Under these circumstances, it would be proper & just if the case is closed as “No Industrial Dispute”; accordingly an order of ‘No Dispute Award’ is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2016

का.आ. 2212.—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. 2, धनबाद के पंचाट (संदर्भ संख्या 20 ऑफ 2014) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/96/2013-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2212.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 20 of 2014) 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 03.11.2016.

[No. L-20012/96/2013-IR (CM-I)]

M. K. SINGH, Section Officer

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

PRESENT : Shri R.K.Saran, Presiding Officer

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

REFERENCE NO. 20 OF 2014

PARTIES : The Joint Secretary,
Bihar Colliery Kamgar Union, Refugee Market
Temple Road, Dhanbad.

Vs.

The General Manager,
Bastacolla Area of M/s BCCL,
PO: Jharia, Dhanbad.

Order No. L-20012/96/2013-IR(CM-I) dt.28.03.2014.

APPEARANCES :

On behalf of the workman/Union : None

On behalf of the Management : Mr. U.N. Lal, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 25th July, 2016

AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act.,1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. **L-20012/96/2013-IR (CM-I) dt.28.03.2014.**

SCHEDULE

“Whether the action of the Management of Dobari Colliery under Bastacolla Area of M/s BCCL in not regularizing S/Sri Lorik Yadav & 26 others to the post of PR Trammer is fair and justified? To what relief the concerned workmen are entitled to?”

2. Neither the workmen concerned nor their Representative is reportedly present nor did file long-awaited W.S. since its inception and coming into existence as Reference case bearing No. 20 of 2014. Though three formal Notices dt. 12.05.2014, 16.01.2015, 09.07.2015 have been served at the address of the Union concerned referred in the Order of the Reference itself but they did not respond to it nor did bother to appear for filing W.S. hanging in balance since 01.07.2014, thereby taking almost more than ten adjournments. Contrary to it Mr. U.N. Lal, Ld. Advocate for the Management is present on date. The case is about regularization of the workmen into PR Trammer at Dobari Colliery under Bastacolla Area of the M/s BCCL.

By going through & scrutinizing neither the record concerned it transpires that neither the workmen concerned nor their Sponsoring Union exposed seriousness to proceed with hearings of the instant case through adjudication. They are little interested to move ahead either by appearing or filing the much awaited W.S. More so, the case was even stagnated over being unfolded & heard in abinitio owing to sheer disinterestedness of the workmen showed till date by their gesture and conduct. It holds to realization to the assumption that the case has lost its merits whatsoever. It will be absolutely unfair and unjust in the natural interest of the justice to set it rolling any longer, rather it ought to have been closed. Under these circumstances in the presumption of no Industrial Dispute existent between the parties concerned, it should be wrapped up as “No Industrial Dispute”. Accordingly an Award of the No Dispute is passed.

R. K. SARAN, Presiding Officer

नई दिल्ली, 3 नवम्बर, 2016

का.आ. 2213.—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. 2, धनबाद के पंचाट (संदर्भ संख्या 07 ऑफ 2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 03.11.2016 को प्राप्त हुआ था।

[सं. एल-20012/141/2014-आईआर (सीएम-1)]

एम. के. सिंह, अनुभाग अधिकारी

New Delhi, the 3rd November, 2016

S.O. 2213.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-cum-Labour Court No. 2, Dhanbad (Ref. No. 07 of 2015) 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 03.11.2016.

[No. L-20012/141/2014-IR (CM-I)]

M. K. SINGH, Section Officer

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO.2), AT DHANBAD****PRESENT : Shri R.K.Saran, Presiding Officer**

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

REFERENCE NO. 07 OF 2015

PARTIES : The General Secretary,
Bihar Colliery Kamgar Union,
Manbad, PO: Jharia, Dhanbad -828111

Vs.

The General Manager
Sijua Area of M/s BCCL, PO: Sijua, Dhanbad-828121

Order No. L-20012/141/2014-IR(CM-I) dt.8.1.2015

APPEARANCES :

On behalf of the workman/Union : Mr. N.G. Arun, Ld. Rep. of the Union

On behalf of the Management : Mr. D.K. Verma, Ld. Advocate

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 16th Aug., 2016**AWARD**

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Sec.10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. **L-20012/141/2014-IR(CM-I) dt. 8.1.2015.**

SCHEDULE

“Whether the action of the Management of Basudeopur Colliery under Sijua Area of M/s BCCL in dismissing Shri Rmesh Turi, Ex-General Mazdoor from the services w.e.f. 09.10.2004 is fair and justified ? To what relief the concerned workman is entitled ?”

On receipt of the Order No. **L-20012/141/2014-IR(CM-I) dt.8.1.2015** of the above mentioned reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, the Reference Case No. 07 of 2015 was registered on 19.01.2015 and accordingly an order to that effect was passed to issue notices through the Registered Posts 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. In pursuance of the said order, notices by the Registered Posts were sent to the parties concerned.

Both the parties made their appearances and filed their pleadings and photocopies of their documents. The Union and the O.P./Management through their own Ld. Rep./Counsel appeared respectively, and contested the case.

2. The case relates to the workman Shri Ramesh Turi, Ex. General Mazdoor of Basudeopur Colliery of M/s BCCL, as sponsored by the Union and narrates in its W.S. that the workman after having made permanent on completion of one year probation period since his employment on compassionate ground had been absenting from service. As stated in the W.S., the Management charged him of absentism by issuing a chargesheet on 21.7.2001 with ulterior motive and malafide intention. The charge sheet itself is composition of malafide intention and perverted reports, as alleged by the workman. Further the workman confessed of his absentism, simultaneously he assured Management of resuming duty only after getting fully recovered from illness. Contrary to it, the Management went ahead unilaterally with its planned calculative move by constituting of Enquiry Officer in violation of principle of natural justice and conducted the enquiry without going into the bottom of the fact and depriving the workman of being heard sufficiently. Finally the Management formally issued the termination letter charging him of alleged absentism that formed a part of habitual practice. Though workman made earnest appeal for reinstating him to the Management but to no avail. Thereafter the issue was taken up with ALC©, Dhanbad for conciliation but Management firmly stood by the facts leading to failure of conciliation that resulted in birth of the Reference Case. At last the workman cried these all the alleged acts of the Management as foul and arbitrariness with appeal for restoring him to the actual job with arrears.

Contrary to the fact, categorically denying all the allegations as stated by the workman in his W.S., the Management asserted that the matter, in issue, was taken up by the Union concerned before the ALC©, Dhanbad for

conciliation with making availability of the full facts etc, followed by documents to convince the Management about whatsoever actions felt imperative was taken as the Management still stood by the action of dismissal .So long as the Management asserts the whole episode categorically that the workman proceeded on leave unauthorizedly without any information and prior permission ,against it, he was served a charge sheet for his such alleged misconduct . He replied the charge-sheet which was not found satisfactory. Further the Management went ahead with constituting an Enquiry Committee by appointing an Enquiry Officer and a M/R (Management Representative). The Enquiry was conducted fair, just and in principle of natural justice and submitted its findings to the Competent Authority (Disciplinary Authority)who in turn, by taking a series of his absenteeism inclusive past history sheet of his service record and this act into account , found it as grave misconduct ,and dismissed him from service. However issuance of 2nd Show Cause Notice went unresponsive so long as it concerned to the workman. So there is usually nothing short of violation of the natural justice, as alleged by the workman.

