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सं. 12] नई दिल्ली, मार्च 21—मार्च 27, 2021 शनिवार/फाल्गुन 30, 1942—चैत्र 6, 1943
No. 12] NEW DELHI, MARCH 21—MARCH 27, 2021, SATURDAY/ PHALGUNA 30, 1942—CHAITRA 6, 1943

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

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

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

वित्त मंत्रालय
(राजस्व विभाग)

नई दिल्ली, 22 मार्च, 2021

का.आ. 288.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन, आयुक्त का कार्यालय (लेखा परीक्षा) सी.जी.एस.टी. सेंट्रल टैक्स, सीमा शुल्क एवं केंद्रीय उत्पाद शुल्क, भोपाल, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई-11017/3/2017-हिन्दी-2 डीओआर]

डॉ. सतीश चंद्र, निदेशक (राजभाषा)

MINISTRY OF FINANCE**(Department of Revenue)**

New Delhi, the 22nd March, 2021

S.O. 288.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, Office of The Commissioner (Audit) CGST, Central Tax, Customs & Central Excise, Bhopal where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11017/3/2017-Hindi-II DOR]

Dr. SATISH CHANDRA, Director (OL)

नई दिल्ली, 22 मार्च, 2021

का.आ. 289.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन, प्रधान आयुक्त का कार्यालय केंद्रीय वस्तु एवं सेवा कर, पुणे-I, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई-11017/3/2017-हिन्दी-2 डीओआर]

डॉ. सतीश चंद्र, निदेशक (राजभाषा)

New Delhi, the 22nd March, 2021

S.O. 289.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, Office of The Pr. Commissioner, Central goods and service tax, Pune-I, where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11017/3/2017-Hindi-II DOR]

Dr. SATISH CHANDRA, Director (OL)

नई दिल्ली, 22 मार्च, 2021

का.आ. 290.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन, आयुक्त का कार्यालय केंद्रीय वस्तु सेवा कर व के.उ. शुल्क (लेखा परीक्षा-थाने), मुंबई, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई-11017/3/2017-हिन्दी-2 डीओआर]

डॉ. सतीश चंद्र, निदेशक (राजभाषा)

New Delhi, the 22nd March, 2021

S.O. 290.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, Office of The Commissioner, CGST and C.Ex. Audit Thane, Mumbai, where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11017/3/2017-Hindi-II DOR]

Dr. SATISH CHANDRA, Director (OL)

नई दिल्ली, 22 मार्च, 2021

का.आ. 291.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन, केन्द्रीय अप्रत्यक्ष कर एवं सीमा शुल्क बोर्ड, निर्यात संवर्धन महानिदेशालय, नई दिल्ली, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई-11017/3/2017-हिन्दी-2 डीओआर]

डॉ. सतीश चंद्र, निदेशक (राजभाषा)

New Delhi, the 22nd March, 2021

S.O. 291.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, Central Board of Indirect Taxes & Customs Directorate General of Export Promotion, New Delhi, where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11017/3/2017-Hindi-II DOR]

Dr. SATISH CHANDRA, Director (OL)

नई दिल्ली, 22 मार्च, 2021

का.आ. 292.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन, आयुक्त कार्यालय केन्द्रीय जी.एस.टी. एवं सेंट्रल एक्साइज आयुक्तालय, सूरत, जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

1. कार्यालय सहायक आयुक्त, माल व सेवाकर एवं केन्द्रीय उत्पाद शुल्क, मंडल-I, सूरत
2. कार्यालय सहायक आयुक्त, माल व सेवाकर एवं केन्द्रीय उत्पाद शुल्क, मंडल-II, सूरत
3. कार्यालय सहायक आयुक्त, माल व सेवाकर एवं केन्द्रीय उत्पाद शुल्क, मंडल-III, सूरत
4. कार्यालय सहायक आयुक्त, माल व सेवाकर एवं केन्द्रीय उत्पाद शुल्क, मंडल-IV, सूरत
5. कार्यालय सहायक आयुक्त, माल व सेवाकर एवं केन्द्रीय उत्पाद शुल्क, मंडल-V, सूरत
6. कार्यालय सहायक आयुक्त, माल व सेवाकर एवं केन्द्रीय उत्पाद शुल्क, वलसाड मंडल
7. कार्यालय सहायक आयुक्त, माल व सेवाकर एवं केन्द्रीय उत्पाद शुल्क, नवसारी मंडल
8. कार्यालय सहायक आयुक्त, माल व सेवाकर एवं केन्द्रीय उत्पाद शुल्क, तापी मंडल
9. कार्यालय सहायक आयुक्त, माल व सेवाकर एवं केन्द्रीय उत्पाद शुल्क, वापी मंडल-I, वापी
10. कार्यालय सहायक आयुक्त, माल व सेवाकर एवं केन्द्रीय उत्पाद शुल्क, वापी मंडल-II, वापी
11. कार्यालय सहायक आयुक्त, माल व सेवाकर एवं केन्द्रीय उत्पाद शुल्क, वापी मंडल-III, वापी
12. कार्यालय सहायक आयुक्त, माल व सेवाकर एवं केन्द्रीय उत्पाद शुल्क, उम्बरगांव मंडल

[फा. सं. ई-11017/3/2017-हिन्दी-2 डीओआर]

डॉ. सतीश चंद्र, निदेशक (राजभाषा)

New Delhi, the 22nd March, 2021

S.O. 292.— In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, C.G.S.T & Central Excise Commissionerate, Surat, where more than 80% staff have acquired the working knowledge of Hindi.

1. Office Assistant Commissioner, Goods and Service Tax and Central Excise, Division-I, Surat
2. Office Assistant Commissioner, Goods and Service Tax and Central Excise, Division -II, Surat
3. Office Assistant Commissioner, Goods and Service Tax and Central Excise, Division-III, Surat
4. Office Assistant Commissioner, Goods and Service Tax and Central Excise, Division-IV, Surat
5. Office Assistant Commissioner, Goods and Service Tax and Central Excise, Division-V, Surat
6. Office Assistant Commissioner, Goods and Service Tax and Central Excise, Valsad Division
7. Office Assistant Commissioner, Goods and Service Tax and Central Excise, Navsari Division
8. Office Assistant Commissioner, Goods and Service Tax and Central Excise, Tapi Division
9. Office Assistant Commissioner, Goods and Service Tax and Central Excise, Vapi Division-I, Vapi
10. Office Assistant Commissioner, Goods and Service Tax and Central Excise, Vapi Division-II, Vapi
11. Office Assistant Commissioner, Goods and Service Tax and Central Excise, Division-III, Vapi
12. Office Assistant Commissioner, Goods and Service Tax and Central Excise, Umargam Division

[F. No. E-11017/3/2017-Hindi-II DOR]

Dr. SATISH CHANDRA, Director (OL)

नई दिल्ली, 22 मार्च, 2021

का.आ. 293.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में राजस्व विभाग के अधीन, मुख्य आयुक्त कार्यालय केंद्रीय माल एवं सेवाकर, चंडीगढ़ (क्षेत्र), जिसके 80 प्रतिशत से अधिक कर्मचारियों ने हिन्दी का कार्य साधक ज्ञान प्राप्त कर लिया है, को अधिसूचित करती है।

[फा. सं. ई-11017/3/2017-हिन्दी-2 डीओआर]

डॉ. सतीश चंद्र, निदेशक (राजभाषा)

New Delhi, the 22nd March, 2021

S.O. 293.—In pursuance of sub rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government, hereby notifies, Office of The Chief Commissioner of Central goods and services tax (Chandigarh Region), Chandigarh, where more than 80% staff have acquired the working knowledge of Hindi.

[F. No. E-11017/3/2017-Hindi-II DOR]

Dr. SATISH CHANDRA, Director (OL)

(वित्तीय सेवाएं विभाग)

नई दिल्ली, 22 मार्च, 2021

का.आ. 294.—बीमांकक अधिनियम, 2006 (2006 का 35) की धारा 12 की उप-धारा (2) के खंड (ख) (iii) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, सुश्री दक्षिता दास के स्थान पर श्री अमित अग्रवाल, अपर सचिव, वित्तीय सेवाएं विभाग को तत्काल प्रभाव से, अगले आदेशों तक, भारतीय बीमांकक संस्थान की परिषद के सदस्य के रूप में नामित करती है।

[फा. सं. एम-18013/01/2011-बीमा-I]

विनोद कुमार, अपर सचिव

(Department of Financial Services)

New Delhi, the 22nd March, 2021

S.O. 294.—In exercise of the powers conferred by clause (b) (iii) of sub-section (2) of Section 12 of the Actuaries Act, 2006 (35 of 2006), the Central Government hereby nominates Shri Amit Agrawal, Additional Secretary, Department of Financial Services as a member of the Council of the Institute of Actuaries of India vice Ms. Dakshita Das with immediate effect, till further orders.

[F. No. M-18013/01/2011-Ins.I]

VINOD KUMAR, Under Secy.

नई दिल्ली, 22 मार्च, 2021

का.आ. 295.—बीमांकक अधिनियम, 2006 (2006 का 35) की धारा 12 की उप-धारा (2) के खंड (ख) (i) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, एतद्वारा, वित्त मंत्रालय का प्रतिनिधित्व करने के लिए श्री ललित कुमार के स्थान पर श्री सुधीर श्याम, आर्थिक सलाहकार, वित्तीय सेवाएं विभाग को तत्काल प्रभाव से, अगले आदेशों तक, भारतीय बीमांकक संस्थान की परिषद के सदस्य के रूप में नामित करती है।

[फा. सं. एम-18013/01/2011-बीमा-I]

विनोद कुमार, अपर सचिव

New Delhi, the 22nd March, 2021

S.O. 295.—In exercise of the powers conferred by clause (b) (i) of sub-section (2) of Section 12 of the Actuaries Act, 2006 (35 of 2006), the Central Government hereby nominates Shri Sudhir Shyam, Economic Advisor, Department of Financial Services as a member of the Council of the Institute of Actuaries of India to represent the Ministry of Finance vice Shri Lalit Kumar with immediate effect, till further orders.

[F. No. M-18013/01/2011-Ins.I]

VINOD KUMAR, Under Secy.

आदेश

नई दिल्ली, 23 मार्च, 2021

का.आ. 296.—केन्द्रीय सरकार, बैंककारी विनियमन अधिनियम, 1949 (1949 का 10) की धारा 22 की उप-धारा (5) के उपबंधों के अंतर्गत बैंकिंग कंपनी (सहकारी बैंकों को छोड़कर) द्वारा की जाने वाली अपील के संबंध में निर्णय लेने के लिए श्री पंकज जैन, अपर सचिव, वित्तीय सेवाएं विभाग, वित्त मंत्रालय, भारत सरकार को नामोदिष्ट करती है। इसे आम सूचना के लिए प्रकाशित किया जाता है।

[फा. सं. 7/103/2020-बीओए-I]

ज्ञानोत्तोष राय, अपर सचिव

ORDER

New Delhi, the 23rd March, 2021

S.O. 296.—Shri Pankaj Jain, Additional Secretary in the Department of Financial Services, Ministry of Finance, Government of India is designated by the Central Government to decide the appeal of a banking company (other than a co-operative bank), preferred under the provisions of sub-section (5) of section 22 of the Banking Regulation Act, 1949 (10 of 1949). This is published for general information.

[F. No. 7/103/2020-BOA.I]

JNANATOSH ROY, Under Secy.

विदेश मंत्रालय**(सी.पी.वी. प्रभाग)**

नई दिल्ली, 14 मार्च, 2021

का.आ. 297—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के दूतावास मैड्रिड में श्री युवराज सिंह हुड्डा सहायक अनुभाग अधिकारी को दिनांक 14 मार्च 2021 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी. 4330/01/2020]

विष्णु कुमार शर्मा, निदेशक (सीपीवी)

MINISTRY OF EXTERNAL AFFAIRS**(CPV DIVISION)**

New Delhi, the 14th March, 2021

S.O. 297.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Yuvraj Singh Hooda, Assistant Section Officer as Assistant Consular Officer in Embassy of India Madrid, to perform the Consular services with effect from 14.03.2021.

[F. No. T.4330/01/2020]

VISHNU KUMAR SHARMA, Director (CPV)

नई दिल्ली, 14 मार्च, 2021

का.आ. 298.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के दूतावास मास्को में श्री अरुण कुमार निजी सहायक को दिनांक 14 मार्च 2021 से सहायक कौंसुलर अधिकारी के तौर पर कौंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी. 4330/01/2015]

विष्णु कुमार शर्मा, निदेशक (सीपीवी)

New Delhi, the 14th March, 2021

S.O. 298.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Arun Kumar, Personal Assistant as Assistant Consular Officer in Embassy of India Moscow, to perform the Consular services with effect from 14.03.2021.

[F. No. T. 4330/01/2015]

VISHNU KUMAR SHARMA, Director (CPV)

नई दिल्ली, 16 मार्च, 2021

का.आ. 299.—राजनयिक और कोंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, केंद्र सरकार भारत के दूतावास, हनोई में श्री दीपक कुमार त्रिपाठी और श्री उमेश पंत सहायक अनुभाग अधिकारी को दिनांक 16 मार्च 2021 से सहायक कोंसुलर अधिकारी के तौर पर कोंसुलर सेवाओं के निर्वहन के लिए प्राधिकृत करती है।

[फा. सं. टी. 4330/01/2017]

विष्णु कुमार शर्मा, निदेशक (सीपीवी)

New Delhi, the 16th March, 2021

S.O. 299.—In pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1948), the Central Government hereby appoints Shri Deepak Kumar Tripathy and Shri Umesh Pant, Assistant Section Officer as Assistant Consular Officer in Embassy of India, Hanoi to perform the Consular services with effect from 16.03.2021.

[F. No. T. 4330/01/2017]

VISHNU KUMAR SHARMA, Director (CPV)

स्वास्थ्य और परिवार कल्याण मंत्रालय

(स्वास्थ्य और परिवार कल्याण विभाग)

नई दिल्ली, 19 फरवरी, 2021

का.आ. 300.—दंतचिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 3 के तहत प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार स्वास्थ्य और परिवार कल्याण मंत्रालय सं., का.आ. 430 दिनांकित 24 जनवरी, 1984 में भारत सरकार की अधिसूचना में एतद्वारा निम्नलिखित संशोधन करती है, अर्थात:

2. “धारा 3 के खंड (ड) के अंतर्गत नामित” शीर्ष के तहत उक्त अधिसूचना में निम्नलिखित को इसमें अन्तः स्थापित किया जाएगा, अर्थात:

सदस्य का नाम	प्रकार	राज्य का प्रतिनिधित्व	से प्रभावी
डॉ. राजीव गुप्ता, बीडीएस, एमडीएस, 504/11, तिवारी गली, कैथल-136027, हरियाणा	नामित	हरियाणा	13.08.2020

[फा. सं. वी.12025/167/2020-डीई]

कुमार प्रणव, अवर सचिव

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

New Delhi, the 19th February, 2021

S.O. 300.—In exercise of the powers conferred under Section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Welfare No. S.O. 430 dated 24th January, 1984, namely:

2. In the said notification under head "nominated under clause (e) of Section 3", the following shall be inserted therein, namely:

Name of the Member	Mode	State represented	w.e.f
Dr. Rajeev Gupta, BDS, MDS, 504/11, Tiwari Street, Kaithal – 136 027, Haryana	Nominated	Haryana	13.08.2020

[F. No. V. 12025/167/2020-DE]

KUMAR PRANAV, Under Secy.

