



भारत का राजपत्र The Gazette of India

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प्राधिकार से प्रकाशित
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सं. 13] नई दिल्ली, मार्च 28—अप्रैल 3, 2021 शनिवार/ चैत्र 7—चैत्र 13, 1943
No. 13] NEW DELHI, MARCH 28—APRIL 3, 2021, SATURDAY/ CHAITRA 7—CHAITRA 13, 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)

कृषि एवं किसान कल्याण मंत्रालय
(कृषि अनुसंधान एवं शिक्षा विभाग)

नई दिल्ली, 31 मार्च, 2021

का.आ. 325.—केन्द्रीय सरकार, कृषि एवं किसान कल्याण मंत्रालय, कृषि अनुसंधान एवं शिक्षा विभाग, राजभाषा नियमावली 1976 के नियम 10 के उपनियम (4) के अनुसरण में (1) भा.कृ.अ.प.- केन्द्रीय अंतर्स्थलीय मात्स्यिकी अनुसंधान संस्थान, क्षेत्रीय केंद्र, हरनी रोड, वडोदरा, गुजरात और (2) भारतीय पशु चिकित्सा अनुसंधान, क्षेत्रीय केन्द्र, मुक्तेश्वर, जिला नैनीताल, उत्तराखंड को, जिसमें 80 प्रतिशत से अधिक अधिकारियों/कर्मचारियों ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, एतद्वारा अधिसूचित करता है।

[फा. सं. 13-05/2020-हिंदी/182-12]

एस. के. उपाध्याय, अवर सचिव

MINISTRY OF AGRICULTURE AND FARMERS WELFARE**(Department of Agricultural Research and Education)**

New Delhi, the 31st March, 2021

S.O. 325.—In pursuance of Sub-Rule (4) of Rule 10 of the Official Language Rules 1976, the Central Government, Ministry of Agriculture and Farmers Welfare, Department of Agricultural Research and Education hereby notifies the (1) ICAR-Central Inland Fisheries Research Institute, Regional Centre, Harni Road, Vadodara, Gujarat and (2) ICAR-Indian Veterinary Research Institute, Regional Centre, Mukteshwar, District Nainital, Uttarakhand where more than 80% of staff have acquired the working knowledge of Hindi.

[F. No. 13-05/2020-Hindi/182-12]

S. K. UPADHYAY, Under Secy.

जल शक्ति मंत्रालय**(जल संसाधन, नदी विकास और गंगा संरक्षण विभाग)**

नई दिल्ली, 23 मार्च, 2021

का.आ. 326.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 (यथा संशोधित 1987) के नियम 10 के उपनियम (4) के अनुसरण में केन्द्रीय जल आयोग, दिल्ली तथा वाष्कोस लिमिटेड, गुरुग्राम के निम्नलिखित कार्यालयों को, जिनके 80% कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, को एतद् द्वारा अधिसूचित करती है:-

केन्द्रीय जल आयोग, दिल्ली

1. जल विज्ञानीय प्रेक्षण परिमंडल, केन्द्रीय जल आयोग, भुवनेश्वर
2. पूर्वी नदियां मंडल, केन्द्रीय जल आयोग, भुवनेश्वर
3. निचली कृष्णा उप मंडल-II, केन्द्रीय जल आयोग, विजयवाड़ा
4. मध्य कृष्णा, उपमंडल-II, केन्द्रीय जल आयोग, कर्नूल,
5. निचली तुंगभद्रा उप मंडल, केन्द्रीय जल आयोग, कर्नूल
6. उप मंडल अभियंता कार्यालय, निचली कृष्णा उप मंडल-I, नागार्जुनसागर बांध., केन्द्रीय जल आयोग, तेलंगाना
7. उप मंडल अभियंता कार्यालय, निचली गोदावरी उप मंडल-II, केन्द्रीय जल आयोग, राजामुन्दी

वाष्कोस लिमिटेड, गुरुग्राम

1. वाष्कोस लिमिटेड, हैदराबाद
2. वाष्कोस लिमिटेड, बेंगलुरु
3. वाष्कोस लिमिटेड, कोलकाता
4. वाष्कोस लिमिटेड, अहमदाबाद
5. वाष्कोस लिमिटेड, गांधी नगर
6. वाष्कोस लिमिटेड, परियोजना कार्यालय, भुवनेश्वर

[फा. सं. ई-11011/1/2021-हिन्दी/1492-1592]

डॉ. आर. सतीश, आर्थिक सलाहकार एवं राजभाषा प्रभारी

JAL SHAKTI MINISTRY**(Department of Water Resources, River Development and Ganga Rejuvenation)**