So the event like this does not gain much significance as nothing unusual, and unprecedented like it, simultaneously to ease out of the Industrial unrest in principle, the Tribunal always shares of view of having a second thought before imposing harsher penalty rather ushering a new chapter for reform, as they are at least be termed pillars of the production and always roped in with country mainstream and rather very prone to deadly diseases owing to unhygienic conditions and risk involvement associated with the tedious job, assigned of. So the move will not be called improper and wrongdoing if the workman be provided a little bit reprieve by taking as a fresher in the lowest grade but without back wages whatsoever. Thus, it is being ordered for employment of the workman concerned as fresher in lowest Cat.-I Mazdoor, but without back wages, whatsoever under probation for two years treating from date, he joins.

R. K. SARAN, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2214.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार ओरियन्टल इंशोरेंस कंपनी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 1180/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-17012/15/2001-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2214.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1180/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the management of Oriental Insurance Company and their workmen, received by the Central Government on 07.11.2016.

[No. L-17012/15/2001-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, AHMEDABAD

Present :

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

Dated 19th September, 2016

Reference: (CGITA) No. 1180/2004

The Branch Manager,
Oriental Insurance Company,
Malay Trade Centre, Dhebar Road One Way,
Rajkot (Gujarat) – 360001

...First Party

V/s.

Smt. Shobhanaben Bharatbhai Kukava,
2, Rajlaxmi Society, Behind HUDCO Quarters,
Near Arunodaya School,
Rajkot (Gujarat) - 360001

...Second Party

For the First Party : None

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-17012/15/2001-IR(B-II) dated 03.08.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether it is a fact that Smt. Shobhanaben Bharatbhai Kukava was engaged as a part-time Sweeper at Rajkot Branch of Oriental Insurance Company Ltd. during the period from 01.01.1996 to 04.10.1999? If so whether the action of the management in terminating her services w.e.f. 04.10.1999 is legal and justified? If not justified, what relief is the disputant workman entitled to?”

1. The reference dates back to 03.08.2001. The second party submitted the statement of claim Ext. 4 on 16.09.2002. The first party submitted the written statement Ext. 5 on 09.09.2003. Since then both the parties have been absent. Therefore the tribunal issued fresh notice on 10.03.2011 to both the parties to appear on 19.04.2011. Last opportunity was given to the second party on 30.12.2015 that too went unheeded. Therefore the tribunal has no option but to dismiss the reference in non-prosecution of the case by both the parties and the reference is in affirmative as being not contested by the second party.

2. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2215.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार लाइफ इंशोरेंस कंपनी के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 1259/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-17012/31/1997-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2215.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1259/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad as shown in the Annexure in the Industrial Dispute between the management of Life Insurance Company and their workmen, received by the Central Government on 07.11.2016.

[No. L-17012/31/1997-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 24th August, 2016

Reference: (CGITA) No. 1259/2004

The Divisional Manager,
LIC of India, Jeevan Prakash,
Muglisara, Surat – 395003

...First Party

V/s.

The General Secretary,
Life Insurance Employees Association,
LIC of India, “Jeevan Prakash”,
Muglisara, Surat – 395003

...Second Party

For the First Party : Shri D.C. Gandhi, Associates

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-17012/31/1997-IR(B-II) dated 18.08.1998 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of management of Life Insurance Corporation of India indefferring the third stagnation increment to Mr. R.B. Pawar from 01.01.1996 to 01.02.1997 is legal and justified? If not, to what relief the said workman is entitled and from which date?”

1. The reference dates back to 18.08.1998. The second party submitted the statement of claim Ext. 7 on 29.07.1999. First party submitted the written statement on 13.12.1999. Since then the parties have not been leading evidence. On 07.06.2012, Neelam Phadse with the concern of the second party submitted the application Ext. 18 stating that the dispute has been resolved amicably. They do not want to prosecute the dispute.

2. Thus the reference is decided as not pressed.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2216.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला डॉक लेबर बोर्ड के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 40/2007) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-37011/4/2006-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2216.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2007) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Dock Labour Board and their workmen, received by the Central Government on 07.11.2016.

[No. L-37011/4/2006-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 13th July, 2016

Reference: (CGITA) No. 40/2007

The Chairman,
Kandla Dock Labour Board,
Kandla, Kutch

...First Party

V/s.

The President,
Kandla Port Karamchari Sangh,
TCX-S-94, Gandhidham,
Kutch – 370201

...Second Party

For the First Party : Shri K.V. Gadhia, Associates

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/4/2006-IR (B-II) dated 28.05.2007 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of Kandla Port Karamchari Sangh regarding registration of Hatchmen/Foremen with KDLB who are already working on Board, Ship with various Registered Stevedores from the date of their initial working with respective registered stevedores alongwith other fringe benefits with respective dates (as per list enclosed) is legal and justified? If so, what relief the workmen concerned are entitled to?”

1. The reference dates back to 28.05.2007. Both the parties were served by registered post. Second party submitted the vakalatpatra Ext. 7 on 09.02.2008 and first party submitted the vakalatpatra Ext. 9 on 02.01.2014 but even after filing the vakalatpatra on 09.02.2008, second party has not preferred to submit the statement of claim despite sending fresh notice by registered post on 07.03.2016. The learned advocate of the first party Shri K.V. Gadhia Associates has been representing his client on each and every date. Thus, it appears that second party has no interest in the prosecution of the case.

2. Thus, the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2217.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 102/2010) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-37011/4/2008-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2217.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 102/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 07.11.2016.

[No. L-37011/4/2008-IR (B-II)]

RAVI KUMAR, Desk Officer

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

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

Dated 2nd August, 2016

Reference: (CGITA) No. 102/2010

The Chairman,
Kandla Port Trust, Post Box No. 50,
Gandhidham, Kutch – 370201 ...First Party

V/s.

The General Secretary,
Transport & Dock Workers Union,
21, Yogesh Building, Plot No. 586, 12-C,
Gandhidham, Kutch – 370201

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri N.H. Rathod

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/4/2008-IR (B-II) dated 24.10.2008 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Chairman, Kandla Port Trust, P.O. Box No. 50, Gandhidham, Kutch in not reinstating the services of Shri Khima Meramakwana RP/26/1 of Cargo Handling Division, Traffic Department after 31.08.2007 is legal and justified? What relief the workman concerned is entitled to?”

1. The reference dates back to 24.10.2008. Both the parties namely first party Kandla Port Trust, Gandhidham and second party The General Secretary, Transport & Dock Workers' Union, Kandla have moved a joint application Ext. 13 stating that the workman has retired and his all admissible terminal dues has been released and same are accepted by the workman. Workman has also accepted and started to draw the regular pension since Sept. 2007. Therefore, the reference in the light of the aforesaid mutually agreed terms and conditions is decided/disposed of finally.
2. Thus the reference is dismissed as withdrawn by both the parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2218.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 155/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-37011/5/2011-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2218.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 155/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust, A.O. Building and their workmen, received by the Central Government on 07.11.2016.