नई दिल्ली, 24 फरवरी, 2021

का.आ. 301.—दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 3 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार एतद्वारा भारत सरकार, स्वास्थ्य एवं परिवार कल्याण मंत्रालय की दिनांक 24 जनवरी, 1984 की अधिसूचना संख्या का.आ. 430 में निम्नलिखित संशोधन करती है, नामतः

2. उक्त अधिसूचना में, 'धारा 3 के खड (ड.) के अंतर्गत नामित' शीर्ष के तहत उसमें निम्नलिखित प्रविष्टि की जाएगी, नामतः

सदस्य का नाम	विधि	प्रतिनिधित्व वाला राज्य	प्रभावी होने की तारीख
डॉ. प्रमोद कुमार गांध्रा, प्रोफेसर एवं विभागाध्यक्ष, ओरल और मेक्सिल्लोफेसियल सर्जरी विभाग, श्री बालाजी डेंटल कॉलेज, मोइनाबाद, रंगा रेड्डी जिला, तेलंगाना	नामित	तेलंगाना	17.12.2020

[फा. सं. वी.12025/1/2021-डीई]

कुमार प्रणव, अवर सचिव

New Delhi, the 24th February, 2021

S.O. 301.—In exercise of the powers conferred under Section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Welfare No. S. O. 430 dated 24th January, 1984, namely:

2. In the said notification under head "nominated under clause (e) of Section 3", the following shall be inserted therein, namely:

Name of the Member	Mode	State represented	w.e.f
Dr. Pramod Kumar Gandra, Professor & HOD, Deptt. Of Oral & Maxillofacial Surgery, Sri Balaji Dental College, Moianabad, Ranga Reddy District, Telangana	Nominated	Telangana	17.12.2020

[F. No. V. 12025/1/2021-DE]

KUMAR PRANAV, Under Secy.

नई दिल्ली, 3 मार्च, 2021

का.आ. 302.—दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 3 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार एतद्वारा भारत सरकार, स्वास्थ्य एवं परिवार कल्याण मंत्रालय की दिनांक 24 जनवरी, 1984 की अधिसूचना संख्या का.आ. 430 में निम्नलिखित संशोधन करती है, नामतः

2. उक्त अधिसूचना में, “धारा 3 के खंड (घ) के अंतर्गत निर्वाचित” शीर्ष के तहत उसमें निम्नलिखित प्रविष्टि की जाएगी, नामतः

सदस्य का नाम	माध्यम	प्रतिनिधि विश्वविद्यालय	दिनांक से प्रभावी
“प्रोफेसर (डॉ.) संजय सिंह, डीन, दंत चिकित्सा संकाय, जामिया मिलिया इस्लामिया, नई दिल्ली	नामित	जामिया मिलिया इस्लामिया, विश्वविद्यालय नई दिल्ली	02.01.2021

[फा. सं. वी.12025/15/2021-डीई]

कुमार प्रणव, अवर सचिव

New Delhi, the 3rd March, 2021

S.O. 302.—In exercise of the powers conferred under Section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Welfare No. S. O. 430 dated 24th January, 1984, namely:

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

Name of the member	Mode	University represented	w.e.f.
“Prof. (Dr.) Sanjay Singh, Dean, Faculty of Dentistry, Jamia Millia Islamia, New Delhi	Elected	Jamia Millia Islamia University, New Delhi	02.01.2021”

[F. No. V. 12025/15/2021-DE]

KUMAR PRANAV, Under Secy.

नई दिल्ली, 5 मार्च, 2021

का.आ. 303.—दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 3 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार एतद्वारा भारत सरकार, स्वास्थ्य एवं परिवार कल्याण मंत्रालय की दिनांक 24 जनवरी, 1984 की अधिसूचना संख्या का.आ. 430 में निम्नलिखित संशोधन करती है, नामतः

2. उक्त अधिसूचना में, ‘धारा 3 के खंड (घ) के अंतर्गत नामित’ शीर्ष के तहत उसमें निम्नलिखित प्रविष्टि की जाएगी, नामतः

सदस्य का नाम	विधि	प्रतिनिधि विश्वविद्यालय	प्रभावी होने की तारीख
“डॉ. आर.के. तिवारी, प्रधानाचार्य एवं प्रोफेसर, डॉ. जिआउद्दीन अहमद डेन्टल कॉलेज, मेडिसिन संकाय, अलीगढ़ मुस्लिम विश्वविद्यालय, अलीगढ़, उत्तर प्रदेश	नामित	अलीगढ़ मुस्लिम विश्वविद्यालय, अलीगढ़, उत्तर प्रदेश	02.12.2018

[फा. सं. वी.12025/4/2021-डीई]

कुमार प्रणव, अवर सचिव

New Delhi, the 5th March, 2021

S.O. 303.—In exercise of the powers conferred under Section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Welfare No. S.O. 430 dated 24th January, 1984, namely:

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

Name of the member	Mode	University represented	w.e.f.
“Dr. R. K. Tiwari, Principal & Professor, Dr. Ziauddin Ahmed Dental College, Faculty of Medicine, Aligarh Muslim University, Aligarh, Uttar Pradesh	Elected	Aligarh Muslim University, Aligarh, Uttar Pradesh	02.12.2018”

[F. No. V. 12025/4/2021-DE]

KUMAR PRANAV, Under Secy.

नई दिल्ली, 9 मार्च, 2021

का.आ. 304.—दंत चिकित्सा अधिनियम, 1948 (1948 का 16) की धारा 3 के अंतर्गत प्रदत्त शक्तियों का प्रयोग करते हुए, केंद्र सरकार एतद्वारा भारत सरकार, स्वास्थ्य एवं परिवार कल्याण मंत्रालय की दिनांक 24 जनवरी, 1984 की अधिसूचना संख्या का.आ. 430 में निम्नलिखित संशोधन करती है, नामतः

2. उक्त अधिसूचना में, ‘धारा 3 के खड (ड.) के अंतर्गत नामित’ शीर्ष के तहत उसमें निम्नलिखित प्रविष्टि की जाएगी, नामतः

सदस्य का नाम	विधि	प्रतिनिधित्व वाला राज्य	प्रभावी होने की तारीख
डॉ. उदय वीर गांधी, सदस्य, पश्चिम बंगाल दंत चिकित्सा परिषद, पूर्ता भवन, कमरा सं. 303, तीसरा तल, साल्ट लेक सिटी, कोलकत्ता-700091, पश्चिम बंगाल	नामित	पश्चिम बंगाल	01.06.2020

[फा. सं. वी-12025/125/2020-डीई]

कुमार प्रणव, अवर सचिव

New Delhi, the 9th March, 2021

S.O. 304.—In exercise of the powers conferred under Section 3 of the Dentists Act, 1948 (16 of 1948), the Central Government hereby makes the following amendment in the notification of the Government of India in the Ministry of Health and Family Welfare No. S.O. 430 dated 24th January, 1984, namely:

2. In the said notification under head "nominated under clause (e) of Section 3", the following shall be inserted therein, namely:

Name of the Member	Mode	State represented	w.e.f.
Dr. Udey Vir Gandhi, Member, West Bengal Dental Council, Purta Bhawan, room No.303, 3 rd Floor, Salt Lake City, Kolkata – 700 091, West Bengal	Nominated	West Bengal	01.06.2020

[F. No. V. 12025/125/2020-DE]

KUMAR PRANAV, Under Secy.

विद्युत मंत्रालय

नई दिल्ली, 19 मार्च, 2021

का.आ. 305.—केंद्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में विद्युत मंत्रालय के प्रशासनिक नियंत्रणाधीन पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड के निम्नलिखित कार्यालयों जिनके 80 प्रतिशत कर्मचारीवृंद ने हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद्वारा अधिसूचित करती है:-

1. पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड,
765/400 के.वी. पूलिंग स्टेशन एवं ± 800 के.वी. एचवीडीसी टर्मिनल, चांपा
ग्राम – तागा, तहसील – अकलतारा,
जिला – जांजगिर – चांपा, 495668 (छत्तीसगढ़)
2. पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड,
765/400 के.वी. शिक्रापुर उपकेंद्र,
इंडियन ऑयल पम्प के सामने, कसारी फाटा,
पुणे-अहमदनगर हाईवे,
शिक्रापुर-412208 (महाराष्ट्र)
3. पावर ग्रिड कारपोरेशन ऑफ इंडिया लिमिटेड,
765/400 के.वी. तमनार पूलिंग उपकेंद्र,
तमनार के नजदीक, ग्राम भेंद्रा, रायगढ़ रोड,
घरघोडा बायपास प्वाइंट के सामने,
जिला – रायगढ़, 496111 (छत्तीसगढ़)

[फा. सं. 11011/9/2017-हिंदी]

राज पाल, वरिष्ठ सलाहकार

MINISTRY OF POWER

New Delhi, the 19 March, 2021

S.O. 305.—In pursuance of Sub Rule (4) of Rule 10 of the Official Languages (Use for Official Purpose of the Union) Rules, 1976, the Central Government hereby notify the following offices of the Power Grid Corporation of India Limited under the administrative control of Ministry of Power, where 80% of the staff have acquired working knowledge of Hindi:

1. Power Grid Corporation of India Limited,
765/400 KV Pooling Station & ± 800 KV HVDC Terminal, Champa
Village: Taga, Tehsil: Akaltara,
Distt: Janjgir-Champa, 495668 (Chhattisgarh)
2. Power Grid Corporation of India Limited,
765/400 K.V. Shikrapur Sub-Station,
Opp. Indian Oil Pump, Kasari Phata,
Pune-Ahmednagar Highway,
Shikrapur-412208 (Maharashtra)
3. Power Grid Corporation of India Limited,
765/400 KV Tamnar Pooling Sub-Station,
Near Tamnar, Village: Bhendra, Raigarh Road,
Gharghoda (Opp. Gharghoda Bypass Point),
Distt. Raigarh – 496111 (Chhattisgarh)

[F. No.11011/9/2017-Hindi]

RAJ PAL, Senior Adviser

उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय

(खाद्य और सार्वजनिक वितरण विभाग)

नई दिल्ली, 23 मार्च, 2021

का.आ. 306.—केन्द्रीय सरकार राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उप नियम (4) के अनुसरण में उपभोक्ता मामले, खाद्य और सार्वजनिक वितरण मंत्रालय (खाद्य और सार्वजनिक वितरण विभाग) के प्रशासनिक नियंत्रणाधीन निम्नलिखित कार्यालय, जिसके 80 प्रतिशत से अधिक कर्मचारीवृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को राजपत्र में अधिसूचित करती है:-

1. : भारतीय खाद्य निगम
मंडल कार्यालय, नलगोंडा
(तेलंगाना क्षेत्र के अंतर्गत)

[फा. सं. ई-11011/1/2008-हिन्दी (321924)]

मुक्ता शेखर, संयुक्त सचिव

MINISTRY OF CONSUMER AFFAIRS, FOOD AND PUBLIC DISTRIBUTION

(Department of Food and Public Distribution)

New Delhi, the 23rd March, 2021

S.O. 306.—In pursuance of sub-rule (4) of Rule 10 of the Official Language (use for official purpose of the Union) Rules, 1976, the Central Government hereby notifies the following offices under the administrative control of the Ministry of Consumer Affairs, Food & Public Distribution (Department of Food & Public Distribution), whereof more than 80% of staff have acquired the working knowledge of Hindi:

1. : Food Corporation of India
Divisional Office, Nalgonda
(under Telangan Region)

[F. No. E-11011/1/2008-Hindi (321924)]

MUKTA SHEKHAR, Jt. Secy.

नागर विमानन मंत्रालय

नई दिल्ली, 22 मार्च, 2021

का.आ. 307.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग), नियम, 1976 के नियम-10 के उप-नियम (4) के अनुसरण में, नागर विमानन मंत्रालय के अंतर्गत भारतीय विमानपत्तन प्राधिकरण के निम्नलिखित कार्यालयों, जिनमें 80 प्रतिशत कर्मिकों द्वारा हिंदी का कार्यसाधक ज्ञान प्राप्त कर लिया गया है, को एतद्वारा अधिसूचित करती है।

1. भारतीय विमानपत्तन प्राधिकरण, क्षेत्रीय मुख्यालय दक्षिणी क्षेत्र, चेन्नई ।
2. भारतीय विमानपत्तन प्राधिकरण, बेंगलुरु हवाईअड्डा

[फा. सं. ई. 11014/9/2015-रा.भा.]

अंशुमाली रस्तोगी, संयुक्त सचिव

MINISTRY OF CIVIL AVIATION

New Delhi, the 22nd March, 2021

S.O. 307.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for the Official Purposes of the Union) Rules, 1976, the Central Government, hereby notifies the following offices of the Airports Authority of India, under Ministry of Civil Aviation, where 80% staff have acquired the working knowledge of Hindi.

1. Airports Authority of India, Regional Headquarters Southern Region, Chennai
2. Airports Authority of India, Bengaluru Airport.

[F. No. E-11014/9/2015-OL]

ANGSHUMALI RASTOGI, Jt. Secy.

श्रम और रोजगार मंत्रालय

नई दिल्ली, 17 मार्च, 2021

का.आ. 308.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, आईआरईएल (भारत) लिमिटेड के कारखानों और स्थापनों के नियमित कर्मचारियों को उक्त अधिनियम के प्रचालन से छूट प्रदान करती है। यह छूट राजपत्र में इस अधिसूचना के जारी होने की तारीख से एक वर्ष की अवधि के लिए, प्रभावी रहेगी।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है; अर्थात्:-

- (1) कारखाना और स्थापना छूट प्राप्त कर्मचारियों के नाम और पदनाम विनिर्दिष्ट करते हुए, कर्मचारियों का एक रजिस्टर रखेगी;
- (2) कर्मचारी उक्त अधिनियम के अधीन ऐसे फायदे प्राप्त करते रहेंगे जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट प्रदान करने की तारीख से पूर्व संदत्त अंशदानों के आधार पर हकदार हो जाते हैं;
- (3) छूट प्राप्त अवधि के लिए, यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने और स्थापना का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम (जिसे इसमें इसके पश्चात उक्त अवधि कहा गया है) प्रचालन के अधीन था ऐसी विवरणियां, ऐसे प्ररूप में और ऐसी विशिष्टियों से युक्त होगी जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी अपेक्षित होती थीं;
- (5) उक्त अधिनियम की धारा 45 की उप धारा (1) के अधीन निगम द्वारा नियुक्त किया गया कोई सामाजिक सुरक्षा अधिकारी या इस प्रयोजन के लिए निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी-
 - (i) उक्त अधिनियम की धारा 44 की उप धारा (1) के अधीन, उक्त अवधि के लिए प्रस्तुत किसी विवरणी में अंतर्विष्ट विशिष्टियों को सत्यापित करने; या
 - (ii) यह अभिनिश्चयन के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाअपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या

- (iii) यह अभिनिश्चयन के लिए कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार है या नहीं; या
- (iv) यह अभिनिश्चयन के लिए कि उस अवधि के दौरान, जब उक्त कारखाने और स्थापना के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सशक्त होगा-
- (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे इस अधिनियम के प्रयोजन के लिए आवश्यक समझता है; या
- (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह कार्मिक के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
- (ग) प्रधान या अव्यवहित नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति को, जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
- (घ) ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की नकल तैयार करना या उद्धरण लेना;
- (ङ) यथास्थिति अन्य शक्तियों का प्रयोग करना।
6. विनिवेश या निगमीकरण के मामले में, प्रदान की गई छूट स्वतः रद्द हो जाएगी और तब नई इकाई को छूट के लिए समुचित सरकार को आवेदन करना होगा।

[सं. एस-38014/02/2021-एस एस-1]

मदन चौरसिया, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 17th March, 2021

S.O. 308.—In exercise of the powers conferred by section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of factories and establishments of **IREL (India) Limited** from the operation of the said Act. The exemption shall be effective for a period of one year from the date of publication of this notification in the Official Gazette.