New Delhi, the 23rd March, 2021

S.O. 326.—In Pursuance of Sub-Rule (4) of Rule 10 of the Official Languages (Use for official purposes of the Union) Rules, 1976 (as amended in 1987), the Central Government hereby notifies the following office of Central Water Commission, Delhi and WAPCOS Limited, Gurugram, wherein more than 80% staff have acquired the working knowledge of Hindi:

Central Water Commission, Delhi

1. Hydrological Observation Circle, Central Water Commission, Bhubaneswar
2. Eastern Rivers Division, Central Water Commission, Bhubaneswar
3. Lower Krishna Sub-Division-II, K.G.B.O, Central Water Commission, Vijayawada
4. Middle Krishna Sub-Division-II, Central Water Commission, Kurnool
5. Lower Tungabhadra Sub-Division-I, Central Water Commission, Kurnool
6. Sub Divisional Engineer Office Lower, Krishna Sub-Division-I, Kurnool K.G.B.O, Central Water Commission, Miyalguda, Hyderabad
7. Sub Divisional Engineer Office, Lower Godavari Sub-Division-II, Central Water Commission, Rajahmundry,

WAPCOS Limited, Gurugram

1. WAPCOS Limited, Hyderabad.
2. WAPCOS Limited, Bengaluru
3. WAPCOS Limited, Kolkata
4. WAPCOS Limited, Ahmadabad
5. WAPCOS Limited, Gandhi Nagar
6. WAPCOS Limited, Project Office, Bhubaneswar

[F. No. E.11011/1/2021-Hindi/1492-1592]

Dr. R. SATHISH, Economic Advisor & Official Language Incharge

श्रम और रोजगार मंत्रालय

नई दिल्ली, 1 अप्रैल, 2021

का.आ. 327.—राष्ट्रपति, श्री श्याम सुंदर गर्ग, पीठासीन अधिकारी, केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, नागपुर को सौंपे गए केन्द्रीय सरकार औद्योगिक अधिकरण सह श्रम न्यायालय, सं. 2, मुंबई के पीठासीन अधिकारी के अतिरिक्त प्रभार की अवधि दिनांक 19.04.2021 से छः माह तक अथवा पद पर नियमित नियुक्ति तक अथवा अगले आदेशो तक, इनमें जो भी पहले हो तक बढ़ाते हैं।

[सं. अ-11016/02/2019-सीएलएस-II]

सतीश चन्दर, अवर सचिव

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 1st April, 2021

S.O. 327.—The President is pleased to extend the additional charge of the post of Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court No.2, Mumbai entrusted to Shri Shyam Sunder Garg, Presiding Officer, Central Government Industrial Tribunal-cum-Labour Court, Nagpur for a further period of six months with effect from 19.04.2021, or till the regular appointment to the post, or until further orders, whichever is the earliest.

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

SATISH CHANDER, Under Secy.

नई दिल्ली, 1 अप्रैल, 2021

का.आ. 328.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब एण्ड सिंध बैंक के प्रबंधक, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय, जबलपुर के पंचाट (संदर्भ सं. 40/2007) को प्रकाशित करती है जो केन्द्रीय सरकार को 01.04.2021 को प्राप्त हुआ था।

[सं. एल-12012/57/2006-आई आर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

New Delhi, the 1st April, 2021

S.O. 328.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 40/2007) of the Cent.Govt.Indus.Tribunal-cum-Labour Court, Jabalpur as shown in the Annexure, in the industrial dispute between the management of Punjab & Sind Bank and their workmen, received by the Central Government on 01.04.2021.

[No. L-12012/57/2006-IR(B-II)]

SEEMA BANSAL, Section Officer

ANNEXURE

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

NO. CGIT/LC/R/40/2007

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

Shri Bajjnath Shukla,
Village-Newariya,
42,Post-Pachera,
Via-Korav, District, Allahabad

...Workman

Versus

The Regional Manager,
Punjab & Sindh Bank,
3/114, Arera Colony,
Bhopal (M.P.)

... Management

AWARD

(Passed on this 12th day of March-2021)

1. As per letter dated 5-6-2007 by the Government of India, Ministry of Labour, New Delhi, the reference is received. The reference is made to this Tribunal under Section-10 of I.D.Act, 1947 as per Notification No.L-12012/57/2006-IR(B-II). The dispute under reference relates to:

“Whether the action of the management of Punjab & sind Bank in terminating the services of Shri Bajjnath Shukla w.e.f. 4-8-1989 is legal and Justified?If not, to what relief the workman is entitled ?.”

2. After registering the case on the basis of reference, notices were sent to the parties. Both the parties have filed their respective claim/defence.