[No. L-37011/5/2011-IR (B-II)]

RAVI KUMAR, Desk Officer

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

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

Dated 20th September, 2016

Reference: (CGITA) No. 155/2012

The Chairman,
Kandla Port Trust, A.O. Building,
Post Box No. – 50,
Gandhidham (Kutch) – 370201

...First Party

V/s.

The General Secretary,
Transport & Dock Workers' Union,
Kandla, 21, Yogesh Building,
Plot No. – 586, 12-C, Gandhidham,
Kutch – 370201

...Second party

For the First Party : Shri M.K. Patel

For the Second Party : Shri N.H. Rathod

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/5/2011-IR(B-II) dated 26.09.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Kandla Port Trust in not absorbing Smt. Nirmala B. Shahani in the post of Maistry in Civil Engineering Department (Compassionate appointee working as Daily Rates Khalashi) although, she is fulfilling the norms of Recruitment Rules is legal and justified? What relief the workman is entitled to?”

1. The reference dates back to 26.09.2012. Both the parties submitted the vakalatpatra Ext. 4 of his advocates K.V. Gadhia associates and N. H. Rathod respectively on 28.01.2014. Since then the second party has not filed the statement of claim despite giving half a dozen of opportunities. On 19.10.2015 and 21.12.2015, the second party was given last opportunity to file statement of claim successively and on 28.04.2016, the second party sought one more time. He was given time twice but to no result. In the reference, the advocate for the second party did not press the case by way of submitting an application Ext. 6. In the aforesaid circumstances, it appears that second party does not want to prosecute the case. Hence the reference is decided in affirmative.

2. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2219.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 146/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-37011/6/2011-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2219.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 146/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust, A.O. Building and their workmen, received by the Central Government on 07.11.2016.

[No. L-37011/6/2011-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 20th September, 2016

Reference: (CGITA) No. 146/2012

The Chairman,
Kandla Port Trust, A.O. Building,
Post Box No. – 50,
Gandhidham (Kutch) - 370201

.....First Party

V/s.

The General Secretary,
Transport & Dock Workers' Union,
Kandla, 21, Yogesh Building,
Plot No. – 586, 12-C, Gandhidham,
Kutch – 370201

.....Second party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri N.H. Rathod

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/6/2011-IR(B-II) dated 21.09.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Kandla Port Trust in not absorbing Shri Jeetu Shyam Nariani in the post of Maistry in Civil Engineering Department (Compassionate appointee working as Daily Rates Khalashi) although, he is fulfilling the norms of Recruitment Rules is legal and justified? What relief the workman is entitled to?”

1. The reference dates back to 21.09.2012. Both the parties submitted the vakalatpatra Ext. 4 of his advocates K.V. Gadhia associates and N. H. Rathod respectively on 28.01.2014. Since then the second party has not filed the statement of claim despite giving half a dozen of opportunities. On 19.10.2015 and 21.12.2015, the second party was given last opportunity to file statement of claim successively and on 28.04.2016, the second party sought one more time. He was given time twice but to no result. In another Reference (CGITA) No. 155/2012, the advocate for the second party did not press the case in the similar matter. In the aforesaid circumstances, it appears that second party does not want to prosecute the case. Hence the reference is decided in affirmative.
2. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2220.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक

अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 50/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-37011/8/2004-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2220.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 50/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust, A.O. Building and their workmen, received by the Central Government on 07.11.2016.

[No. L-37011/8/2004-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 11th July, 2016

Reference: (CGITA) No. 50/2005

The Chairman,
Kandla Port Trust, Administrative Office,
Post Box No. 50, Gandhidham,
Kutch.

.....First Party

V/s.

The General Secretary,
Transport & Dock Workers' Union,
21, Yogesh Building, Plot No. 586, 12 – C,
Gandhidham (Kutch).

.....Second Party

For the First Party : Shri K.V. Gadhia Associates

For the Second Party : Shri N.H. Rathod

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/8/2004-IR (B-II) dated 26.05.2005 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Kandla Port Trust in not placing Shri Aseem Chakraborty, Station Officer above Shri D.S. Pandey and Shri Gopichand Sharma in the seniority list of Station Officers in Fire Brigade Section is legal and justified? If not, what relief the workman concerned is entitled to?”

1. The reference dates back to 26.05.2005. The second party submitted the statement of claim Ext. 5 on 25.05.2010. The first party submitted the vakalatpatra Ext. 7 of his advocate Shri K.V. Gadhia Associates on 31.07.2012 and written statement on 31.07.2012. Since then second party has not been leading his evidence despite the fact that his advocate was also present in the court. Thus it appears that second party has not been intending to lead evidence and unwilling to prosecute the case.

2. Thus, in the said circumstances, the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2221.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 36/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-37011/5/2009-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2221.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 36/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 07.11.2016.

[No. L-37011/5/2009-IR (B-II)]

RAVI KUMAR, Desk Officer

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

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

Dated 18th July, 2016**Reference: (CGITA) No. 36/2010**

The Chairman,
Kandla Port Trust, Post Box No. 50,
Gandhidham (Gujarat)

...First Party

V/s.

The General Secretary,
Transport & Dock Workers Union,
21, Yogesh Building, Plot No. 586/12-C,
Gandhidham (Gujarat)

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : S/Smt. Kirit I. Patel

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/5/2009-IR (B-II) dated 22/27.01.2010 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Chairman, Kandla Port Trust, Kandla, Gandhidham in not regularizing of Shri Chetankumar Parmar as regular Mistry against the vacant post is legal and justified? What relief the workman is entitled?”

1. The reference dates back to 22/27.01.2010. The second party submitted the vakalatpatra Ext. 4 on 14.05.2010 along with the statement of claim Ext. 6 on 05.10.2011. First party advocate filed the vakalatpatra Ext. 8 on 22.08.2012 along with written statement Ext. 9 on 24.07.2014. Since then the second party has been absent except once on 24.03.2014 when he sought time for leading evidence. Therefore, it appears that second party has not been intending to prosecute the case.

2. Thus, the reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2222.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 37/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-37011/4/2009-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2222.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 37/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial Dispute between the management of Kandla Port Trust and their workmen, received by the Central Government on 07.11.2016.

[No. L-37011/4/2009-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 18th July, 2016

Reference: (CGITA) No. 37/2010

The Chairman,
Kandla Port Trust, Post Box No. 50,
Gandhidham (Gujarat)

...First Party

V/s.

The General Secretary,
Transport & Dock Workers Union,
21, Yogesh Building, Plot No. 586/12-C,
Gandhidham (Gujarat)

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : S/Smt. Kirit I. Patel

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/4/2009-IR (B-II) dated 22/27.01.2010 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Chairman, Kandla Port Trust, Kandla, Gandhidham in not regularizing of Shri Patel Rajesh Shankerlal as regular Mistry against the vacant post is legal and justified? What relief the workman is entitled?”

1. The reference dates back to 22/27.01.2010. The second party submitted the vakalatpatra Ext. 4 on 24.09.2010 along with the statement of claim Ext. 6 on 05.10.2011. First party advocate filed the vakalatpatra Ext. 8 on 22.08.2012 along with written statement Ext. 9 on 24.07.2014. Since then the second party has been absent except once on

24.03.2014 when he sought time for leading evidence. Therefore, it appears that second party has not been intending to prosecute the case.