2. The exemption is subject to the following conditions, namely:-

- (1) the factories and establishments shall maintain a register of the employees specifying the names and designations of the exempted employees;
- (2) the employees shall continue to receive such benefits under the said Act to which they would have been entitled to on the basis of the contribution paid prior to the date from which exemption granted by this notification operates;
- (3) the contribution for the exempted period, if already paid, shall not be refundable;
- (4) the employer of the said factory and establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said

period), such returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;

- (5) a Social Security Officer appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf by it, shall, for the purpose of —
- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 of the said Act for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to the benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory and establishment to be empowered to —
 - (a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of this Act; or
 - (b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
 - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or
 - (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises; or
 - (e) exercise such other powers as may be specified.

- (6) in case of disinvestment or corporatisation, the exemption granted shall stand cancelled and then the new entity may apply to the appropriate Government for exemption.

[No. S-38014/02/2021-SS-I]

MADAN CHAURASIA, Under Secy.

नई दिल्ली, 17 मार्च, 2021

का.आ. 309.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राष्ट्रीय केमिकल्स एंड फर्टिलाइज़र्स लिमिटेड (ट्रॉम्बे यूनिट) के कारखानों और स्थापनाओं के नियमित कर्मचारियों को उक्त अधिनियम के प्रचालन से छूट प्रदान करती है। यह छूट राजपत्र में इस अधिसूचना के प्रकाशित होने की तारीख से एक वर्ष की अवधि के लिए प्रभावी रहेगी।

2. उक्त छूट निम्नलिखित शर्तों के अधीन है; अर्थात्:-

- (1) कारखाना और स्थापना छूट प्राप्त कर्मचारियों के नाम और पदनाम विनिर्दिष्ट करते हुए, कर्मचारियों का एक रजिस्टर रखेगी;

- (2) कर्मचारी उक्त अधिनियम के अधीन ऐसे फायदे प्राप्त करते रहेंगे जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट प्रदान करने की तारीख से पूर्व संदत्त अंशदानों के आधार पर हकदार हो जाते हैं;
- (3) छूट प्राप्त अवधि के लिए, यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने और स्थापना का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम (जिसे इसमें इसके पश्चात उक्त अवधि कहा गया है) प्रचालन के अध्यधीन था ऐसी विवरणियां, ऐसे प्ररूप में और ऐसी विशिष्टियों से युक्त होगी जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी अपेक्षित होती थीं;
- (5) उक्त अधिनियम की धारा 45 की उप धारा (1) के अधीन निगम द्वारा नियुक्त किया गया कोई सामाजिक सुरक्षा अधिकारी या इस प्रयोजन के लिए निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी-
 - (i) उक्त अधिनियम की धारा 44 की उप धारा (1) के अधीन, उक्त अवधि के लिए प्रस्तुत किसी विवरण में अंतर्विष्ट विशिष्टियों को सत्यापित करने; या
 - (ii) यह अभिनिश्चयन के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाअपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या
 - (iii) यह अभिनिश्चयन के लिए कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार है या नहीं; या
 - (iv) यह अभिनिश्चयन के लिए कि उस अवधि के दौरान, जब उक्त कारखाने और स्थापना के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सशक्त होगा-
 - (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे इस अधिनियम के प्रयोजन के लिए आवश्यक समझता है ; या
 - (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह कार्मिक के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
 - (ग) प्रधान या अव्यवहित नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति को, जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
 - (घ) ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की नकल तैयार करना या उद्धरण लेना;

(ङ) अन्य शक्तियों का प्रयोग करना जैसा विनिर्दिष्ट किया जाए।

6. विनिवेश या निगमीकरण के मामले में, प्रदान की गई छूट स्वतः रद्द हो जाएगी और तब नई इकाई को छूट के लिए समुचित सरकार को आवेदन करना होगा।

[सं. एस-38014/15/2020-एस एस-I]

मदन चौरसिया, अवर सचिव

New Delhi, the 17th March, 2021

S.O. 309.—In exercise of the powers conferred by section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of factories and establishments of **Rashtriya Chemicals and Fertilizers Limited (Trombay Unit)** from the operation of the said Act. The exemption shall be effective for a period of one year from the date of publication of this notification in the Official Gazette.

2. The exemption is subject to the following conditions, namely:-

- (1) the factories and establishments shall maintain a register of the employees specifying the names and designations of the exempted employees;
- (2) the employees shall continue to receive such benefits under the said Act to which they would have been entitled to on the basis of the contribution paid prior to the date from which exemption granted by this notification operates;
- (3) the contribution for the exempted period, if already paid, shall not be refundable;
- (4) the employer of the said factory and establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said period), such returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) a Social Security Officer appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf by it, shall, for the purpose of —
 - (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 of the said Act for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to the benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory and establishment to be empowered to —
 - (a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of this Act; or
 - (b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
 - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom

the said inspector or other official has reasonable cause to believe to have been an employee ; or

- (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises; or
- (e) exercise such other powers as may be specified.

(6) in case of disinvestment or corporatisation, the exemption granted shall stand cancelled and then the new entity may apply to the appropriate Government for exemption.

[No. S-38014/15/2020-SS-I]

MADAN CHAURASIA, Under Secy.

नई दिल्ली , 18 मार्च, 2021

का.आ. 310.—राष्ट्रपति, श्री सोमा शेखर जेना, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, कानपुर को दिनांक 05.03.2021 से एक वर्ष तक की अवधि अथवा नियमित पदाधिकारी की नियुक्ति तक अथवा अगले आदेशो तक इनमें जो भी पहले हो, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, लखनऊ के पीठासीन अधिकारी के पद का अतिरिक्त प्रभार सौपते हैं।

[सं. अ-11016/02/2019-सीएलएस-II]

सतीश चन्दर, अवर सचिव

New Delhi, the 18th March, 2021

S.O. 310.—The President is pleased to entrust the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Lucknow to Shri Soma Shekhar Jena, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Kanpur for a period of one year with effect from 05.03.2021 or till the appointment of a regular incumbent or until further orders, whichever is the earliest.

[No. A-11016/02/2019-CLS-II]

SATISH CHANDER, Under Secy.

नई दिल्ली, 18 मार्च, 2021

का.आ. 311.—राष्ट्रपति, श्रीमती प्रणिता मोहंती, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय सं. 2, दिल्ली को दिनांक 11.03.2021 से एक वर्ष तक की अवधि अथवा नियमित रूप से पद भरे जाने तक अथवा अगले आदेशो तक केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय सं. 1, दिल्ली के पीठासीन अधिकारी के पद का अतिरिक्त प्रभार विस्तृत करते हैं।

[सं. अ-11016/02/2019-सीएलएस-II]

सतीश चन्दर, अवर सचिव

New Delhi, the 18th March, 2021

S.O. 311.—The President is pleased to extend the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No.1, Delhi entrusted to Smt. Pranita Mohanty, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No.2, Delhi for a further period of one year with effect from 11.03.2021 or till joining of a regular incumbent, or until further orders, whichever is the earliest.

[No. A-11016/02/2019-CLS-II]

SATISH CHANDER, Under Secy.

नई दिल्ली, 23 मार्च, 2021

का.आ. 312.—औद्योगिक विवाद अधिनियम, 1947 (14 का 1947) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह-श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 06/99) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.03.2021 को प्राप्त हुआ था।

[सं. एल-22012/19/1999-आईआर (सीएम-2)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 23rd March, 2021

S.O. 312.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 06/1999) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the management of M/s. W.C.L and their workmen, received by the Central Government on 19.03.2021.

[No. L-22012/19/1999-IR (CM-II)]

RAJENDER SINGH, Under Secy.

ANNEXURE**BEFORE SHRI S. S. GARG, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR****Case No.CGIT/NGP/06/99**

Date: 15.02.2021

Party No. 1 : The Chairman-cum-M.D.,
Western Coal Fields. Ltd. Coal Estate,
Civil Lines Nagpur
Nagpur - 440001

VERSUS

Party No. 2 : The President, Coal Mines Engineering workers Association,
Zonal Office, Javi Chowk, Shobhapur Colony,
Po: Patharkheda, Distt-Betul, Pin-460449.

AWARD

(Dated: 15.02.2021)

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the management of Western Coalfields Limited and their union, Coal Mines Engineering workers Association, for adjudication, as per letter **No. L-22012/19/1999-IR (CM-II) dated 08.09.1999**, with the following schedule:-

"Whether the action of the management of WCL i.e. The Chairman-cum-Managing Director, WCL, Coal Estate, Civil Lines, Nagpur and his Steering Committee communicated on 01.04.1998 in regard to a decision that the meeting will not be held henceforth with C.M.E.W.A. Union under I.R. System is legal and justified? If not, to what relief the said Union is entitled?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement and accordingly, the union, Coal Mines Engineering workers Association, ('The Petitioner/Party No. 2' in short), filed the statement of claim and the management of the Western Coalfields Limited ('Party No. 1' in short) filed its written statement.

3. The case of the Union is that management i.e. party No.1 W.C.L. issued a letter on dated: 01/04/1998 for suspension of Steering Committee Meeting to which, they opposed and filed a case before Labour Commissioner Nagpur and Writ Petition before the Hon'ble High Court No. 660/99, in which, Hon'ble High Court issued notice to the W.C.L. and Labour Commissioner Nagpur also issued letter in case file No. ALCN -1 (4) /2016 I.D., but management did not fixed date or time of concerned steering committee meeting. ALC closed their proceedings due to pending of this matter in C.G.I.T.

4. According to the petitioner, they are being represented by their workers', so they prayed that, this Tribunal direct to the management of WCL/party No. 1 to allow them in participating in Steering Committee Meeting. They also prayed that, management withdrew their letter dated 01.04.1998 in regard to a decision that meeting will not be held henceforth with the petitioner's association.

5. By filing reply by the management/Party No. 1, they opposed petitioner's association demand, by asserting that, petitioner had filed the proceedings before the ALC (C) and Hon'ble High Court, vide Writ Petition No. 660/1999. So, present petition is not tenable. They also asserted that, Hon'ble High Court disposed this Writ Petition on 21.09.2015. According to the management/Party No. 1, Hon'ble High Court directed that, "Union should take such other steps as are open to it in law including issuance of notice of change or then making appropriate representation for ventilation of its grievance".

6. According to the management/party No. 1, para 2 of the statement of claim is denied being misleading, because Hon'ble High Court did not give any order to the management/party No. 1 to give representation to the petitioner as alleged in the said letter dated 06.11.2015. They also asserted that, letters dated 10.06.2016, 28.07.2016 and 23.01.2018; the applicant made false statement and demanded that, Hon'ble High Court did not pass any such order. They also asserted that, petitioner did not come before this Tribunal with clean hand and they are not entitled to any relief much less as claim in the present matter. According to the management, WCL has been carrying out meeting in order to regulate Industrial Relation with the representative of five central Trade Union. According to the management/Party No. 1, "A Joint Steering has been constituted by it for the purpose of i) formulation and evaluation of Action plan and budgets, ii) Resources Utilization – optimum utilization of mines capacity, human resources and equipments, iii) Cost/Profitability, iv) Quality of Coal, V) Safety, Vi) Employees welfare and Vii) Environment protection".

7. According to the management/party No. 1, on the basis on membership of the applicant being craft union, though not entitled to get representation in the Steering Committee. It also asserted that "resolution dated clearly shows that the Code of Conduct of the year 1987 was of adopted on 02.10.1992 and the Steering Committee is working as per the said Code of Conduct". It also asserted that "Most of the Members of the applicant are also members of one or the other of the five Central Trade Unions and as such no prejudice would be caused to the applicant even if it does not get representation in I.R. Committee nor the applicant has pointed out any express prejudice caused to it. WCL cannot encourage the bilateral discussion with any union other than 5 central Trade Unions as these unions cover 100% employees of WCL as their members and further WCL has signed a Code of Conduct with the above named 5 Central Trade Unions, which is successfully in operation for last three decades. On the other hand if the applicant is permitted representation, it will lead to growth of multiple Unions and intra Union rivalry and would cause unrest and will destroy the very system and it would be very difficult for the management to handle the problems. It is submitted that as the applicant Union is not signatory to code of conduct".

8. According the management as objection "as the objection is raised by the above said 5 Central Trade Unions, the present matter cannot be decided in their absence. ----- However the applicant has not bothered to join the above named 5 Central Trade Unions in the present proceeding". They also pray that statement of claim liable to be rejected on this above grounds.

9. **Point of Determination :**

(A) Whether management's order dated 01/04/1998 is legal and justified?

(B) Whether petitioner's union entitled to any relieve.

Reasons for Decisions

10. At this stay Mr. S.N. Khan, Advocate of Party No.2 appears on 05/02/2021 filed their written argument by raising following important points which are given below:-

- i. "Participatory management schemes, joint steering committee and industrial relation system at par with the other Trade Union Organizations. ----- The Hon'ble High Court in its Judgment dated 21/09/2015 has observed that the Coal India limited has permitted Applicant's participation in I.R. System. ----- That Hon'ble High Court has also observed that the status of the Applicant in not in dispute".
- ii. "In case it is there, the Management have already adopted and in the fray of Multi Union System, which they themselves have endorsed. So what is the difficulty in case one more Union will be added on genuine grounds and for the real welfare and well-being of the member workmen".
- iii. "Hold that the Prayer/Relief seek out by the Applicant is genuine and legal in the interest of Justice in view of Natural Justice and Art-14 & 16 of Constitution".

11. On behalf of management Party No. 1 Mr. Dharma Adhakari filed the written statement waiving following points:-

- i. "The meeting with CMEWA, which were made on few occasions based on the direction of CIL, will not be held henceforth and the employees who may be members of CWMA may raise/take up their issues through their respective Union under IR system".
- ii. "It is submitted that Western Coal Filed has been carrying out meetings in order to regulate Industrial relations with the representative of Five Central Trade Unions. A joint steering is constituted by it for the purpose of i) formulation and evaluation of Action plan and budgets, ii) Resources utilization- optimum utilization of mines capacity, human resources and equipments, iii) Cost/Profitability, iv) Quality of Coal, v) safety, vi) Employees welfare and vii) Environment protection".
- iii. "The participation of the applicant Union or any other union was opposed by the five Central Unions who had signed the Code of Conduct and accordingly a resolution was passed by those five Central Trade Unions on 11.04.1994. It is submitted that resolution dated clearly shows that the Code of Conduct of the year 1987 was of adopted on 02.10.1992 and the Steering Committee is working as per the said Code of Conduct".
- iv. "It is submitted that as the applicant Union is not signatory to code of conduct and as the objection is raised by the above said 5 Central Trade Unions, the present matter cannot be decided in their absence".
- v. "On the other hand the management has lead the evidence in the matter but the applicant union did not bother to cross examine the witness of the management inspite of sufficient opportunities. It is thus submitted that the evidence of the management has gone un-opposed and thus it has to be accepted for the purpose of passing of the award. ----- The claim made by the applicant is without any merits and the same is liable to be dismissed with compensatory costs".