3. The case of the workman as stated in his statement of claim is that he was employed by the Management Bank against the permanent post of peon lying vacant in Rewa Branch of the Bank on temporary basis from 12/5/1987. He continuously rendered his services for more than 90 days, thereafter he was disengaged under an oral order on 24-12-1987. Again he was engaged as a daily wager on 1-10-1988 for the said post. He was doing the job of a waterman-cum-peon. He was assured that he will be absorbed permanently, as a peon. He continuously worked till 3-8-1989 when his services were disengaged under an oral order of the Management. He had worked for more than 240 days continuously in the year preceding the date of his disengagement. He was disengaged without any notice or compensation. It is, further the case of the workman that he made a representation on 20-9-1988. There was a Scheme by Management Bank which allowed the workman who had worked in any capacity for more than 90 days in a calendar year to be absorbed after following the formalities mentioned in the scheme. He did apply in that Scheme also but was not absorbed. He raised a dispute which could not result in conciliation, hence reference was made to this Tribunal by the

appropriate Government. According to the workman, his dis-engagement was violative of Section 25(F), 25(G) and Section 25(H) of the Industrial Disputes Act, 1947, hereinafter referred to as the word 'Act'. Thus the workman has prayed for his reinstatement with all back wages, setting aside his dis-engagement.

4. The case of the Management Bank is that the applicant formally never applied for any job under the Bank. No appointment letter was issued to him. No Rules or procedure was followed in his recruitment. In fact, he was engaged on daily basis as a casual labour in the Branch for some hours in a day as a Water-Man purely on the basis of need. He was free not to come next day. He was engaged only for the working days and no wages for holidays was paid to him. Under the Policy of the Bank, he was dis-engaged. His dis-engagement is not covered in Industrial Disputes Act, 1947. He did get a chance to be absorbed under the Bank Scheme but could not succeed. He never worked continuously for 240 days at any time in the year, preceding the date of his dis-engagement.

5. In his rejoinder, the workman has mainly reiterated his claim.

6. The workman has filed documents, experience certificate by Bank dated 25-1-1993, letter of Bank dated 30-12-1992, details of date wise payment, reply of bank filed before the Conciliation Officer and has proved it as Exhibit W-1 to Exhibit W-4 respectively. The workman has examined himself on oath. He has further filed and proved applications filed in Bank which are Exhibits W-5, W-6 and W-7. The Management has examined its witness Vishram Kashyap, Senior Manager.

7. At the stage of arguments, none appeared. Parties were granted liberty to file written arguments. The workman did file written arguments. No written arguments was filed by the Management Bank.

8. In his written arguments also the workman has mainly reiterated his case.

9. I have gone through the records as well.

10. Before proceeding into the merits of the case, some legal and relevant provisions as Section 2(oo), Section 25(B), Section 25(F), Section (G), Section 25(H) of the Industrial Disputes Act, 1947, requires to be reproduced here:-

2[(oo) "retrenchment" means the termination by the employer of the service of a workman for any any reason whatsoever, otherwise than as a punishment inflicted by way of disciplinary action, but does not include— (a) voluntary retirement of the workman; or (b) retirement of the workman on reaching the age of superannuation if the contract of employment between the employer and the workman concerned contains a stipulation in that behalf;

Section 25 B:-

Definition of continuous service.-

(1) a workman shall be said to be in continuous service for a period if he is, for that period, in uninterrupted service, including service which may be interrupted on account of sickness or authorised leave or an accident or a strike which is not illegal, or a lock-out or a cessation of work which is not due to any fault on the part of the workman; (2) where a workman is not in continuous service within the meaning of clause (1) for a period of one year or six months, he shall be deemed to be in continuous service under an employer- (a) for a period of one year, if the workman, during a period of twelve calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than- (i) one hundred and ninety days in the case of a workman employed below ground in a mine; and (ii) two hundred and forty days, in any other case; (b) for a period of six months, if the workman, during a period of six calendar months preceding the date with reference to which calculation is to be made, has actually worked under the employer for not less than- (i) ninety-five days, in the case of a workman employed below ground in a mine; and (ii) one hundred and twenty days, in any other case.

25F. Conditions precedent to retrenchment of workmen.- No workman employed in any industry who has been in continuous service for not less than one year under an employer shall be retrenched by that employer until- (a) the workman has been given one month's notice in writing indicating the reasons for retrenchment and the period of notice has expired, or the workman has been paid in lieu of such notice, wages for the period of the notice: 1[***] (b) the workman has been paid, at the time of retrenchment, compensation which shall be equivalent to fifteen days' average pay 2[for every completed year of continuous service] or any part thereof in excess of six months; and (c) notice in the prescribed manner is served on the appropriate

Government 3[or such authority as may be specified by the appropriate Government by notification in the Official Gazette.]