2. Thus, the reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2223.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 100/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-37011/2/2008-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2223.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 100/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust, A.O. Building and their workmen, received by the Central Government on 07.11.2016.

[No. L-37011/2/2008-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 18th July, 2016

Reference: (CGITA) No. 100/2010

The Chairman,
Kandla Port Trust, Post Box No. 50,
Gandhidham (Gujarat)

...First Party

V/s.

The General Secretary,
Transport & Dock Workers' Union,
A-15, 1st Floor, Ganesh Building, Near Police Station,
Gandhidham (Kutch)

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : S/Smt. Jagdip C. Doshi

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/2/2008-IR (B-II) dated 05.09.2008 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Chairman, Kandla Port Trust, Kandla, Gandhidham in not providing employment as an Assistant in H.M.’s office on regular basis to Smt. Chandrika V and reverting her to the post of Sr. Clerk vide order dated 28.06.2007 is legal and justified? What relief the workman concerned is entitled to?”

1. The reference dates back to 05.09.2008. Both the parties were served by registered post. The second party The General Secretary, Transport & Dock Workers Union, Kandla, submitted the vakalatpatra Ext. 6 on 17.07.2009 and first party Kandla Port Trust submitted the vakalatpatra on 13.08.2012. First party advocate is present but the second party, since then has been absent and has also not filed the statement of claim. Therefore, it appears that second party has not been intending to prosecute the case.
2. Thus, the reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2224.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 21/2013) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-37011/2/2012-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2224.—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, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust, Administrative Office, Post Box No. 50 and their workmen, received by the Central Government on 07.11.2016.

[No. L-37011/2/2012-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 18th July, 2016

Reference: (CGITA) No. 21/2013

The Chairman,
Kandla Port Trust,
Administrative Office, Post Box No. 50,
Gandhidham (Gujarat) – 370201

...First Party

V/s.

The President,
Kandla Port Karmachari Sangh,
TCX – S – 94, Gandhidham (Kutch),
Gujarat – 370201

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/2/2012-IR (B-II) dated 01.02.2013 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Kandla Port Trust in not giving the benefits of absorption to Smt. Devalben Maheshwari, Nurse although she has worked from 23.10.2007 and has completed 240 days from 23.10.2007 to Sept. 2009 and again from 05.03.2010 and discontinuing the services of Smt. Devalben Maheshwari, Nurse without following due process of law is justified? What relief the workman is entitled to?”

1. The reference dates back to 01.02.2013. Both the parties were issued notice by registered post. First party submitted the vakalatpatra Ext. 3 of his advocate. Second party did not respond to first notice issued on 20.05.2013 thereafter a fresh notice was issued on 14.03.2016 which was served on him but did not respond. Therefore, it appears that second party has not been intending to prosecute the case.
2. Thus, the reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2225.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कांडला पोर्ट ट्रस्ट के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 35/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-37011/7/2009-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2225.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 35/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Kandla Port Trust, Transport & Dock Workers Union and their workmen, received by the Central Government on 07.11.2016.

[No. L-37011/7/2009-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 18th July, 2016

Reference: (CGITA) No. 35/2010

The Chairman,
Kandla Port Trust, Post Box No. 50,
Gandhidham (Gujarat)

...First Party

V/s.

The General Secretary,
Transport & Dock Workers Union,
21, Yogesh Building, Plot No. 586/12-C,
Gandhidham (Gujarat)

...Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : S/Smt. Kirit I. Patel

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-37011/7/2009-IR (B-II) dated 18.01.2010 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the Chairman, Kandla Port Trust, Kandla, Gandhidham in not regularizing of Shri Narsinh Balu Bhai Dhua as regular Mistry against the vacant post is legal and justified? What relief the workman is entitled?”

1. The reference dates back to 18.01.2010. The second party submitted the vakalatpatra Ext. 4 on 24.09.2010 along with the statement of claim Ext. 6 on 05.10.2011. First party advocate filed the vakalatpatra Ext. 8 on 22.08.2012 along with written statement Ext. 9 on 24.07.2014. Since then the second party has been absent except once on 24.03.2014 when he sought time for leading evidence. Therefore, it appears that second party has not been intending to prosecute the case.
2. Thus, the reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2226.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ौदा के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 816/2004) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-12011/66/2003-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2226.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 816/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of Baroda and their workmen, received by the Central Government on 07.11.2016.

[No. L-12011/66/2003-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 27th July, 2016

Reference: (CGITA) No. 816/2004

The Asstt. General Manager,
Bank of Baroda,
Surat Distt.Branch, Saifee Buld. Dutch Rd Nanpura,
Surat (Gujarat) – 39500

...First Party

V/s.

The General Secretary,
Gujarat Bank Workers' Union, Parvana,
2/1, Sumangal Chambers, Jambubet, Dandia Bazar,
Vadodara (Gujarat) – 390001

...Second Party

For the First Party : Shri Mahesh Thakar

For the Second Party : Kum. Heena Desai

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/66/2003-IR (B-II) dated 18.08.2003 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Bank of Baroda through its officers in terminating the services of Shri Pareshkumar Patel, Shri Nareshkumar Bhagubhai Patel and Shri Nareshkumar Ramubhai Ahir without complying the provisions of I.D. Act, 1947 is legal and justified? If not, what relief are these workmen entitled to?”

1. The reference dates back to 18.08.2003. The second party submitted the statement of claim Ext. 3 on 26.05.2004 and Shri Mahesh Thakar submitted his vakalatpatra Ext. 5 and written statement Ext. 6 on 21.12.2004.

2. On behalf of the second party, Ms. Heena Desai submitted his vakalatpatra on 11.05.2006. On 11.09.2009 Heena Desai advocate moved an application Ext. 10 requesting the tribunal to withdraw the case of Shri Paresh Kumar Gopalbhai Patel unconditionally as his name has been included in the list of regular/absorbed employee. The Presiding Officer of the Industrial Tribunal Ahmedabad on 16.09.2009 permitted Paresh Kumar Gopalbhai Patel to withdraw from the reference.

Later the reference was transferred to this tribunal and notices were issued to The Asstt. General Manager, Bank of Baroda, Surat Distt. Branch, Saifee Buld. Dutch Rd Nanpura, Surat (Gujarat) – 395001 and The General Secretary, Gujarat Bank Workers' Union, Parvana, 2/1, Sumangal Chambers, Jambubet, Dandia Bazar, Vadodara (Gujarat) – 390001 on 07.02.2011. Consequently on behalf of the second party workmen Naresh Kumar Bhagubhai Patel and Nareshkumar Ramubhai Ahir submitted their affidavits/examination in chief Ext. 13 & 14 on 22.09.2012 but since then they have not been appearing for cross-examination. Therefore, Heena Desai advocate for first party moved the application Ext. 15, 16, 17 & 18 repeatedly on every subsequently dates for closure of the date in default of the second party for not appearing for cross-examination. In the said circumstances the tribunal has no option but to dismiss the reference in default of the second parties.

3. The reference is dismissed in default of the second parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2227.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 1298/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-12011/194/1999-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2227.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1298/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 07.11.2016.