12. On perusal of the record it appears that Hon'ble High Court decided above Write Petition No. 660/99 on 21/09/2015 i.e. Hon'ble High Court decided Write Petition with the following direction, "Hence, with said liberty to the petitioners and keeping all rival contentions in this respect open, we dispose of the present write petition. Rule discharged. However, in the facts and circumstances of the case, there shall be no order as to costs" and A.L.C. closed petitioner matter on 04-June-2018 with direction "Hence, the matter is closed and treated as otherwise disposed of - this report is submitted under Section 12 (4) of the Industrial Disputes Act. 1947".

13. On perusal of the record it appears that, in this petition i.e. in statement of claim, petitioner did not make parties to other five union, because Hon'ble High Court in the above Write Petition 660/99, directed that, "Similarly validity or otherwise of resolution dated 11.04.1994 cannot be examined by this Court in the absence of above mentioned five Trade Unions". On perusal of the record, it appears that, nobody appears on behalf of union from long time i.e. from 25/10/2018. So they did not file any evidence i.e. evidence on affidavit or document. They also did not file list of members of their association, did not represent for five trade unions, which are recognized by management i.e. Party no.1. Nothing is on record to show that, they are prejudice some way or other way.

14. On perusal of the record it appears that in para no. 7 & 8, Hon'ble High Court observe that, "The status of the petitioners is not in dispute. The reply affidavit filed on 06.08.1999 by Respondent No. 2 Western Coal Fields shows an assertion that there are other small unions and practically it is impossible to deal with those small unions". ----- In para no. 8 Hon'ble High Court observed that, "The Code of Conduct is in place since 02.10.1992. It casts certain obligations upon the signatories to it. The Unions have to refrain from resorting to unfair practices and all parties have to try their best to maintain tranquility in Western Coal Fields Limited at all levels. ----- The perusal of resolution dated 11.04.1994 shows that it is passed by representatives of Central Trade Unions viz. above mentioned five Trade Unions. Thus, Unions have expressed serious concern about Western Coal Fields Limited issuing circular, giving the benefits of check off systems and other facilities to unions affiliated to NLO. In 1978, it was agreed between Central Trade Unions and the Coal India and the Union of India that representation will be given only for IR system check off system etc. to the Unions represented by the signatories to said resolution. ----- Thus, Respondent No. 2 – Western Coalfields Limited is acting in furtherance of the resolution dated 11.04.1994. The five major Trade Unions have opposed that resolution". ----- In para no. 9 Hon'ble High Court observed that, "The petitioners have not pointed out any express prejudice caused to any of its members in the body of the petition. Similarly, validity or otherwise of resolution dated 11.04.1994 cannot be examined by this Court in the absence of above mentioned five Trade Unions".

15. On the contrary management filed evidence on affidavit of Shri. R.K. Singh on 13/03/2020, but representative of association and their advocates did not receive a copy of this evidence on affidavit. Neither they prayed for cross-examination nor they participated in proceedings. It shows that, petitioner's association did not take interest to proceed further. It also appears that, in statement of claim, they did not challenge the resolution dated on. 11.04.1994 (In para No. 9Hon'ble High Court order dated on. 21.09.2015. On the contrary management filed so many corresponding letter as well as Minutes/Resolution dated on. 22.07.1995, 15.03.1997, 11.04.1994 & copy of the Code of Conduct dated on. 26.09.1992. It shows that, statement of claim does not mention these facts. Party no. 2/Union or Association did not produce any evidence to contradict the management evidence. So in my humble opinion, it is not possible to over look the Code of Conduct dated 22.06.1992 & Resolution dated 11.04.1994. In absence of above mentioned five Trade Unions, so this claim/reference is dismissed with cost. Petitioner/Association is not entitled to any relief.

Order

“The action of the management of WCL i.e. The Chairman-cum-Managing Director, WCL, Coal Estate, Civil Lines, Nagpur and his Steering Committee communicated on 01.04.1998 in regard to a decision that the meeting will not be held henceforth with C.M.E.W.A. Union under I.R. System is legal and justified. Petitioner Association is not entitled to any relief.”

S. S. GARG, Presiding Officer

नई दिल्ली, 23 मार्च, 2021

का.आ. 313.—औद्योगिक विवाद अधिनियम, 1947 (14 का 1947) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स डब्ल्यू.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण—सह—श्रम न्यायालय, नागपुर के पंचाट (संदर्भ संख्या 43/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.03.2021 को प्राप्त हुआ था।

[सं. एल-22012/26/2018-आईआर (सीएम-2)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 23rd March, 2021

S.O. 313.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 43/2018) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Nagpur as shown in the Annexure, in the industrial dispute between the management of M/s. W.C.L and their workmen, received by the Central Government on 19.03.2021.

[No. L-22012/26/2018-IR (CM-II)]

RAJENDER SINGH, Under Secy.

ANNEXURE

BEFORE SHRI S.S. GARG, PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/43/2018-19

Date: 28.10.2020

Party No. 1:

The General Manager,
Ballarpur Area, Western Coalfields Ltd.,
Post. Sasti, Distt. Chandrapur,
Chandrapur (M.S.)-442706.

V/s.

Party No. 2:

Shri Dayalal Ramaji Ghotekar,
C/o Smt. Vidhya Rajendra Baekar,
Friends Colony, Lakhudkar Layout,
Plot No. 59, Butibori, Tehsil: Hingna,
Nagpur-441110.

AWARD**(Dated: 28th October, 2020)**

In exercise of the powers conferred by clause (d) of sub-section (1) and sub-section 2(A) of section 10 of Industrial Disputes Act, 1947 (14 of 1947) ("the Act" in short), the Central Government has referred the industrial dispute between the employers, in relation to the Management of Western Coalfields Ltd. and their workman, Shri Dayalal Ramaji Ghotekar for adjudication, as per letter No. L-22012/26/2018-IR (CM-II) dated 30.10.2018, with the following schedule:-

"Whether the action of the management of WCL through its General Manager, Ballarpur Area, Post. Sasti, Dist. Chandrapur in terminating the services of Shri Dayalal Ramaji Ghotekar, Ex-worker, Chandrapur and in denying to reinstate Shri Dayalal Ramaji Ghotekar, Ex-Worker with continuity of service and back wages is fair, just and legal? If not, to what relief the concerned workman is entitled to?"

Advocate for the petitioner is absent but management's advocate is present. Hon'ble Court's order dated 25.09.2020 is received, in which reference dated 30.10.2018 is quashed and set aside in following way:

High Court's Order

"Thus we find that the order dated 30.10.2018, for the reasons as stated above cannot be sustained on facts in the light of the policy as applicable in the matter. The order dated 30.10.2018 is thus quashed and set aside. Petition is allowed. Rule is made absolute. In the circumstances there shall be no order as to costs."

So this reference is quashed by the Hon'ble High Court in W.P. No. 2867/2019, Western Coalfields Limited vs. Union of India & others on 25.09.2020, in presence of both parties. After mentioning the result in the register, intimate to the Ministry with Hon'ble High Court's order. The record is deposited in Record Room.

ORDER

As per the direction of the Hon'ble High Court, present reference is not maintainable. So it is passed and answer of this reference is negative.

S.S. GARG, Presiding Officer

नई दिल्ली, 23 मार्च, 2021

का.आ. 314.—औद्योगिक विवाद अधिनियम, 1947 (14 का 1947) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ऑल इंडिया रेडियो के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय संख्या 2, नई दिल्ली के पंचाट (संदर्भ संख्या 27/2009) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19.03.2021 को प्राप्त हुआ था।

[सं. एल-42012/93/2005-आईआर (सीएम-2)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 23rd March, 2021

S.O. 314.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 27/2009) of the Central Government Industrial Tribunal-cum-Labour Court No. 2, New Delhi as shown in the Annexure, in the industrial dispute between the Management of All India Radio and their workmen, received by the Central Government on 19.03.2021.

[No. L-42012/93/2005-IR (CM-II)]

RAJENDER SINGH, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI**

Present: Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour
Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 27/2009**Date of Passing Award- 23rd February, 2021****Between:**

Shri Tejpal,
S/o Shri Johri,
Aerial Field Labourer,
C/o Delhi Labour Union,
Aggarwal Bhawan G.T Road,
Tis Hazari
Delhi- 110054.

... Claimant

Versus

The Superintending Engineer,
All India Radio,
Kingsway Camp,
Delhi- 110009.

...Management

Appearances:-

Shri Rajiv Aggarwal (A/R) : For the claimant

Shri Saket (A/R) : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of M/s All India Radio, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 *vide* letter No. L-42012/93/2005 (IR(CM-II) dated 24/03/2009 to this tribunal for adjudication to the following effect.

“Whether the action of the management of All India Radio in terminating the services of Shri Tejpal w.e.f. 11/10/1999 is legal and justified? To what relief is the workman concerned entitled?”

The grievance of the claimant as stated in the claim petition is that he had joined the service of the management on 11.12.1998 as an Aerial filed labourer. Though he was paid monthly salary of Rs. 1200/- the management was treating him as a daily wager. He worked as such till 11.10.1999 to the fullest satisfaction of the employer. On 11.10.1999 the management without assigning any reason and without following the procedure laid down under law terminated his service and he was asked not to report for work any further. At the time of termination neither any notice of termination nor any retrenchment compensation was paid to him though by that time he had put in more than 240 days of continuous service in the employment of the management which makes his termination illegal. Some hostility was also exhibited to the workman as his juniors were retained in service and he was dismissed. Since then the workman is unemployed and facing acute financial hardship. All his efforts for reinstatement went in vain and a considerable time was spent as the authorities assured him that his file sent to the higher authorities is yet to return. Finding no other remedy on 11.12.2003 he served a demand notice on the management and waited for some time. Thereafter he filed a claim petition before the Conciliation Officer where a conciliation proceeding was initiated. The management All India Radio appeared and filed written statement denying the claimant to be their employee. It was also pleaded that the claimant since was never appointed there was no order or decisions taken for his termination. On failure of the conciliation the Appropriate Government referred the matter to the tribunal to adjudicate upon the legality of the termination. In this claim petition the workman has prayed for setting aside the order of termination and reinstatement into service with all consequential benefits and cost of litigation.

Being noticed the management appeared and filed written statement denying the claim of the workman in toto. It has been specifically stated that the workman was never engaged or employed by the management nor

any salary was ever paid to him. All the allegations leveled are false and the claimant be called upon for strict proof of the same. Thereby the management made a prayer for rejection of the claim petition.

After appearance of the management this proceeding had suffered several adjournments for evidence to be adduced by the parties. Though the claimant had filed his evidence in form of affidavit the management did not appear to cross examine and was set ex-parte by order dated 8th April 2013. At this juncture the management filed an application praying to set aside the ex-parte order which was allowed and the management was given opportunity of contesting the proceeding.

Thereafter, the claimant examined himself as WW1 and filed certain documents which was marked in a series of WW1/1 to WW1/3 and other documents marked as A,B,C subject to its relevancy or proof. Subsequently those documents were confronted to the management witness and exhibited. These documents include the gate pass issued by All India Radio to the claimant, the photocopy of the muster roll, copy of the demand notice, and postal receipt, the copy of the written statement filed by the management before the Conciliation Officer. The witness for the workman was thoroughly cross examined by the management during the proceeding.

The management examined one of its Assistant Engineer as MW1 who besides tendering the affidavit evidence produced two documents exhibited as MW1/1 and MW1/2 which are the bills raised by one K.K Traders and the payment made by the management to the said K.K. Traders. In his sworn testimony he has stated that the claimant was engaged by a contractor who was given contract for supply of labours. The contractor was paid according to his bill and the labourers might have been paid by the contractor. There was no direct relationship as employer and employee between the management and the workman. Thereby the management has disowned the entire claim of the claimant.

In view of this rival pleadings and evidence the points which need to be decided are:

1. If the workman was an employee of the management.
2. If his service was illegally terminated.
3. To what relief he is entitled to.

Point No. 1

In his sworn testimony the claimant has stated that he was appointed as a labourer to work as an Aerial Filed Labourer and the nature of the job was to cut and clean the wild for free passage of the aerial line. His attendance alongwith other workers was being noted in the muster roll maintained by the management. For entry into the premises of the management entry passes were being issued to him from time to time. To support this contention he has filed the photocopy of the Muster Roll and the gate pass marked as A and B respectively. These documents have been challenged by the management during cross examination and questions were put if the Muster Roll contains the signature of any official of the management to which the claimant replied in negative. But the management witness examined as MW1 during cross examination when confronted with the said documents admitted that the gate pass was issued by the management to the claimant. Though the management witness in his sworn testimony has stated that All India Radio in the year 1999 had engaged one contractor having name K.K. Traders for supply of labourers for grass cutting etc and the claimant might have been engaged by the said K.K Traders, the said statement does not inspire confidence to dismiss the claim of the claimant that he was the employee of the management. The reasons behind not accepting the statement of the management witness are that the fact that one K.K. traders was the contractor for supply of labourer in the year 1999 was neither pleaded in the written statement filed before the Conciliation Officer nor in the written statement filed in this proceeding. Thus, the oral statement of the witness for the management that the claimant was not an employee of the management but engaged through the contractor is held to be without pleadings and not accepted. Not only that the management witness during cross examination when was asked questions about the contract between the management and K.K Traders he clearly admitted that no document is in possession of the management to establish the connection between K.K.Traders and management so also between the workman and K.K.Traders. Thus, the oral evidence of MW1 with regard to the contractor as the employer of the claimant appears to be wrong and cannot be accepted on the face of the oral evidence supported by the document adduced by the claimant.

It is true that the claimant has not produced any document to prove that he was getting salary from the management All India Radio. But it should be born in mind that the employment of the claimant was in the year 1999 i.e much before the digital management came into play. Not only that the salary register etc are the documents maintained by the management who is in dominoes position and the claimant who is a labourer has the least access to the same. Furthermore, the labourers and the workers at the lowest rung were then paid salaries by cash the records of which never remains with the payee. Hence it is held that non production of any

documents relating to the salary of the workman shall not negative his claim about his employment with the management which indirectly find support from the evidence management witness. Hence it is held that the claimant was working as an employee of the management from 11.12.1998 to 11.10.1999.

Point No. 2

It is a decided principle of law that the employer and employee relationship is a question of fact and the burden lies on him who asserts existence of the same. While answering point no.1 it has been held that the workman has successfully established his relationship as the employee of the employer All India Radio. It is now to be seen if the termination of the workman was made following the procedure of law or illegal for non compliance of the same. Reference can be made to section 25F of the Id Act 1947 which precisely speaks that no workman employed in any industry who has been in continuous service for not less than one year under a employer, shall be retrenched until the workman is given one month notice in writing or has been paid retrenchment compensation. In this case during cross examination the management witness had admitted that no such notice was served since the workman was not an employee of management no.1. Thereby management had admitted non compliance of the provision of section 25-F. In the preceding paragraph it has already been held that the management has not placed any record relating to the contract between the management and the contractor K.K. Trader. On the contrary the muster roll filed by the claimant proves that he had worked for more than 240 days continuously during one year for the management. In that case the mandatory provision of section 25-F was required to be complied before his termination. The non compliance of the same has made the termination of the workman in the hands of the management illegal. In the case of **Municipal Council Sujanpur vs. Surinder Kumar reported in 2006SCC(LS)967** the Hon'ble Supreme Court have held that in terms of section 25-F and 25-B of the Id Act compliance of the requisite statutory period of service is required to be prove by the workman on whom the burden for the same lies. In this case the workman by producing the Muster Roll has proved that he had worked for 240days continuously for the management and the said evidence has remained unrebutted by the management. Thus, it is held that the provisions of section 25-F having not been complied by the management the termination of the workman is illegal.

Point No. 3

The moot question which remains to be replied is what relief can be granted to the workman. Way back in the year 1980 the Hon'ble Apex Court of India in the case of *Surender Kumar Verma and others vs. CGIT Delhi* have observed that

“Plain commonsense dictates that the removal order terminating the service of the workman must ordinarily lead to the reinstatement in the service of the workman. It is as if the order was never been made and so it must ordinarily lead to back wages. But there may be exceptional circumstance which makes it impossible for the employer to direct reinstatement with full back wages.”

In such cases the Hon'ble Apex Court held that the appropriate order would be for payment of compensation in lieu of reinstatement. But in the case of **G.M ONGC Silchar vs. ONGC Contractual Worker Union reported in 2008 LLR 801** the Hon'ble Apex Court after giving due consideration to several observations in different pronouncement which suggest that a workman who was put in 240 days or a contractual worker is not entitled automatically to regularization came to hold that in appropriate cases regularization can be ordered.

Here is a case were the workman has prayed for a relief simplicitor for reinstatement to service or by the management which shows his anxiety for reemployment. The basic issue in the present case is the status of the workman and whether he was an employee of All India Radio or the contractor. While adducing evidence the workman has successfully proved that the management was engaging the claimant and many other like him to work continuously and the Muster Roll filed by him lends support to his oral testimony. This workman as the evidence shows was appointed on 11.12.1998 and his service was brought to an abrupt end on 11.10.1999. He had worked for the management only for 10 months. It is not known whether the work against which the claimant was working is still a requirement for the management. There is also no evidence to presume that the workman still have ability to work. It is also a rule of law that for no work done no remuneration is to be paid. While keeping all these principle in view it is held that the interest of justice shall be best served if the workman will be compensated for the unemployment, mental agony, and litigation expenses instead of reinstatement as prayed for. However, he is entitled to retrenchment compensation which is equivalent to 15 days of his average pay per month against one year he had worked for the management and one month salary compensation in lieu of notice. Hence, ordered.

ORDER

The claim petition be and the same is allowed. It is held that the termination of the workman by the management is illegal and he is entitled to retrenchment compensation of Rs. 600/- one month pay as compensation in lieu of notice alongwith compensation of Rs. 200,000/-for the unemployment, mental agony, and litigation expenses suffered by him for the illegal termination. The management is directed to make payment of the compensation within 3 months from the date when this award would become executable. In the event of none payment of the amount as directed, the amount so accrued shall carry interest @9% per annum from the date of the notification of the award till the final payment is made. Send a copy of this award to the Appropriate Government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

23rd February, 2021

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 24 मार्च, 2021

का.आ. 315.—केन्द्रीय सरकार, कर्मचारी राज्य बीमा अधिनियम, 1948 (1948 का 34) की धारा 91क के साथ पठित धारा 88 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, गेल (इंडिया) लिमिटेड के कारखानों और स्थापनों के नियमित कर्मचारियों को उक्त अधिनियम के प्रचालन से छूट प्रदान करती है। यह छूट राजपत्र में इस अधिसूचना के जारी होने की तारीख से एक वर्ष की अवधि के लिए प्रभावी रहेगी।

2. उक्त छूट निम्नलिखित शर्तों के अध्वधीन है; अर्थात्:-

- (1) कारखाना और स्थापना छूट प्राप्त कर्मचारियों के नाम और पदनाम विनिर्दिष्ट करते हुए, कर्मचारियों का एक रजिस्टर रखेगी;
- (2) कर्मचारी उक्त अधिनियम के अधीन ऐसे फायदे प्राप्त करते रहेंगे जिनको पाने के लिए वे इस अधिसूचना द्वारा दी गई छूट प्रदान करने की तारीख से पूर्व संदत्त अंशदानों के आधार पर हकदार हो जाते हैं;
- (3) छूट प्राप्त अवधि के लिए, यदि कोई अभिदाय पहले ही किए जा चुके हों, तो वे वापस नहीं किए जाएंगे;
- (4) उक्त कारखाने और स्थापना का नियोजक उस अवधि की बाबत जिसके दौरान उस कारखाने पर उक्त अधिनियम (जिसे इसमें इसके पश्चात उक्त अवधि कहा गया है) प्रचालन के अध्वधीन था ऐसी विवरणियां, ऐसे प्ररूप में और ऐसी विशिष्टियों से युक्त होगी जो कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 के अधीन उसे उक्त अवधि की बाबत देनी अपेक्षित होती थीं;
- (5) उक्त अधिनियम की धारा 45 की उप धारा (1) के अधीन निगम द्वारा नियुक्त किया गया कोई सामाजिक सुरक्षा अधिकारी या इस प्रयोजन के लिए निगम का इस निमित्त प्राधिकृत कोई अन्य पदधारी-
 - (i) उक्त अधिनियम की धारा 44 की उप धारा (1) के अधीन, उक्त अवधि के लिए प्रस्तुत किसी विवरणी में अंतर्विष्ट विशिष्टियों को सत्यापित करने; या
 - (ii) यह अभिनिश्चयन के लिए कि कर्मचारी राज्य बीमा (साधारण) विनियम, 1950 द्वारा यथाअपेक्षित रजिस्टर और अभिलेख उक्त अवधि के लिए रखे गये थे या नहीं; या

- (iii) यह अभिनिश्चयन के लिए कि कर्मचारी, नियोजक द्वारा दिये गए उन फायदों को, जिसके फलस्वरूप इस अधिसूचना के अधीन छूट दी जा रही है, नकद में और वस्तु रूप में पाने का हकदार है या नहीं; या
 - (iv) यह अभिनिश्चयन के लिए कि उस अवधि के दौरान, जब उक्त कारखाने और स्थापना के संबंध में अधिनियम के उपबंध प्रवृत्त थे, ऐसे किन्हीं उपबंधों का अनुपालन किया गया था या नहीं, निम्नलिखित कार्य करने के लिए सशक्त होगा-
 - (क) प्रधान या अव्यवहित नियोजक से अपेक्षा करना कि वह उसे ऐसी जानकारी दे जिसे इस अधिनियम के प्रयोजन के लिए आवश्यक समझता है ; या
 - (ख) ऐसे प्रधान या अव्यवहित नियोजक के अधिभोगाधीन, किसी कारखाने, स्थापना, कार्यालय या अन्य परिसर में किसी भी उचित समय पर प्रवेश करना और उसके प्रभारी से यह अपेक्षा करना कि वह कार्मिक के नियोजन और मजदूरी के संदाय से संबंधित ऐसे लेखा, बहियां और अन्य दस्तावेज, ऐसे निरीक्षक या अन्य पदधारी के समक्ष प्रस्तुत करें और उनकी परीक्षा करने दें या ऐसी जानकारी दें जिसे वे आवश्यक समझते हैं; या
 - (ग) प्रधान या अव्यवहित नियोजक की, उसके अभिकर्ता या सेवक की, या ऐसे किसी व्यक्ति को, जो ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में पाया जाए, यह विश्वास करने का युक्तियुक्त कारण है कि वह कर्मचारी है, परीक्षा करना; या
 - (घ) ऐसे कारखाने, स्थापना, कार्यालय या अन्य परिसर में रखे गए किसी रजिस्टर, लेखा, बही या अन्य दस्तावेज की नकल तैयार करना या उद्धरण लेना;
 - (ङ) यथास्थिति अन्य शक्तियों का प्रयोग करना ।
6. विनिवेश या निगमीकरण के मामले में, प्रदान की गई छूट स्वतः रद्द हो जाएगी और तब नई इकाई को छूट के लिए समुचित सरकार को आवेदन करना होगा ।

[सं. एस-38014/03/2021-एस एस-I]

मदन चौरसिया, अवर सचिव

New Delhi, the 24th March, 2021

S.O. 315.—In exercise of the powers conferred by section 88 read with section 91 A of the Employees' State Insurance Act, 1948 (34 of 1948), the Central Government hereby exempts the regular employees of factories and establishments of **GAIL (India) Limited** from the operation of the said Act. The exemption shall be effective for a period of one year from the date of publication of this notification in the Official Gazette.

2. The exemption is subject to the following conditions, namely:-

- (1) the factories and establishments shall maintain a register of the employees specifying the names and designations of the exempted employees;
- (2) the employees shall continue to receive such benefits under the said Act to which they would have been entitled to on the basis of the contribution paid prior to the date from which exemption granted by this notification operates;
- (3) the contribution for the exempted period, if already paid, shall not be refundable;
- (4) the employer of the said factory and establishment shall submit in respect of the period during which that factory was subject to the operation of the said Act (hereinafter referred as the said

- period), such returns in such forms and containing such particulars as were due from it in respect of the said period under the Employees' State Insurance (General) Regulations, 1950;
- (5) a Social Security Officer appointed by the Corporation under sub-section (1) of section 45 of the said Act or other official of the Corporation authorised in this behalf by it, shall, for the purpose of —
- (i) verifying the particulars contained in any return submitted under sub-section (1) of section 44 of the said Act for the said period; or
 - (ii) ascertaining whether registers and records were maintained as required by the Employees' State Insurance (General) Regulations, 1950 for the said period; or
 - (iii) ascertaining whether the employees continue to be entitled to the benefits provided by the employer in cash and kind being benefits in consideration of which exemption is being granted under this notification; or
 - (iv) ascertaining whether any of the provisions of the Act had been complied with during the period when such provisions were in force in relation to the said factory and establishment to be empowered to —
 - (a) require the principal or immediate employer to him such information as he may consider necessary for the purpose of this Act; or
 - (b) at any reasonable time enter any factory, establishment, office or other premises occupied by such principal or immediate employer at any reasonable time and require any person found in charge thereof to produce to such inspector or other official and allow him to examine accounts, books and other documents relating to the employment of personal and payment of wages or to furnish to him such information as he may consider necessary; or
 - (c) examine the principal or immediate employer, his agent or servant, or any person found in such factory, establishment, office or other premises or any person whom the said inspector or other official has reasonable cause to believe to have been an employee ; or
 - (d) make copies of or take extracts from any register, account book or other document maintained in such factory, establishment, office or other premises; or
 - (e) exercise such other powers as may be specified.
- (6) in case of disinvestment or corporatisation, the exemption granted shall stand cancelled and then the new entity may apply to the appropriate Government for exemption.

[No. S-38014/03/2021-SS-I]

MADAN CHAURASIA, Under Secy.

नई दिल्ली, 24 मार्च, 2021

का आ. 316.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर रेलवे के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. 2 दिल्ली के पंचाट (संदर्भ संख्या 132/17) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24.03.2021 प्राप्त हुआ था।

[एल-41011/22/2016-आई आर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 24th March, 2021

S.O. 316.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 132/17) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court* No. II, Delhi as shown in the Annexure, in the industrial dispute between the management of Northern Railway and their workmen, received by the Central Government on 24.03.2021.

[No. L-41011/22/2016-IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI****Present:** Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour

Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 132/17**Date of Passing Award- 15th March, 2021****Between:**

Shri Bal Mukund,
S/o Shri Girdhari Lal Sharma,
H. No. B-31, Pandit Mohalla, Village Badkhal,
Post and Distt Faridabad-121001 (Haryana)

... Claimant

Versus

1. The Divisional Railway Manager,
Delhi Division, Northern Railway
State Entry Road, New Delhi.

2. The General Manager
Northern Railway
Baroda House

... Managements

Appearances:-

Shri Om Prakash Gupta (A/R) : For the claimant

None for the management (A/R) : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of Northern Railway and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 *vide* letter No. L-41011/22/2016 (IR(B-I) dated 27.04.2017 to this tribunal for adjudication to the following effect.

“Whether the action of the management of Northern Railway in not reinstating Shri Bal Mukund S/o Shri Girdhari Lal Sharma in duty with effect from 18.01.2014 is legal and justified? if not, what relief the workman is entitled to and from which date?”

As stated by the claimant he was appointed in the post of loco cleaner on 16.10.87 and since 18.01.14 working as loco pilot shunting and his last drawn wage was 18900(basic) per month. He was sincere, diligent, honest, and committed to his work giving no chance of complaint to anybody. During course of his employment he has made a complaint to a senior divisional electrical engineer of Railway of Delhi Division against the senior section Engineer Nizamudin Delhi regarding wastage of manpower and consequential pecuniary loss to the railway department. On account of the same the senior division electrical engineer became annoyed and threatened him of dire consequence. A conspiracy was hatch against him and he was placed under suspension on 06.08.2013. However, that order was revoked on 21.08.2013 and a penalty of withholding of increment for a temporary period of 01 year without cumulative effect was imposed by order dated 30.12.2013. The irony of the matter is that the punishment was imposed without holding any inquiry in accordance with law in violation of the rule of Natural Justice. By notice dated 31.12.2013 the management issued promotion orders of loco pilot shunting to loco pilot goods subject to the condition that no adverse entry is available against the promotee but that notice/order was not communicated to the workman and as such he continued to work as the LPS. On 18.01.2014 he was informed to take the promotion to which the claimant replied that his period of punishment since not over he cannot take the promotion and he is not willing to work as the LPG. But the management did not allow him to work on the post of LPS. The workman having no other way out gave a representation expressing his intention that he will not take the promotion to the post of LPG until the period of punishment is over. No action was taken on his representation but he was not allowed to perform the duty of LPS. On the contrary the management on 31.01.2014 served a letter on the workman alleging unauthorized absence. Though the workman gave a reply denying the allegation the same was not accepted. On 13.02.2014 the management managed to affix a notice on his residence with regard to his unauthorized absence and on 31.03.2014 the charge

sheet framed against him was publically notified. The workman received a charge sheet on 07.04.2014 only and two days thereafter he submitted a letter asking the management to supply all the relevant document. The railway department did not supply the documents. Finding no other way the claimant applied for VRS which was again refused by the competent authority. All the effort made by the claimant to meet the higher authority failed. on 12.03.2015 and again on 22.05.2015 the management served an order regarding his unauthorized absence from duty which was incorrect. When the workman could not get his grievance redressed filed a dispute of unfair labour practice before the Assistant Labour Commissioner Delhi. A conciliation proceeding was initiated but failed and the Appropriate Government referred the matter to this tribunal for adjudicating.

Though, proper notice was served on the management and one Pramesh Kumar had appeared and sought for time to file reply to the claim petition, subsequently by order dated 08.10.2018 was set ex-parte.

During ex-parte hearing the claimant examined himself and deposed in the line of the facts stated in the claim statement. He also placed several documents on record which have been marked in a series of WW1/1 to WW1/69. These documents include the appointment letter, showcause notice, served on the claimant alleging unauthorized absence, proceeding recorded during the inquiry and the finding of the Disciplinary Authority. On a careful reading of the oral evidence of the claimant and the documents filed by him it appears that the claimant was illegally placed under suspension w.e.f 18.01.2014 and the principles of natural justice were not followed while conducting the disciplinary action against him. on the basis of the unrebutted evidence adduced by the claimant the following order is passed. Hence, ordered.

ORDER

The claim be and the same is allowed without contest against the management which has been proceeded ex-parte. It is held that the management northern railway subjected the claimant Bal Mukund to unfair labour practice and he was illegally placed under suspension. He is entitled to reinstatement to service w.e.f 18.01.2014 subject to the condition that he has not attained the age of superannuation. The management is directed to pay the last drawn salary per month to the claimant from 18.01.2014 till the date of reinstatement and consider him for promotion to the appropriate post. If the claimant is found to have attained the age of superannuation, the salary as per his last drawn salary statement shall be paid to him w.e.f 18.01.2014 till the date of superannuation with usual annual increment DA and other allowance changed from time to time. Send a copy of this award to the appropriate government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

15th March, 2021

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 24 मार्च, 2021

का आ. 317.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण जबलपुर के पंचाट (संदर्भ संख्या 69/2011) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24.03.2021 प्राप्त हुआ था।

[एल-12011/05/2011-आई आर (बी-1)]

डी. गुहा, अवर सचिव

New Delhi, the 24th March, 2021

S.O. 317.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 69/2011) of the *Cent. Govt. Indus. Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India and their workmen, received by the Central Government on 24.03.2021.