[No. L-12011/194/1999-IR (B-II)]

RAVI KUMAR, Desk Officer

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

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

Dated 13th July, 2016

Reference: (CGITA) No. 1298/2004

The Chief Manager,
Bank of India, Surat Division, Limda Chowk,
Modh Vanik Panch NI Wadi,
Surat (Gujarat) – 395003

...First Party

V/s.

The General Secretary,
Bank of India, Staff Union,
C/o BOI, Lalgate, Surat (Gujarat)

...Second Party

For the First Party : Shri D.C. Gandhi Asso.

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/194/99-IR (B-II) dated 25.05.2000 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the demand of the union for absorption / regularisation of 4 Badlee Sepoys namely S/Shri (1) Natvarlal Laxmanbhai Patel (2) Bhupendrabhai Mohanbhai Gohil (3) Rangrej Naim Ibrahim & (4) Rameshbhai Khimjibhai More, in the Bank is legal, proper and justified? If so, what relief these 4 Badlee Sepoys are entitled and from which date and what other directions are necessary in the matter?”

1. The reference dates back to 25.05.2000. Second party submitted the statement of claim Ext. 7 on 26.02.2001. First party submitted the vakalatpatra of his advocate on 20.02.2006. Again he filed the vakalatpatra Ext. 17 of his advocate Shri D.C. Gandhi Associates along with the written statement Ext. 18 but since then the second party has been absent and has also not been leading his evidence. Today on 13.07.2016, Advocate Shri D.C. Gandhi is present. But second party is again absent for leading evidence. Thus, in the said circumstances, the tribunal has no option but to dismiss the reference as not pressed and in non-prosecution of the case by the second party.

2. Thus, the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2228.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केनरा बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 912/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-12012/194/2001-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2228.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 912/2004) of the Central Government Industrial Tribunal-cum-

Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Canara Bank and their workmen, received by the Central Government on 07.11.2016.

[No. L-12012/194/2001-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 19th September, 2016

Reference: (CGITA) No. 912/2004

The Asst. General Manager,
Corporation Bank, Zonal Office,
Nr. Navrangpura, P.O., P.B. No. 4106,
Ahmedabad (Gujarat) – 380009

...First Party

V/s.

Shri Rajnikant P. Rohit,
Khambhati Bhagole, Rohitvas,
Petlad, Anand (Gujarat)

...Second Party

For the First Party : Shri C.R. Bhatt

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/194/2001-IR(B-II) dated 11.02.2002 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Corporation Bank, Vallabh Vidhyanagar Branch in discontinuing the service of Shri Rajnikant P. Rohit w.e.f. 15.10.1994 is legal and justified? Whether the action of the management is violative of Section 25 F, G and H of the Industrial Dispute Act, 1947? If not, what relief the concerned workman is entitled to?”

1. The reference dates back to 11.02.2002. The second party submitted the statement of claim Ext. 5 on 19.02.2002 and the first party submitted the written statement Ext. 9 on 04.02.2009 along with relevant documents. Since then both the parties have been absent. Therefore the tribunal issued fresh notice on 24.01.2011 to both the parties to appear on 23.03.2011. Last opportunity was given to the second party on 30.12.2015 that too went unheeded. Therefore the tribunal has no option but to dismiss the reference in non-prosecution of the case by both the parties and the reference is in affirmative as being not contested by the second party.

2. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2229.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 102/2012) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-12012/87/2011-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2229.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 102/2012) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of UCO Bank, Hansot Branch and their workmen, received by the Central Government on 07.11.2016.

[No. L-12012/87/2011-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 1st August, 2016

Reference: (CGITA) No. 102/2012

The Branch Manager,

UCO Bank, Hansot Branch, Sukal Fallya, Hansot,
Bharuch (Gujarat)

...First Party

V/s.

Smt. Shardaben Mangubhai Rawal,
At. Post Mota Bazar, Hansot, Tah. Hansot,
Bharuch (Gujarat)

...Second Party

For the First Party : Shri Brijesh Acharya

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/87/2011-IR (B-II) dated 28.05.2012 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of UCO Bank through the Manager, Hansot Branch, Bharuch in terminating the services of Smt. Shardaben Mangubhai Rawal w.e.f. 01.12.2009 is legal and justified? What relief the concerned workman is entitled to?”

1. The reference dates back to 28.05.2012. Both the parties were issued notices by registered post and were served on 02.07.2012. First party advocate Brijesh J. Acharya filed his vakalatpatra Ext. 5 on 09.04.2014 but since then second party refrained to appear and also did not file the statement of claim despite expiry of more than 4 years. The advocate for the first party Brijesh J. Acharya is also present today. Thus, it appears that the second party has not been willing to prosecute the case. Hence the tribunal has no option but to dismiss the reference in default of the second party.

2. Thus, the reference is dismissed in default of the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2230.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार

औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 32/2010) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-12012/95/2009-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2230.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 32/2010) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial Dispute between the management of Central Bank of India, Regional Office and their workmen, received by the Central Government on 07.11.2016.

[No. L-12012/95/2009-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 13th July, 2016

Reference: (CGITA) No. 32/2010

The Regional Manager,
Central Bank of India, Regional Office,
Nagindas Chamber, Dhebar Road,
Rajkot

...First Party

V/s.

Shri Malik Omprakash Hari,
C/o Manusukhalal M. Station H.Q., Dhrangadhra,
Distt. Surendranagar

...Second Party

For the First Party : None

For the Second Party : Shri Ajay M. Shah

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/95/2009-IR (B-II) dated 29.01.2010 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Central Bank of India in removing Shri Malik Omprakash Hari, Ex-nayak w.e.f. 18.01.1993 from service is legal and justified? What relief is the concerned workman entitled to?”

1. The reference dates back to 29.01.2010. Both the parties were served by registered post and second party submitted the vakalatpatra Ext. 5 of his advocate Shri Ajay M. Shah on 24.01.2012. Since then, the second party has been absent but his advocate has moved an application Ext. 6 & 7 stating that workman of second party does not want to prosecute the case.
2. Thus, the reference is dismissed as not pressed by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2231.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 109/2005) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-12012/73/2005-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2231.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 109/2005) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial Dispute between the management of Central Bank of India and their workmen, received by the Central Government on 07.11.2016.

[No. L-12012/73/2005-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 21st July, 2016

Reference: (CGITA) No. 109/2005

The Regional Manager,
Central Bank of India,
2nd Floor, Anjaria Chambers, Kashi Vishwanath Road,
Jamnagar (Gujarat) – 361001

...First Party

V/s.

Shri Nandlal M. Sodha,
Gandhigram Society, Dr. Bhatt Sheri,
Vishot Krupa, Rajya Road, Rajkot

...Second Party

For the First Party : None

For the Second Party : Shri Dhruvkumar C. Joshi

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/73/2005-IR (B-II) dated 07.11.2005 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of the Regional Manager, Central Bank of India and the Branch Manager, Jamnagar in imposing the punishment of removal from service on Shri Nandlal M. Sodha ex-clerk w.e.f. 08.05.2000 is legal and justified? If not, what relief the workman concerned is entitled to?”