[No. L-12011/05/2011-IR(B-1)]

D. GUHA, Under Secy.

ANNEXURE
BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT,
JABALPUR
NO. CGIT/LC/R/69/2011

Present: P. K. Srivastava, H.J.S..(Retd)

The General Secretary,
Dainik Vwetan Bhogi Bank Karmachari Sangathan
F-1, Tripti Vihar, Opp.Engineering College,
Ujjain (M.P.)

... Workman

Versus

The Assistant General Manager (Admn.)
State Bank of India, LHO
Hoshangabad Road,
Bhopal (M.P.)

...Management

A WARD
(Passed on this 24th day of February 2021)

1. As per letter dated 20/6/2011 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D.Act, 1947 as per Notification No. L-12011/05/2011-IR(B-1) The dispute under reference relates to:

“Whether the demand of the Union for payment of difference of wages as per regular pay scale to Shri Hari Shankar and five other listed below(as mentioned in reference) for the period mentioned against each is Justified?To what relief the Union/Workman is entitled? .”

2. After registering the case on the basis of reference, notices were sent to the parties and they have filed their respective statements of claim and defense.

3. According to the workman/applicants namely Harishankar Saxena, Shyam Kekre, Sanjay Javkhedkar, Mukesh Vatre, Roop Narayan Shivhare and Suresh Bagora as mentioned in the reference as well as statement of claim, total six in number were empanelled in the list of candidates prepared for engagement, having completed 70days working in any capacity in the Bank. According to the Management circulars, the candidates in the list were to be engaged when ever required and were to be paid wages according to the hand-book on staff matters Volume-II,Chapter-12 Rule 7. They were engaged and further dis-engaged during the course of time but were paid wages as daily wagger and not as circular and compensation was also paid to them as daily wagers whereas the same nature of candidates(working in Bhopal region) were paid wages and compensation, in the light of circulars mentioned above. A demand was raised which was not heard by the Management, hence a dispute was raised and the reference was sent to this Tribunal for adjudication. The applicant/workman had sought the relief of payment to them in the light of circulars itself. Thus the workman has prayed that the reference be answered in their favour.

4. The Management has flatly denied the claim and have stated that they were casual daily wagers, who were in the list, but could not be employed as they were very below in the merit list. They did act as daily wagers for sometime and were dis-engaged for which they were paid as per Rules. Thus the Management has requested that the reference be answered against the workman/applicants.

5. The applicant's /workman have filed photocopy documents which are not admissible in law. They have been denied by Management. No witness have been examined by the applicants/workman nor any document has been proved. The Management has examined its witness which is un-cross-examined.

6. At the time of arguments, none appeared from the side of the workman. Shri Vijay Tripathi, learned counsel for Management has filed written arguments. I have gone through the written arguments and record.

7. **The reference is point for determination, in the case in hand.**

8. The burden to prove that the workman was in continuous engagement of the Management for a period of more than 240 days in the year preceding the date of his dis-engagement lies on workman himself. It has been so held in the cases of **Range Forest Officer Vs. S.T.Hadimani**, (2002) 3 SCC 25, **Krishna Bhagya Jala**

Nigam Ltd. Vs. Mohd. Rafi(2009)11 SCC 522, **Essen Deinki Vs. Rajiv Kumar**(2002) 8 SCC 400, **Municipal Corporation, Faridabad Vs. Siri Niwasn** (2004)8 SCC 195, **RBI Vs. Mani**(2005)5 SCC 100 and many other cases referred by learned counsel . The workman has failed to lead any evidence to support his claim and prove the photocopy documents, hence holding his claim not proved, the workman is held entitled to no relief.

9. On the basis of the above discussion, following award is passed:-

A. The demand of the Union for payment of difference of wages as per regular pay scale to Shri Hari Shankar and five other listed below(as mentioned in reference) for the period mentioned against each is held not justified.”

B. The applicant's/workman are held entitled to no relief.

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

DATE: 24.2.2021

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 24 मार्च, 2021

का.आ. 318.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. 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 89/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.03.2021 को प्राप्त हुआ था।

[सं. एल-20012/120/2015-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 24th March, 2021

S.O. 318.—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 2015) as shown in the 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 18.03.2021.

[No. L-20012/120/2015-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

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

PRESENT : Dr. S. K.Thakur, Presiding Officer

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

REFERENCE NO. 89 OF 2015

PARTIES: : The General Secretary,
Bihar Colliery Kamgar Union,
Manbad, PO: Jharia, Dhanbad (Jharkhand) ,

Vs.

The General Manager,
E.J.Area of M/s. BCCL,
PO: Bhowra, Dhanbad-828302

Order No. L-20012/120/2015-IR(CM-I) dt. 02.11.2015

APPEARANCES :

On behalf of the workman/Union : None

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

State : **Jharkhand** **Industry :** **Coal**

Dated, Dhanbad, the 25th January, 2021

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-20012/120/2015-IR (CM-I) dt. 02.11.2015.**

SCHEDULE

“Whether the action of the Management of Patherdih Colliery of M/s BCCL in dismissing Shri Dhaaneshwar Manjhi, Pers. No. 02993590, Miner Loader from the services of the Company vide order No. BCCL/PEH/PERS/05/1418 dated 21/24.09.2005 is justified and fair? If not, to what relief the concerned workman is entitled?”

On receipt of the **Order No. L-20012/120/2015-IR(CM-I) dt.02.11.2015** of the reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, it was registered as Reference case No. 89 of 2015 on 02.11.2015 and accordingly an order to that effect was passed to issue notices through the Registered Post to the parties concerned, directing them to appear before the Tribunal 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 Post were sent to the parties concerned.

2. The today (05.01.2021) Instant Industrial Dispute case is fixed for hearing. None appears either from the Sponsoring Union or the petitioner under reference. The case is set for submission of Written Statement of Claim and other relevant documents together with annexing witness(s) if any, thereto, to facilitate to carry forward the case or passing appropriate order. Mr. D.K.Verma, Ld. Advocate appears representing the Management side and prayed for disposal of this case matter as the workman side has not filed written statement of claim for the last five years. The Employer and the Employee have not taken any step for hearing. Status representing the case is that the Written Statement of Claim, an onus on the part of the petitioner is yet to be filed by the Petitioner even after elapse of more than five years.

3. Moreover proceeding did not come into light because the party concerned remains to shy away in coming forward with legitimate claim in the form Written Statement of Claim to apprise the Tribunal of the claim they have. The case was registered on 10.11.2015 came into existence as Reference No. 89/2015. And in accordance with the said order of notice for appearance on 25.02.2016, subsequently on 19.09.2019 and afresh on 05.01.2021 were served for filing Written Statement of Claim with relevant documents, list of reliance and witnesses with exchanged a copy of such statement to each other of the opposite parties involved in this dispute under rule 10(B) of the Industrial Disputes (Central) Rules, 1957 but they did not do anything in terms of the notices. Remarkably the Party who raised the dispute should have been well conversant of the rules as per terms of reference by the Government of India before this Tribunal, which reads as follows:

“The Parties raising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such statement to each one of the opposite parties involved in this dispute under rule 10(b) of the Industrial Disputes (Central),Rules,1957.”

4. The Industrial Dispute exists with regard to dismissal from service of the workman- Dhaneshwar Manjhi, Pers. No. 02993590 by the Management of Patherdih Colliery of M/s. BCCL, Dhanbad ,seeking relief by the workman through adjudication by challenging the alleged action as unjustified.

5. Notices were issued upon both the parties at the addresses referred in order of the Reference on 11.01.2016, 02.09.2019 and afresh on 09.10.2020. The Notices are deemed to have been served as none turned undelivered. The case went through the hearings and adjournments on 25.02.2016, 19.09.2019 and on 05.01.2021 besides ample opportunities were provided to the Petitioner/Union in the form of stepping Above all, the Sponsoring Union/petitioner is well acquainted with the outcome of the case in the event of successive failures on their part since inception.

6. Such being the conduct on the part of the Applicant coupled with facts, it has been apparently beyond doubt that the party raising the dispute without offering sufficient cause have failed to appear. The Sponsoring Union who raised the claim proved failure in filing the Written Statement of Claim. The proceeding of the case came to a halt and persistent follow up by way of adjournments and Notices appears of no use as till date no step has been taken by either of the parties.

7. In view of the materials on record and that adjudication is pending from 2015, Tribunal is of the view that the petitioner is no more interested to proceed with the hearing of this case and further adjournment will be nothing but abuse of the process and time. The Tribunal has no other alternative but to hold the conclusion that the Industrial Dispute between the parties appears to have lost its merits or the footing on which issue has been raised. The instant proceedings stands disposed of as the Industrial Dispute by and between the parties being treated as non-existent.

Dr. S.K.THAKUR, Presiding Officer

नई दिल्ली, 24 मार्च, 2021

का.आ. 319.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. 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 66/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.03.2021 को प्राप्त हुआ था।

[सं. एल-20012/80/2015-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 24th March, 2021

S.O. 319.—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. 66 of 2015) as shown in the 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 18.03.2021.

[No. L-20012/80/2015-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

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

PRESENT : Dr. S. K.Thakur, Presiding Officer

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

REFERENCE NO. 66 OF 2015

PARTIES: : The Treasurer,
Rastriya Colliery Mazdoor Sangh,
Michael John Smriti Bhawan, Rajendra Path,
Post Box No. 22
Dhanbad-826001.
(Jharkhand)

Vs.

The General Manager,
Katras Area of M/s BCCL.
PO: Sijua, Dhanbad (Jharkhand) 828121

Order No. L-20012/80/2015-IR(CM-I) dt.26.08.2015

APPEARANCES :

On behalf of the workman/Union : None

On behalf of the Management : None

State : Jharkhand

Industry : Coal

Dated, Dhanbad, the 14 January, 2021

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-20012/80/2015-IR (CM-I) dt.26.08.2015.**

SCHEDULE

“Whether the action of the Management of Katras Area of M/s BCCL in not handing over the possession of NHS Qr. No. 25 situated at Lakurka Colony to Sri Dharendra Kumar Singh after passing the order of allotment and also allotting the said quarter to another workman is fair and justified? To what relief the concerned workman is entitled to?”

On receipt of the **Order No. L-20012/80/2015-IR(CM-I) dt.26.08.2015** of the reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, it was registered as Reference case No. 66 of 2015 on 07.09.2015 and accordingly an order to that effect was passed to issue notices through the Registered Post to the parties concerned, directing them to appear before the Tribunal 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 Post were sent to the parties concerned.

2. The instant Industrial Dispute case is fixed today, i.e., (05.01.2021) for hearing or passing appropriate order in default. The case is set for submission of Written Statement of Claim and other relevant documents together with annexing witness(s) if any, thereto, to facilitate to carry forward the case. But neither the Representative from the Union nor the workmen concerned was found present on call even today the same position from the Management side too.

3. Moreover proceeding did not come into light because the party concerned remains to shy away coming forward with legitimate claim in the form Written Statement of Claim to apprise the Tribunal of the claim they have. The case was registered on 07.09.2015 came into existence as Reference No. 66/2015 with issuance of notice for appearance on 03.12.2015 and subsequently appearance on 18. 09.2019 and lastly and fresh on 07.10.2020 for filing documents but they did not do anything in terms of the notices. As part of the order dt.18.09.2019 the last and final Notices requiring their appearance were sent to the both litigant parties on 07.10.2020. Remarkably the Party who raised the dispute should have been well conversant of the rules as per terms of reference by the Government of India before this Tribunal, which reads as follows:

“The Parties raising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such statement to each one of the opposite parties involved in this dispute under rule 10(b) of the Industrial Disputes (Central), Rules, 1957. ”

4. Notices were issued upon both the parties under Reference at the addresses referred in the Order of the Reference on 09.11.2015, 30.08.2019 and finally afresh on 07.10.2020. The Notices are deemed to have been served as none returned undelivered. The case went through the several hearing and adjournments granted in course of trial from 03.12.2015, 11.02.2016, 31.03.2016, 26.05.2016, 15.07.2016, 03.12.2015, 11.02.2016, 31.03.2016, 26.05.2016, 15.07.2016, 07.09.2016, 09.11.2016, 03.01.2017, 14.02.2017, 11.04.2017, 29.05.2017, 25.07.2017, 11.09.2017, 30.10.2017, 28.11.2017, 08.01.2018, 18.09.2019 and finally on 05.01.2021. Though *vide* order dated 18.09.2019, it has already made clear to the Sponsoring Union to file W.S. as last opportunity, failing which appropriate order will be passed in consonance with established law. So, they have already exhausted all legal remedial avenues. Above all, the Sponsoring Union/petitioner is well acquainted with the outcome of the case in the event of successive failures on of theirs part since inception.

5. The case under reference deals with keeping in abeyance the impugned office order allotting Qr. No. NHS 25 to the workman concerned by the Company and, later on, made allotment to someone else. Amidst the alleged discriminatory action of the Management, what relief is the workman concerned entitled to?

6. It has been apparently beyond doubt that both the parties without sufficient cause have failed to appear. The Sponsoring Union who raised the claim proved failure in filing the Written Statement of Claim. The proceeding of the case came to a halt and persistent follow up by way of short adjournments and Notices appears of no use as till date no step has been taken by the petitioner. Therefore, it is clear that the Petitioner (workman) has no interest in furthering proceeding of this case and there is also no reasonable ground to keep this case pending any more

7. Considering the materials on record and that adjudication is pending from 2015, the Tribunal is persuaded to safely presume that the petitioner is no more interested to proceed with this adjudication and further adjournment will be nothing but abuse of the process and time. The Industrial Dispute between the parties to this case appears to have lost its merits or the footing on which issue has been raised, stands diluted itself. The dispute is thus disposed of accordingly as the Industrial Dispute by and between the parties being treated as non-existent. The workman no longer need the grievance to be redressed from the Management and no relief, whatsoever.

Dr. S. K. THAKUR, Presiding Officer

नई दिल्ली, 24 मार्च, 2021

का.आ. 320.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स भारतीय हवाई अड्डा प्राधिकरण, नई दिल्ली के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. - 2, नई दिल्ली के पंचाट (संदर्भ संख्या 200/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.03.2021 को प्राप्त हुआ था।

[सं. एल-11012/16/2017-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 24th March, 2021

S.O. 320.—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, New Delhi (Ref. No. 200 of 2018) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Airport Authority of India, New Delhi and their workmen, which was received by the Central Government on 18.03.2021.

[No. L-11012/16/2017-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI****Present:** Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour

Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 200/2018**Date of Passing Award- 22nd February, 2021****Between:**

Shri Dhanpal,
Through- Hindustan Engineering
General Mazdoor Union,
D-02/24, Sultanpuri, Delhi- 110086.

... Claimant

Versus

1. The Manager,
Airport Authority of India,
Rajiv Gandhi Bhawan, Safdarjung Airport,
New Delhi- 110003.
2. The Manager,
Domestic Interstate Airport- Terminal-ID, Palam Airport,
New Delhi-110037.
3. The Manager,
Sunshine Enterprises,
A-49, Kailash Colony Metro Station Sant Nagar,
New Delhi- 110049.

...Managements

Appearances:-

Kailash Kumar (A/R) : For the claimant

None for the management (A/R) : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of M/s. Airport Authority of India, Rajiv Gandhi Bhawan, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L-11012/16/2017 (IR(CM-I) dated 08/11/2018 to this tribunal for adjudication to the following effect.

“Whether the action of the management of M/s. sunshine Enterprises in not reinstating the service of Shri Dhanpal in duty w.e.f 01.04.2014 along with all consequential benefits is illegal and/or unjustified? If so, what relief the workman concerned is entitled to and what directions are necessary in this regard?

(ii) whether the demand of the workman concerned for 03 months (January, 2014 to March, 2014) earned wages is legal, proper and justified? If so, what relief he is entitled to?”

It has been stated by the claimant that he was appointed as a loader on 01.07.2011 by the management No. 3 to work in the premises of management No. 1. Management No.3 had entered into a contract with management no.2 i.e M/s Spice jet limited who in turn had contract with the management no.1 for loading and unloading of goods at the Airport. The claimant has further stated that he was discharging a permanent nature of work for the day to day activity in the Airport further more neither the management no.2 had the registration for engagement of contract labour nor the management no.3 had the license for engaging the contract labours in terms of section 7, 10 of the Contract Labour and Abolition Act 1970. While engaging the claimant the management no.3 or 2 had not issued any appointment letter to the claimant. He was not even paid the duty leaves and leaves salary etc. the management had also denied the wage slip attendance card, and identity card to the claimant in order to deprive him of his legal rights. He was very often demanding casual leaves, earned leaves, bonus etc. and enrolment under EPF and ESI schemes. Being aggrieved the management No. 3 terminated the service of the claimant w.e.f 01.07.2014 he was not even paid the salary for the preceding 3 months. Finding no other efficacious remedy the claimant served a demand notice through register post with AD to management no.1,2,3. Thereafter he raised a dispute before the Labour Commissioner where management no.1,2 appeared and denied their liability for claim of the claimant/workman on the ground that there exists no employer employee relationship between them. The conciliation since failed the appropriate government referred the matter for adjudication on the points indicated above.

Notice though served on all the respondents, they did not appear and were set ex-parte.

During Ex-parte hearing the claimant examined himself as WW1 by tendering his evidence through affidavit. In his sole testimony he has stated that management no.1 had permitted the management no.2 to carry out the work of loading and unloading in the airport and the management no.2 having no registration for engagement of contract labour, illegally entered into a contract with management no.3 who too has no license for engaging contract labours to execute the work of loading and unloading. The management no.3 recruited the workman as a loader and appointed him w.e.f 01.07.2011 on a monthly wage of Rs. 14,500/-. Though no appointment letter and wage slip etc were issued with the claimant he worked as such till 01.07.2014. His service was terminated as an Act of vindication by management no.3 since, he was always demanding the legal rights and benefits. Being aggrieved the management no.2 without serving retrenchment notice and without paying the retrenchment compensation illegally terminated the service of the claimant which amounts to unfair Labour practice. Though proper legal notice was served before raising a dispute with the Labour Commissioner he received no response. When the dispute was raised before the Labour Commissioner and notices were issued, management no.1 and 2 appeared and denied their liability for want of employer employee relationship. The management no.3 did not appear.

To support his contention the claimant has filed the copy of the demand notice the copy of the dispute raised before the Labour Commissioner the reply filed before the Labour Commissioner by the management no.2 and the Id cards issued to him. The documents filed by the claimant nowhere suggest any kind of employee and employer relationship between him and the management no.1 and 2. The Airport entry permit filed by him shows that the same was issued by the Bureau of Civil Aviation Security of Airport Authority of India to the person i.e. the claimant working in the organization having name sunshine enterprises. Thus, it leads to a conclusion that the claimant was an employee of sunshine enterprises only having no employee relationship with airport authority or spice jet limited.

From the evidence adduced which has remained unchallenged it appears that the claimant was subjected to unfair labour practice by the management no.3 who while terminating his job had not served the retrenchment notice nor any retrenchment compensation was paid. Not only that without assigning any reason his service was terminated which also amounts to unfair labour practice. Thus it is held that the claimant having been employed by the management no. 3 for a continuous period exceeding one year was entitled to one month notice in writing indicating the reasons of retrenchment and the same having not been done the workman is entitled to compensation equivalent to 15 days average pay for every completed year of service in lieu of such notice. In this case the workman since had completed 3 years of service and was getting 14,500/- per month he is entitled to 21,750/- as compensation. In addition to this the claimant is held entitled to compensation of Rs. 50000/- in lumpsum towards the mental agony suffered by him and for unemployment he has undergone for the

illegal termination. There being no evidence adduced about the duty pay of 3 months which has not been paid, no order to that effect is passed. Hence, ordered.

ORDER

The reference be and the same is accordingly answered. The management no.3 i.e. sunshine enterprises is directed to pay Rs. 21750/- to the workman as retrenchment compensation in lieu of notice and another 50000/- in lump sum towards the mental agony suffered by him and for unemployment he has under gone for the illegal termination. This amount shall be paid to the claimant by the management no.3 within 3 months from the date of publication of the award without interest. If the management no.3 would fail to comply the direction given above, the compensation amount as well as the retrenchment compensation shall carry interest @ 9% per annum from the date of publication of the award till the final payment is made. Send a copy of this award to the Appropriate Government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

22nd February, 2021

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 24 मार्च, 2021

का.आ. 321.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स भारतीय हवाई अड्डा प्राधिकरण, नई दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं. - 2, नई दिल्ली के पंचाट (संदर्भ संख्या 201/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.03.2021 को प्राप्त हुआ था।

[सं. एल-11012/17/2017-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 24th March, 2021

S.O. 321.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.2, New Delhi (Ref. No. 201 of 2018) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Airport Authority of India, New Delhi and their workmen, which was received by the Central Government on 18.03.2021.

[No. L-11012/17/2017-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Present: Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour

Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 201/2018

Date of Passing Award- 22nd February, 2021

Between:

Shri Kiranpal,
Through- Hindustan Engineering
General Mazdoor Union,
D-02/24, Sultanpuri, Delhi- 110086

... Claimant

Versus

1. The Manager,
Airport Authority of India,
Rajiv Gandhi Bhawan, Safdarjung Airport,
New Delhi- 110003

4. The Manager, Spice jet Limited,
Domestic Interstate Airport- Terminal-ID, Palam Airport,
New Delhi-110037.
5. The Manager,
Sunshine Enterprises,
A-49, Kailash Colony Metro Station Sant Nagar,
New Delhi- 110049.

... Managements

Appearances:-

Kailash Kumar (A/R) : For the claimant
None for the management (A/R) : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of M/s. Airport Authority of India, Rajiv Gandhi Bhawan, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L-11012/17/2017 (IR(CM-I) dated 08/11/2018 to this tribunal for adjudication to the following effect.

“Whether the action of the management of M/s. sunshine Enterprises in not reinstating the service of Shri Kiranpal in duty w.e.f 01.07.2014 along with all consequential benefits is illegal and/or unjustified? If so, what relief the workman concerned is entitled to and what directions are necessary in this regard?

(ii) whether the demand of the workman concerned for 03 months (April, 2014 to June, 2014) earned wages is legal, proper and justified? If so, what relief he is entitled to?”

It has been stated by the claimant that he was appointed as a loader on 01.07.2011 by the management No. 3 to work in the premises of management No. 1. Management No.3 had entered into a contract with management No. 2 i.e M/s. Spice jet limited who in turn had contract with the management no.1 for loading and unloading of goods at the Airport. The claimant has further stated that he was discharging a permanent nature of work for the day to day activity in the Airport further more neither the management no.2 had the registration for engagement of contract labour nor the management No. 3 had the license for engaging the contract labours in terms of section 7, 10 of the Contract Labour and Abolition Act 1970. While engaging the claimant the management No. 3 or 2 had not issued any appointment letter to the claimant. He was not even paid the duty leaves and leaves salary etc. the management had also denied the wage slip attendance card, and identity card to the claimant in order to deprive him of his legal rights. He was very often demanding casual leaves, earned leaves, bonus etc. and enrolment under EPF and ESI schemes. Being aggrieved the management No. 3 terminated the service of the claimant w.e.f 01.07.2014 he was not even paid the salary for the preceding 3 months. Finding no other efficacious remedy the claimant served a demand notice through register post with AD to management No.1, 2, 3. Thereafter he raised a dispute before the Labour Commissioner where management No. 1,2 appeared and denied their liability for claim of the claimant/workman on the ground that there exists no employer employee relationship between them. The conciliation since failed the appropriate government referred the matter for adjudication on the points indicated above.

Notice though served on all the respondents, they did not appear and were set ex-parte.

During Ex-parte hearing the claimant examined himself as WW1 by tendering his evidence through affidavit. In his sole testimony he has stated that management No.1 had permitted the management no.2 to carry out the work of loading and unloading in the airport and the management No.2 having no registration for engagement of contract labour, illegally entered into a contract with management No.3 who too has no license for engaging contract labours to execute the work of loading and unloading. The management No.3 recruited the workman as a loader and appointed him w.e.f 01.07.2011 on a monthly wage of Rs. 14,500/-. Though no appointment letter and wage slip etc were issued with the claimant he worked as such till 01.07.2014. His service was terminated as an Act of vindication by management No.3 since, he was always demanding the legal rights and benefits. Being aggrieved the management No.2 without serving retrenchment notice and without paying the retrenchment compensation illegally terminated the service of the claimant which amounts to unfair Labour practice. Though proper legal notice was served before raising a dispute with the Labour Commissioner he received no response. When the dispute was raised before the Labour Commissioner and notices were issued,

management No.1 and 2 appeared and denied there liability for want of employer employee relationship. The management No. 3 did not appear.

To support his contention the claimant has filed the copy of the demand notice the copy of the dispute raised before the Labour Commissioner the reply filed before the Labour Commissioner by the management No.2 and the Id cards issued to him. The documents filed by the claimant nowhere suggest any kind of employee and employer relationship between him and the management no.1 and 2. The Airport entry permit filed by him shows that the same was issued by the Bureau of civil Aviation Security of Airport Authority of India to the person i.e. the claimant working in the organization having name sunshine enterprises. Thus, it leads to a conclusion that the claimant was an employee of sunshine enterprises only having no employee relationship with airport authority or spice jet limited.

From the evidence adduced which has remained unchallenged it appears that the claimant was subjected to unfair labour practice by the management No.3 who while terminating his job had not served the retrenchment notice nor any retrenchment compensation was paid. Not only that without assigning any reason his service was terminated which also amounts to unfair labour practice. Thus it is held that the claimant having being employed by the management No.3 for a continuous period exceeding one year was entitled to one month notice in writing indicating the reasons of retrenchment and the same having not been done the workman is entitled to compensation equivalent to 15 days average pay for every completed year of service in lieu of such notice. In this case the workman since had completed 3 years of service and was getting 14,500/- per month he is entitled to 21,750/- as compensation. In addition to this the claimant is held entitled to compensation of Rs. 50000/- in lumpsum towards the mental agony suffered by him and for unemployment he has under gone for the illegal termination. There being no evidence adduced about the duty pay of 3 months which has not been paid, no order to that effect is passed. Hence, ordered.

ORDER

The reference be and the same is accordingly answered. The management No. 3 i.e. sunshine enterprises is directed to pay Rs. 21750/- to the workman as retrenchment compensation in lieu of notice and another 50000/- in lump sum towards the mental agony suffered by him and for unemployment he has under gone for the illegal termination. This amount shall be paid to the claimant by the management No. 3 within 3 months from the date of publication of the award without interest. If the management no.3 would fail to comply the direction given above, the compensation amount as well as the retrenchment compensation shall carry interest @ 9% per annum from the date of publication of the award till the final payment is made. Send a copy of this award to the Appropriate Government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

22nd February, 2021

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 24 मार्च, 2021

का.आ. 322—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स भारतीय हवाई अड्डा प्राधिकरण, नई दिल्ली के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, नई दिल्ली के पंचाट (संदर्भ संख्या 203/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.03.2021 को प्राप्त हुआ था।

[सं. एल-11012/18/2017-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 24th March, 2021

S.O. 322.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.2, New Delhi (Ref. No. 203 of 2018) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Airport Authority of India, New Delhi and their workmen, which was received by the Central Government on 18.03.2021.

[No. L-11012/18/2017-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI****Present:** Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour

Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 203/2018**Date of Passing Award- 22nd February, 2021****Between:**

Shri Chanderpal,
Through- Hindustan Engineering
General Mazdoor Union,
D-02/24, Sultanpuri, Delhi- 110086

... Claimant

Versus

1. The Manager,
Airport Authority of India,
Rajiv Gandhi Bhawan, Safdarjung Airport,
New Delhi- 110003.
2. The Manager, Spice Jet Limited,
Domestic Interstate Airport- Terminal-ID, Palam Airport,
New Delhi-110037.
3. The Manager,
Sunshine Enterprises,
A-49, Kailash Colony Metro Station Sant Nagar,
New Delhi- 110049.

... Managements

Appearances:-

Kailash Kumar (A/R) : For the claimant.

None for the management (A/R) : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of M/s. Airport Authority of India, Rajiv Gandhi Bhawan, and its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L-11012/18/2017 (IR(CM-I) dated 08/11/2018 to this tribunal for adjudication to the following effect.

“Whether the action of the management of M/s. sunshine Enterprises in not reinstating the service of Shri Chander Pal in duty w.e.f 01.04.2014 along with all consequential benefits is illegal and/or unjustified? If so, what relief the workman concerned is entitled to and what directions are necessary in this regard?”

It has been stated by the claimant that he was appointed as a loader on 01.07.2011 by the management No. 3 to work in the premises of management No. 1. Management No.3 had entered into a contract with management No.2 i.e M/s Spice jet limited who in turn had contract with the management no.1 for loading and unloading of goods at the Airport. The claimant has further stated that he was discharging a permanent nature of work for the day to day activity in the Airport further more neither the management No.2 had the registration for engagement of contract labour nor the management No.3 had the license for engaging the contract labours in terms of section 7, 10 of the Contract Labour and Abolition Act 1970. While engaging the claimant the management No.3 or 2 had not issued any appointment letter to the claimant. He was not even paid the duty leaves and leaves salary etc. the management had also denied the wage slip attendance card, and identity card to the claimant in order to deprive him of his legal rights. He was very often demanding casual leaves, earned leaves, bonus etc. and enrolment under EPF and ESI schemes. Being aggrieved the management No. 3 terminated the service of the claimant w.e.f 01.07.2014 he was not even paid the salary for the preceding 3 months. Finding no other efficacious remedy the claimant served a demand notice through registered post with AD to management No.1,2,3. Thereafter he raised a dispute before the Labour Commissioner where management No.1,2 appeared

and denied their liability for claim of the claimant/workman on the ground that there exists no employer employee relationship between them. The conciliation since failed the appropriate government referred the matter for adjudication on the points indicated above.

Notice though served on all the respondents, they did not appear and where set ex-parte.

During Ex-parte hearing the claimant examined himself as WW1 by tendering his evidence through affidavit. In his sole testimony he has stated that management No.1 had permitted the management No.2 to carry out the work of loading and unloading in the airport and the management No. 2 having no registration for engagement of contract labour, illegally entered into a contract with management No.3 who too has no license for engaging contract labours to execute the work of loading and unloading. The management No.3 recruited the workman as a loader and appointed him w.e.f 01.07.2011 on a monthly wage of Rs. 14,500/-. Though no appointment letter and wage slip etc. were issued with the claimant he work as such till 01.07.2014. His service was terminated as an Act of vindication by management No.3 since, he was always demanding the legal rights and benefits. Being aggrieved the management No.2 without serving retrenchment notice and without paying the retrenchment compensation illegally terminated the service of the claimant which amounts to unfair Labour practice. Though proper legal notice was served before raising a dispute with the Labour Commissioner he received no response. When the dispute was raised before the Labour Commissioner and notices were issued, management No.1 and 2 appeared and denied their liability for want of employer employee relationship. The management No.3 did not appear.