1. The reference dates back to 07.11.2005. The second party workman Shri Nandlal M. Sodha submitted the vakalatpatra Ext. 3 of his advocate Shri Dhruvkumar C. Joshi, Rajkot on 19.04.2006 and also submitted the statement of claim Ext. 4 on 05.04.2010 while the reference was pending in the court of Industrial Tribunal Rajkot. Later, the reference was transferred to this tribunal (CGIT-cum Labour Court, Ahmedabad) on 09.07.2010 since then second party stopped coming to this tribunal. Therefore, on 29.02.2012 and again on 06.04.2016, fresh notices were issued to

both the parties but to no result. Though, the case relates to removal from service of the second party even then second party has not been responding since last 4 years despite issuing notice to both the parties. Thus, it appears that the second party has no intention to prosecute the case. Therefore, this tribunal has no option but to dismiss the reference in default of the parties as the first party also has not filed written statement.

2. Thus, the reference is dismissed in default of the parties.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2232.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूको बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद के पंचाट (संदर्भ सं. 06/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-12012/16/2009-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2232.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 06/2009) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure, in the Industrial Dispute between the management of UCO Bank, UCO Bank, and their workmen, received by the Central Government on 07.11.2016.

[No. L-12012/16/2009-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 25th July, 2016

Reference: (CGITA) No. 06/2009

1. The Regional Manager,
UCO Bank,
UCO Bhavan, Near Sanyas Ashram, Ashram Road,
Ahmedabad (Gujarat) – 380009.
2. The Branch Manager,
UCO Bank,
Rakhial Branch, Ahmedabad (Gujarat)

...First Party

V/s.

Shri Hasmukh M. Patel,
7, Ravindra Nagar Soc,
Industrial Corner, Bapunagar,
Ahmedabad (Gujarat)

...Second Party

For the First Party : Shri Shivam Bhatt.

For the Second Party : Shri Sanjay A. Raval

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/16/2009-IR (B-II) dated 18.08.2009 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of UCO Bank in terminating the services of Shri Hasmukh M. Patel w.e.f. 20.10.1998 is legal and justified? What relief the concerned workman is entitled to?”

1. The reference dates back to 18.08.2009. After service of notices, the second party Hasmukh M. Patel submitted his statement of claim Ext. 7 along with the vakalatpatra Ext. 6 of his advocate V.K. Jani. He has alleged in his statement of claim that he was appointed and had been working as clerk in the opposite party United Commercial Bank, Porbandar Branch of Gujarat since 07.12.1981 sincerely and honestly. His record was clean and blotless. The first party no. 1 United Commercial Bank with a regional office at Ashram Road Ahmedabad is a nationalised bank wholly owned by the Central Government and covered under the provisions of Industrial Disputes Act, 1947. Thereafter he was transferred to Sarangpur Branch of Ahmedabad but the first party closed down the aforesaid Sarangpur Branch. Consequently he was transferred to Rakhial Branch of Ahmedabad on 12.10.1994. The first party filled up second party pension form on 28.11.1994 but inform the second party in this regard on 30.05.1996. He further alleged that he had been suffering with severe back pain therefore he was unable to attend the duty and applied for leave on 14.06.1996, 19.07.1996 and 30.07.1997. Later he wanted to resume his duties but could not join on account of illness. He informed the first party time to time regarding his absence due to illness. He was having a balance of PL leave and sick leave of 240 and 495 days respectively. He further alleged that the first party served a show cause notice on 15.09.1998 for unauthorised absence of duty. He replied to the aforesaid notice with documentary evidence and certificates on 08.10.1998 but the first party terminated his services on 20.10.1998 without following the due procedure of law. The first party did not conduct any departmental enquiry into his absence from duty and also had not given him the opportunity of hearing. Thus, the order in question of his termination of service is arbitrary, malafide, violative of principle of natural justice and against all cannons of fair play and policy. Thus the order of termination required to be quashed and set aside. Thus he has prayed for reinstatement of his service with back wages and also to declare the termination order in question as illegal and unjustified.

2. The first party in his written statement Ext. 14 denied all the averments of the statement of claim and submitted that the second party had been absent from duty since 30.07.1996 without any authorization therefore he was served with a notice as per the terms of Clause 17 of 5th Bipartite settlement 10.04.1989. The said notice was neither replied by the second party nor did he resume the duty. The second party did not prefer to give any explanation or satisfactory reasons for his continued unauthorised absence for more than 827 days. Therefore, in terms of Clause 17 of 5th Bipartite settlement 10.04.1989, the second party had been deemed to have voluntarily retired from the date of expiry of the said notice dated 15.09.1998 which was received by the second party on 18.09.1998. Therefore as per the terms of Clause 17 of 5th Bipartite settlement 10.04.1989, second party was presumed to have vacated his post by way of voluntary retirement w.e.f. 20.10.1998. Accordingly his name was struck off from the muster role of the bank. Second party was informed accordingly on 27.11.1998 and requested the second party to submit his papers for obtaining the terminal benefits. It is further submitted that after serving a letter dated 27.11.1998, second party came personally to the first party head office and gave an application for voluntary retirement from service of the bank on 31.01.2001. Bank paid all the retirement benefits to the second party. It is further submitted that in the facts and circumstances of the case, the second party remained absent for 827 days without any authorization therefore as per the terms of Clause 17 of 5th Bipartite settlement 10.04.1989, it was presumed that second party vacated his post by voluntary retirement and reference has no force and deserves to be dismissed.

3. On the basis of the pleadings, only issue or question which is to be addressed by the tribunal as follow : -

- a. Whether the action of the management of UCO Bank in terminating the services of Shri Hasmukh M. Patel w.e.f. 20.10.1998 is legal and justified?
- b. What relief the concerned workman is entitled to?

-Finding-

- a. Whether the action of the management of UCO Bank in terminating the services of Shri Hasmukh M. Patel w.e.f. 20.10.1998 is legal and justified? The burden to prove this issue was lying on the second party. Second party in his statement of oath Ext. 16 reiterated the averments of the statement of claim Ext. 7 as discussed in the paragraph 1 of the award, wherein he has admitted that he had been suffering from back

pain and bone fracture therefore he was unable to attend his duty. He applied for leave on 14.06.1996, 03.07.1997 and 19.07.1997 in writing and also submitted the medical certificates which have been filed in the court as Ext. 15/4 to 15/6 but without considering the aforesaid leave applications, the first party served him with a show cause notice dated 15.09.1998 Ext. 15/7 saying him as unauthorised absence. He gave the first party a reply on 08.10.1998 Ext. 15/8 but unfortunately the first party terminated his service vide letter 27.11.1998 w.e.f. 20.10.1998.

The record reveals that the first party UCO Bank did not prefer to cross-examine the second party workman Hasmukh M. Patel who reiterated in his examination in chief that he sent his medical leave applications Ext. 15/4, 15/5 and 15/6. The copies of these applications are filed by the second party which are not denied by the first party. These medical leave applications reveal that every time he applied for 90 days medical leaves.