To support his contention the claimant has filed the copy of the demand notice the copy of the dispute raised before the Labour Commissioner the reply filed before the Labour Commissioner by the management No.2 and the Id cards issued to him. The documents filed by the claimant nowhere suggest any kind of employee and employer relationship between him and the management No.1 and 2. The Airport entry permit filed by him shows that the same was issued by the Bureau of Civil Aviation Security of Airport Authority of India to the person i.e. the claimant working in the organization having name sunshine enterprises. Thus, it leads to a conclusion that the claimant was an employee of sunshine enterprises only having no employee relationship with airport authority or spice jet limited.

From the evidence adduced which has remained unchallenged it appears that the claimant was subjected to unfair labour practice by the management No.3 who while terminating his job had not served the retrenchment notice nor any retrenchment compensation was paid. Not only that without assigning any reason his service was terminated which also amounts to unfair labour practice. Thus it is held that the claimant having being employed by the management No.3 for a continuous period exceeding one year was entitled to one month notice in writing indicating the reasons of retrenchment and the same having not been done the workman is entitled to compensation equivalent to 15 days average pay for every completed year of service in lieu of such notice. In this case the workman since had completed 3 years of service and was getting 14,500/- per month he is entitled to 21,750/- as compensation. In addition to this the claimant is held entitled to compensation of Rs. 50000/- in lumpsum towards the mental agony suffered by him and for unemployment he has under gone for the illegal termination. There being no evidence adduced about the duty pay of 3 months which has not been paid, no order to that effect is passed. Hence, ordered.

ORDER

The reference be and the same is accordingly answered. The management No.3 i.e. sunshine enterprises is directed to pay Rs. 21750/- to the workman as retrenchment compensation in lieu of notice and another 50000/- in lump sum towards the mental agony suffered by him and for unemployment he has under gone for the illegal termination. This amount shall be paid to the claimant by the management No.3 within 3 months from the date of publication of the award without interest. If the management No.3 would fail to comply the direction given above, the compensation amount as well as the retrenchment compensation shall carry interest @ 9% per annum from the date of publication of the award till the final payment is made. Send a copy of this award to the Appropriate Government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

22nd February, 2021

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 24 मार्च, 2021

का.आ. 323.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स भारतीय हवाई अड्डा प्राधिकरण, नई दिल्ली के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, नई दिल्ली के पंचाट (संदर्भ संख्या 202/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.03.2021 को प्राप्त हुआ था।

[सं. एल-11012/19/2017-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 24th March, 2021

S.O. 323.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal-cum-Labour Court No.2, New Delhi (Ref. No. 202 of 2018) as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of M/s. Airport Authority of India, New Delhi and their workmen, which was received by the Central Government on 18.03.2021.

[No. L-11012/19/2017-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT-II, NEW DELHI

Present: Smt. Pranita Mohanty, Presiding Officer, C.G.I.T.-Cum-Labour

Court-II, New Delhi.

INDUSTRIAL DISPUTE CASE NO. 202/2018

Date of Passing Award- 22nd February, 2021

Between:

Shri Raj Kumar,
Through- Hindustan Engineering
General Mazdoor Union,
D-02/24, Sultanpuri, Delhi- 110086

... Claimant

Versus

1. The Manager,
Airport Authority of India,
Rajiv Gandhi Bhawan, Safdarjung Airport,
New Delhi- 110003.
2. The Manager,
Domestic Interstate Airport- Terminal-ID, Palam Airport,
New Delhi-110037.
3. The Manager,
Sunshine Enterprises,
A-49, Kailash Colony Metro Station Sant Nagar,
New Delhi- 110049.

...Managements

Appearances:-

Kailash Kumar (A/R) : For the claimant

None for the management (A/R) : For the Management

AWARD

The Government of India in Ministry of Labour & Employment has referred the present dispute existing between employer i.e. the management of M/s. Airport Authority of India, Rajiv Gandhi Bhawan, and

its workman/claimant herein, under clause (d) of sub section (1) and sub section (2A) of section 10 of the Industrial Dispute Act 1947 vide letter No. L-11012/19/2017 (IR(CM-I) dated 08/11/2018 to this tribunal for adjudication to the following effect.

“Whether the action of the management of M/s. sunshine Enterprises in not reinstating the service of Shri Raj Kumar in duty w.e.f 01.07.2014 along with all consequential benefits is illegal and/or unjustified? If so, what relief the workman concerned is entitled to and what directions are necessary in this regard?

(ii) whether the demand of the workman concerned for 03 months (January, 2014 to March, 2014) earned wages is legal, proper and justified? If so, what relief he is entitled to?”

It has been stated by the claimant that he was appointed as a loader on 01.07.2011 by the management No. 3 to work in the premises of management No. 1. Management No.3 had entered into a contract with management No.2 i.e M/s Spice jet limited who in turn had contract with the management No.1 for loading and unloading of goods at the Airport. The claimant has further stated that he was discharging a permanent nature of work for the day to day activity in the Airport further more neither the management No.2 had the registration for engagement of contract labour nor the management No.3 had the license for engaging the contract labours in terms of section 7, 10 of the Contract Labour and Abolition Act 1970. While engaging the claimant the management No.3 or 2 had not issued any appointment letter to the claimant. He was not even paid the duty leaves and leaves salary etc. the management had also denied the wage slip attendance card, and identity card to the claimant in order to deprive him of his legal rights. He was very often demanding casual leaves, earned leaves, bonus etc. and enrolment under EPF and ESI schemes. Being aggrieved the management No. 3 terminated the service of the claimant w.e.f 01.07.2014 he was not even paid the salary for the preceding 3 months. Finding no other efficacious remedy the claimant served a demand notice through register post with AD to management No.1,2,3. Thereafter he raised a dispute before the Labour Commissioner where management No.1,2 appeared and denied their liability for claim of the claimant/workman on the ground that there exists no employer employee relationship between them. The conciliation since failed the appropriate government referred the matter for adjudication on the points indicated above.

Notice though served on all the respondents, they did not appear and were set ex-parte.

During Ex-parte hearing the claimant examined himself as WW1 by tendering his evidence through affidavit. In his sole testimony he has stated that management No.1 had permitted the management No.2 to carry out the work of loading and unloading in the airport and the management No.2 having no registration for engagement of contract labour, illegally entered into a contract with management No.3 who too has no license for engaging contract labours to execute the work of loading and unloading. The management No.3 recruited the workman as a loader and appointed him w.e.f 01.07.2011 on a monthly wage of Rs. 14,500/-. Though no appointment letter and wage slip etc were issued with the claimant he worked as such till 01.07.2014. His service was terminated as an Act. of vindication by management No.3 since, he was always demanding the legal rights and benefits. Being aggrieved the management No.2 without serving retrenchment notice and without paying the retrenchment compensation illegally terminated the service of the claimant which amounts to unfair Labour practice. Though proper legal notice was served before raising a dispute with the Labour Commissioner he received no response. When the dispute was raised before the Labour Commissioner and notices were issued, management No.1 and 2 appeared and denied their liability for want of employer employee relationship. The management No.3 did not appear.

To support his contention the claimant has filed the copy of the demand notice the copy of the dispute raised before the Labour Commissioner the reply filed before the Labour Commissioner by the management No.2 and the Id cards issued to him. The documents filed by the claimant nowhere suggest any kind of employee and employer relationship between him and the management No.1 and 2. The Airport entry permit filed by him shows that the same was issued by the Bureau of Civil Aviation Security of Airport Authority of India to the person i.e. the claimant working in the organization having name sunshine enterprises. Thus, it leads to a conclusion that the claimant was an employee of sunshine enterprises only having no employee relationship with airport authority or spice jet limited.

From the evidence adduced which has remained unchallenged it appears that the claimant was subjected to unfair labour practice by the management No.3 who while terminating his job had not served the retrenchment notice nor any retrenchment compensation was paid. Not only that without assigning any reason his service was terminated which also amounts to unfair labour practice. Thus it is held that the claimant having being employed by the management No.3 for a continuous period exceeding one year was entitled to one month notice in writing indicating the reasons of retrenchment and the same having not been done the workman is entitled to compensation equivalent to 15 days average pay for every completed year of service in lieu of such

notice. In this case the workman since had completed 3 years of service and was getting 14,500/- per month he is entitled to 21,750/- as compensation. In addition to this the claimant is held entitled to compensation of Rs. 50000/- in lumpsum towards the mental agony suffered by him and for unemployment he has under gone for the illegal termination. There being no evidence adduced about the duty pay of 3 months which has not been paid, no order to that effect is passed. Hence, ordered.

ORDER

The reference be and the same is accordingly answered. The management No.3 i.e. sunshine enterprises is directed to pay Rs. 21750/- to the workman as retrenchment compensation in lieu of notice and another 50000/- in lump sum towards the mental agony suffered by him and for unemployment he has under gone for the illegal termination. This amount shall be paid to the claimant by the management No.3 within 3 months from the date of publication of the award without interest. If the management No.3 would fail to comply the direction given above, the compensation amount as well as the retrenchment compensation shall carry interest @ 9% per annum from the date of publication of the award till the final payment is made. Send a copy of this award to the Appropriate Government for notification as required under section 17 of the ID act 1947.

The reference is accordingly answered.

Dictated & Corrected by me.

22nd February, 2021

PRANITA MOHANTY, Presiding Officer

नई दिल्ली, 24 मार्च, 2021

का.आ. 324.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मैसर्स बी.सी.सी.एल. के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं.-2, धनबाद के पंचाट (संदर्भ संख्या 12/2016) को प्रकाशित करती है, जो केन्द्रीय सरकार को 18.03.2021 को प्राप्त हुआ था।

[सं. एल-20012/156/2015-आईआर (सीएम-1)]

राजेन्द्र सिंह, अवर सचिव

New Delhi, the 24th March, 2021

S.O. 324.—In pursuance of Section 17 of the Industrial Dispute 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. 12 of 2016) as shown in the 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 18.03.2021.

[No. L-20012/156/2015-IR(CM-I)]

RAJENDER SINGH, Under Secy.

ANNEXURE

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

PRESENT : Dr. S. K. Thakur, Presiding Officer

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

REFERENCE NO. 12 OF 2016

PARTIES: : The Secretary,
Dhanbad Colliery Karamchari Sangh ,
Washery Division Branch.
PO; Saraidhela, Dhanbad (Jharkhand) 826003

Vs.

The Chief General Manager, (Personnel)
Washery Division of M/s. BCCL.
PO: Saraidhela, Dhanbad- 826003

Order No. L-20012/156/2015-IR(CM-I) dt.09.02.2016

APPEARANCES :

On behalf of the workman/Union : None

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

State : Jharkhand**Industry : Coal****Dated, Dhanbad, the 27th January, 2021****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-20012/156/2015-IR (CM-I) dt. 09.02.2016.**

SCHEDULE

“Whether the action of the Management of Washery Division of M/s. BCCL in providing Sunday/OT/HD to Shri Tapas Kumar Rai, Sr. DEO and Shri A. K. Jha, DEO is fair and justified? To what relief the concerned workmen are entitled to?”

On receipt of the **Order No. L-20012/156/2015-IR (CM-I) dt.09.02.2016** of the reference from the Government of India, Ministry of Labour & Employment, New Delhi for adjudication of the dispute, it was registered as Reference case No. 12 of 2016 on 22.02.2016 and accordingly an order to that effect was passed to issue notices through the Registered Post to the parties concerned, directing them to appear before the Tribunal 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 Post were sent to the parties concerned.

2. Neither any Representative from the Sponsoring Union nor petitioner himself was present on call. Today date is fixed for steps, i.e., filing of long awaited Written Statement of Claim by the Sponsoring Union or petitioner, as final opportunity in default for proceeding under Rule Sec.10(1) (d) of the I.D. Act 1947 and further order. Whereas Mr. D. K. Verma Ltd. Advocate is present for representing the case on behalf of the Management /O.P.

3. Moreover proceeding did not come into light because the party concerned remains to shy away coming forward with legitimate claim in the form Written Statement of Claim to apprise the Tribunal of the claim they have. The case was registered on 22.02.2016 came into existence as Reference No. 12/2016 and the proceedings was initiated by issuing summons for appearance on 25.04.2016 and subsequently on 24.09.2019 and fresh on 05.01.2020 for filing much awaited Written Statement of Claim with relevant documents, list of reliance and witnesses with exchanged a copy of such statement to each other of the opposite parties involved in this dispute under rule 10(B) of the Industrial Disputes (Central) Rules, 1957 but they did not do anything in terms of the notices. As part of the order dt.24.09.2019, the case was adjourned on the same matter with call for after reviewing of other cases pending before this Tribunal.

But the Sponsoring Union failed in appearing in the proceedings since very beginning 25.04.2016 over the matter of filing Written Statement of claim. Notices dt. 22.03.2016, 03.09.2019, and finally afresh 09.10.2020 were served upon both the parties but all these yielded no effect. Notices are deemed to have been served as none returned undelivered..Attempts were made through adjournments for stepping but that too became infructuous. Remarkably the Party who raised the dispute should have been well conversant of the rules as per terms of reference by the Government of India before this Tribunal, which reads as follows:

“The Parties raising the dispute shall file a statement of claim complete with relevant documents, list of reliance and witnesses with the Tribunal within fifteen days of the receipt of this order of reference and also forward a copy of such statement to each one of the opposite parties involved in this dispute under rule 10(b) of the Industrial Disputes (Central), Rules, 1957.”

4. The case went through the several hearings and suo motu adjournments granted in course of trial on 29.09.2016, 24.09.2019 and finally on 05.01.2021. Numerous dates were also set for stepping also on 19.01.2017, 08.03.2017, 01.05.2017, 21.06.2017, 22.08.2017, 02.09.2019 and 05.10.2020. To sum up the fact

that they have already exhausted legal remedial avenues. Above all, the Sponsoring Union/petitioner is well acquainted with the outcome of the case in the event of successive failures on their part since inception.

5. The case under reference relates to denials of providing OT/HD to Shri Tapas Kumar Rai, Sr. DEO and Shri A.K. Jha, DEO by Management of Washery Division of M/s BCCL, Dhanbad and seeking relief by the Union for the workmen under adjudication before this Tribunal against the alleged action.

6. It has been apparently beyond doubt that the party raising the dispute without sufficient cause have failed to appear. The Sponsoring Union who raised the claim proved failure in filing the Written Statement of Claim. The proceeding of the case came to a halt and persistent follow up by way of adjournments and Notices appears of no use as till date no step has been taken by the petitioner. Therefore, it is clear that the Petitioner (workman) has no interest in furthering proceeding of this case and there is also no reasonable ground to keep this case pending any more

7. Considering the materials on record and that adjudication is pending from 2016, the Tribunal is persuaded to safely presume that the petitioner is no more interested to proceed with this adjudication and further adjournment will be nothing but abuse of the process and time. The Industrial Dispute between the parties to this case appears to have lost its merits or the footing on which issue has been raised, stands diluted itself. The dispute is thus disposed of accordingly as the Industrial Dispute by and between the parties being treated as non-existent. The workman no longer need the grievance to be redressed from the Management and no relief, whatsoever.

Dr. S. K. THAKUR, Presiding Officer