The record also reveals that first party appears to have not rejected these medical leave applications because had it been so, the first party would have filed the record to rebut these facts. Thus, in the said circumstances, had the first party not believed the fact of medical illness of the second party, it was the duty of the first party to order department proceedings against the second party workman in order to prove the fact of false leave or to ask the second party workman to produce himself before a medical board to ascertain the veracity of the fact of medical illness. Thus the failure on the part of the first party to order creation of medical board or departmental proceedings makes it a case of wrong full termination of the service of the second party workman. It is noteworthy that the learned counsel of the first party was asked to submit the whole record of the bank regarding the termination of the second party workman during the course of argument but it was told that they have no concern with the record and tribunal is free to pass the award on merit. Thus, I hereby come to the conclusion that the action of the management of UCO Bank in terminating the services of Shri Hasmukh M. Patel w.e.f. 20.10.1998 was illegal and unjustified. Thus this issue is decided accordingly.

- b. What relief the concerned workman is entitled to? In the light of the findings given in (a) it would be appropriate to order reinstatement of the second party workman in the bank with back wages because second party's services were terminated without following due process of law i.e. departmental enquiry. Thus this issue is decided accordingly.

4. The award is passed accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2233.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार देना बैंक के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 406/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-12012/80/2001-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2233.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 406/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Dena Bank and their workmen, received by the Central Government on 07.11.2016.

[No. L-12012/80/2001-IR (B-II)]

RAVI KUMAR, Desk Officer

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

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

Dated 26th July, 2016

Reference: (CGITA) No. 406/2004

The Regional Manager,
Dena Bank,
Regional Office, Sector 16, GH-4,
Gandhinagar – 382016

...First Party

V/s.

Smt. Sumaben Balaji Thakor,
C/o Ahmedabad Mazdoor Union, House No. 1359,
Jay Jagdish Society, Nava Vas, Raikhed,
Ahmedabad (Gujarat) – 380001

...Second Party

For the First Party : Shri J.M. Patel

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/80/2001-IR (B-II) dated 13.08.2001 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Dena Bank is justified in discontinuing services of Smt. Thakor Sumaben Balaji, Part Time Safaiwala w.e.f. 07.01.2000? If not, what relief the workman concerned is entitled to?”

1. The reference dates back to 13.08.2001. Second party submitted the statement of claim Ext. 2 on 24.10.2001 and first party submitted the written statement Ext. 6 on 09.01.2002. Second party also submitted an affidavit-cum-examination in chief on 10.10.2007 but he did not appear before the tribunal for cross-examination. Therefore the tribunal issued a notice to second party workman to appear on 16.03.2011 for cross-examination even then she did not prefer to appear for cross-examination. Thus, it appears that the second party is not willing to prosecute the case.
2. Thus, the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2234.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 1258/2004) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-12012/70/1998-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2234.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 1258/2004) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of India and their workmen, received by the Central Government on 07.11.2016.

[No. L-12012/70/1998-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 13th July, 2016**Reference: (CGITA) No. 1258/2004**

The Chairman and Managing Director,
Bank of India, Main Branch, Kanpith,
Surat

...First Party

V/s.

Shri Vijay R. Kapadia,
Shreenathji Apartments,
Nanavati Main Road, Surat – 395003

...Second Party

For the First Party : Shri D.C. Gandhi Asso.

For the Second Party : Shri Jayesh M. Patel

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12012/70/98-IR (B-II) dated 29.06.1998 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Bank of India in terminating the services of Shri Vijay R. Kapadia w.e.f. 20.08.1996 is legal and justified? If not, to what relief the workman is entitled for?”

1. The reference dates back to 29.06.1998. The second party submitted the vakalatpatra Ext. 6 of his advocate and statement of claim Ext. 7 on 20.08.1998. The first party submitted the written statement on 27.11.1998 along with the vakalatpatra Ext. 10 of his advocate. Later second party submitted the vakalatpatra Ext. 20 of his advocate Shri Jayesh M. Patel on 14.03.2005 and again Ext. 24 on 09.02.2002. But since then the second party has not been leading his evidence despite giving him dozens of opportunities even in his absence. Thus, in the said circumstances, the tribunal has no option but to dismiss the reference as not pressed and in non-prosecution of the case by the second party.

2. Thus, the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2235.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन बैंक के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 85/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-12011/38/2011-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2235.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 85/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Indian Bank, Circle Office, Rudra Arcade, Indian Bank, Head Office, HRM Deptt. and their workmen, received by the Central Government on 07.11.2016.

[No. L-12011/38/2011-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 21st July, 2016

Reference: (CGITA) No. 85/2011

1. The General Manager,
Indian Bank, Circle Office, Rudra Arcade,
Helmate Circle, 132 Feet Ring Road,
Memnagar, Ahmedabad (Gujarat).

2. The Assistant General Manager (HRM),
Indian Bank, 66, Rajaji Salai,
Chennai – 600001

...First Party

V/s

Shri Girish R. Thakor,
C/o Gujarat MajoorMahamandal, C/252,
Primer Shopping Centre, Near Mirzapur Court,
Ahmedabad (Gujarat)

... Second Party

For the First Party : Shri K.V. Gadhia

For the Second Party : Shri A.L. Saiyed

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/38/2011-IR (B-II) dated 11.11.2011 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of General Manager, Indian Bank, Ahmedabad in forcefully retiring voluntarily Shri Girish R. Thakor w.e.f. 17.11.2008 is legal and justified? What relief the workman is entitled to?”

1. The reference dates back to 11.11.2011. Both the parties were served with the registered post. The second party put in his appearance on 23.08.2012 submitting the vakalatpatra Ext. 7 of his advocate Shri Arish L. Saiyed and the first party also put in appearance by submitting vakalatpatra Ext. 6 of his advocate Shri K.V. Gadhia and others.
2. The second party in his statement of claim Ext. 8 alleged that he had been serving as peon in Indian Bank, Circle Office, Rudra Arcade, Helmate Circle, 132 Feet Ring Road, Memnagar, Ahmedabad as permanent employee since 31.12.1980 to 17.11.2008, approximately for 28 years. He did his work sincerely and honestly. His service record was clean and unblemished. The first party Indian Bank, Circle Office, Rudra Arcade, Helmate Circle, 132 Feet Ring Road, Memnagar, Ahmedabad has been carrying the business of banking and first party No. 2 was its supervisory officer. In the year 2008, he fell ill therefore he took leave from his office and submitted the medical certificate for the relevant time which these first parties did not accept. First party instead of accepting the medical leave issued him a notice regarding his absence from the duty which was questionable because of his illness. He tried to report to the bank for resuming duties but Branch Manager of the first party compelled him to sign some of the papers in English text which he did not understand. After signing those papers he was advised to leave the branch and to wait for the next call. He further alleged after some time he noticed credit of some amount in his salary account by the first party bank. On enquiry he was informed that there were legal dues on the termination of his employment which have been paid in his account. He further alleged that he informed the bank that he neither intended nor submitted the resignation. Bank has manipulated the documents and got his signatures there on with the ulterior motive to defeat his interest of employment. He further alleged that the bank has never conducted any enquiry or investigation thus violated the provisions of section 25 F, G, H of the Industrial Disputes Act, 1947. The bank has failed to pay all his legal dues including his pension as per his entitlement under the rules. He is still unemployed and tried for employment but could not get the job. Thus, he has prayed for declaring his termination from service as illegal, improper and against the provisions of Industrial Disputes Act. He has also prayed for reinstatement of service with back wages.
3. On behalf of the first parties The General Manager, Indian Bank, Circle Office, Rudra Arcade, Helmate Circle, 132 Feet Ring Road, Memnagar, Ahmedabad (Gujarat) and The Assistant General Manager (HRM), Indian Bank, 66, RajajiSalai, Chennai, The Assistant General Manager Shri Nikhil Kumar S. submitted the written statement Ext. 9 alleging that the reference is bad in law and also not maintainable. This tribunal has no jurisdiction to entertain the reference. It is also not admitted the second party remain unemployed during the intervening period but it is admitted that the second party served the Indian Bank as a peon from 31.12.1980 to 17.11.2008 but it is denied that he served the bank faithfully and diligently and his service record was clean and blotless and would have served the bank with due care. It is also alleged that the second party has been absented from duty without any prior permission and did not care for the notices issued by the bank to him repeatedly for joining service. It is wrong to say that bank obtained his signatures forcibly on some of the documents which were in English language. It is wrong to say that the second party was unaware of the amount credited in his bank account. It is also wrong to say that bank did not conduct enquiry and terminated his service violating the provisions of sections 25 F, 25 G and 25 H of the Industrial Disputes Act, 1947. It is also alleged that the second party was issued notices as per the provisions of the Eighth Bipartite settlement dated 02.06.2005 which was binding between the parties on 14.05.2008, 13.10.2008 and 17.11.2008 explaining that he has absented himself from duty without permission for 107 days, 30 days and till 17.11.2008 asking him to join within 30 days of each notice but he failed to join the duty. On 17.11.2008, second party sent a letter which was received in the bank on 19.11.2008 drafting in a way as if it was reply to the second notice dated 13.10.2008 with a leave application along with medical certificate which is clearly an afterthought. Thus, the second party finally alleges that the services of the second party were terminated in accordance with the Eighth Bipartite settlement dated 02.06.2005 and that too on the basis of a long absence. Bank, a Government organization dealing with the public cannot remain silent on the misconduct of an employee who did not attend the bank and did not care to move leave application for 6 months which is adversely affecting the working of the bank. Thus, the reference has no force and liable to be dismissed.
4. On the basis of the pleadings following questions/issues are to be addressed : (1). Whether the action of the management of General Manager, Indian Bank, Ahmedabad in forcefully retiring voluntarily Shri Girish R. Thakor w.e.f. 17.11.2008 is legal and justified? The burden to prove this issue was lying on the second party for which he submitted his affidavit/examination in chief Ext. 10 wherein he reiterated the averments made in the statement of claim Ext. 8 and in his cross-examination he admitted all the notices issued by the first party bank Ext. 13, Ext. 14 and Ext. 15 which clearly indicates that all the aforesaid notices were received by him. He has also admitted by Ext. 17 the credit of Rs.150578/- as a payment of PF amount.

5. The second party in his written argument admitting the receipt of all the aforesaid notices argued that no departmental enquiry or investigation was conducted before terminating his services which was violating the provisions of sections 25 F, 25 G and 25 H of the Industrial Disputes Act, 1947. But he has failed to reply as to why he kept sitting idle for 6 months without applying for medical leave. He did not move any application for production of documents by the bank in order to prove that he applied for medical leave annexing with medical certificate. Rather bank has submitted a letter on 26.11.2008 indicating that second party has sent a letter of leave application on 17.11.2008 received in the bank on 19.11.2008 which was incomplete and filled improperly. Bank has also indicated that second party took action after acknowledgement of final notice. Therefore, such representation is not maintainable.

6. I considered the arguments, evidence of the parties and provisions of law. It is a settled law if a bank personnel keeps himself absence for more than 6 months without authorization or permission then as per of the terms of Eighth Bipartite settlement dated 02.06.2005 which is binding on both the parties, his services can be terminated after a issuance of 3rd and final notice. In this case the action taken by the first party bank is as per the terms of Eighth Bipartite settlement dated 02.06.2005 which is binding on both the parties, therefore the action taken by the management of General Manager, Indian Bank, Ahmedabad in forcefully retiring voluntarily Shri Girish R. Thakorw.e.f. 17.11.2008 is legal and justified.

7. The second party workman has been paid all the legal dues as per the entitlement, therefore no action is required.

8. The reference is decided accordingly.

P. K. CHATURVEDI, Presiding Officer

नई दिल्ली, 7 नवम्बर, 2016

का.आ. 2236.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, अहमदाबाद (गुजरात) के पंचाट (संदर्भ सं. 53/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 07.11.2016 को प्राप्त हुआ था।

[सं. एल-12011/5/2011-आईआर (बी-II)]

रवि कुमार, डेस्क अधिकारी

New Delhi, the 7th November, 2016

S.O. 2236.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 53/2011) of the Central Government Industrial Tribunal-cum-Labour Court, Ahmedabad (Gujarat) as shown in the Annexure in the Industrial Dispute between the management of Bank of Maharashtra, Malvankar Haveli and their workmen, received by the Central Government on 07.11.2016.

[No. L-12011/5/2011-IR (B-II)]

RAVI KUMAR, Desk Officer

ANNEXURE

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

Present :

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

Dated 21st July, 2016

Reference: (CGITA) No. 53/2011

The Asstt. General Manager,
Bank of Maharashtra,
Malvankar Haveli, Bhadra,
Ahmedabad

...First Party

V/s.

The General Secretary,
Gujarat Kamdar Mandal, 402/403,
Ship II, Nr. Sales India, Income Tax, Ashram Road,
Ahmedabad (Gujarat) – 380009

...Second Party

For the First Party : Ms. Heena Desai

For the Second Party : None

AWARD

The Government of India/Ministry of Labour, New Delhi by reference adjudication Order No. L-12011/5/2011-IR (B-II) dated 13.06.2011 referred the dispute for adjudication to the Industrial Tribunal, Ahmedabad (Gujarat) in respect of the matter specified in the Schedule:

SCHEDULE

“Whether the action of the management of Assistant General Manager, Bank of Maharashtra, Ahmedabad by dismissing the services of Shri R.A. Prajapati w.e.f. 31.03.2009 is justified? What relief the workman is entitled to?”

1. The reference dates back to 13.06.2011. Both the parties were served by registered post. Advocate Ms. Heena Desai submitted the vakalatpatra on behalf of the first party but second party despite service by registered post on 06.11.2011 and again on 08.11.2013 informing the second party to submit the statement of claim but the second party did not prefer to submit the statement of claim. On 25.12.2013 Prashant Maharaja, Gujarat Kamdar Mandal on behalf of the second party sought time for submitting the statement of claim vide application Ext. 11 but he did not prefer to submit the statement of claim. Ms. Heena Desai advocate for the first party repeatedly vide application Ext. 6 dated 30.01.2012, Ext. 7 dated 24.09.2012, Ext. 8 dated 12.12.2012 and Ext. 12 dated 27.07.2016 requested the tribunal to dismiss the reference in non-prosecution of the case by the second party as second party failed to submit the statement of claim. Thus, the said circumstances make me convinced that the second party is not intending to prosecute the case. Thus, the reference deserves to be dismissed in default of the second party.

2. Thus, the reference is dismissed in non-prosecution of the case by the second party.

P. K. CHATURVEDI, Presiding Officer