25G. Procedure for retrenchment.— Where any workman in an industrial establishment, who is a citizen of India, is to be retrenched and he belongs to a particular category of workmen in that establishment, in the absence of any agreement between the employer and the workman in this behalf, the employer shall ordinarily retrench the workman who was the last person to be employed in that category, unless for reasons to be recorded the employer retrenches any other workman.

25H. Re-employment of retrenched workmen.— Where any workmen are retrenched and the employer proposes to take into his employ any persons, he shall, in such manner as may be prescribed, give an opportunity 2[to the retrenched workmen who are citizens of India to offer themselves for re-employment, and such retrenched workmen] who offer themselves for re-employment shall have preference over other persons.

11. Admitted between the parties is the fact that the workman was engaged by Management for the period as stated above in this Award. Hence in the light of legal provisions mentioned above, he has successfully completed 240 days of engagement in the year preceding the date of his dis-engagement. It is also admitted that no notice or compensation was granted to him at the time of disengagement. The case of Management is that the workman was a daily wager on casual basis but it make no difference in the light of Section 2(oo) of the Industrial Disputes Act, 1947. Accordingly his disengagement his retrenchment in the eyes of law and since Provisions of Section 25 were not observed, it is violative of Section 25(G) of the Act and is held so.

12. Now that the disengagement of the workman has been found violative of law, the question arises is to what relief he deserves to be granted. Since the workman was not recruited under a procedure ,against any permanent or temporary vacancy, rather he was engaged as a casual labour, daily wager, according to local needs of the Bank , his recruitment will not be a proper relief. Thus he is held entitled to compensation. Keeping in view the tenure of his dis-engagement, the amount of compensation in the case in hand is quantified at Rs. 50,000/-(Rupees fifty thousand only).

13. Before parting, it will be proper to mention here that the workman has put his case that he was not considered for absorption in the light of circular inspite of his application and the fact that he had spent more than 90 days in the engagement of Bank, this point has not been considered by me because the reference is limited to the point of dis-engagement of the workman and thus the Tribunal cannot travel beyond the reference.

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

“A. The action of the management of Punjab & Sindh Bank in terminating the services of Shri Baijnath Shukla w.e.f. 4-8-1989 is against law and is not justified in law.

B. The workman is held entitled to compensation of Rs. 50,000/-(Rupees fifty thousand only) to be paid within 30 days from the date of receipt of copy of the Award by Management, failing which interest at bank rate.”

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

DATE: 12.3.2021

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 1 अप्रैल, 2021

का.आ. 329.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब नेशनल बैंक के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय सं. 2, नई दिल्ली के पंचाट (संदर्भ सं. 23/2009) को प्रकाशित करती है जो केन्द्रीय सरकार को 01.04.2021 को प्राप्त हुआ था।

[सं. एल-12012/94/2008-आई आर (बी-II)]

सीमा बंसल, अनुभाग अधिकारी

New Delhi, the 1st April, 2021

S.O. 329.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. No. 23/2009) of the *Cent. Govt. Indus. Tribunal-cum-Labour* Court No. 2, New Delhi as shown in the Annexure, in the industrial dispute between the management of Punjab National Bank and their workmen, received by the Central Government on 01.04.2021.

[No. L-12012/94/2008-IR(B-II)]

SEEMA BANSAL, Section Officer

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. 23/2009**Date of Passing Award- 1st March, 2021****Between:**

Shri Bhavish Kumar Kalra,
196, 2nd Floor, Old Gupta colony,
New Vijay Nagar,
Delhi-110009.

... Claimant

Versus

The General Manager
Punjab National Bank
7, Bhikaji Cama Place,
New Delhi- 110066.

... Management

Appearances:-

None for the claimant (A/R) : For the claimant

Shri Rajat Arora (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 Punjab National Bank, 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-12012/94/2008 (IR(B-II)) dated 03/03/2009 to this tribunal for adjudication to the following effect.

“Whether the action of the management of Punjab National Bank i.e. Dy. Zonal Manager, Zonal Office, North Delhi, New Delhi in dismissing the workman Shri B.K. Kalra, ex-special Assistant from service without notice, is just, fair and legal? What relief the concerned workmen is entitled to?”

This is a reference received from the Appropriate Government to adjudicate whether the action of the management of PNB in dismissing the workman B.K Kalra ex special assistant from service without notice is just fair and legal. To what relief the concerned workman is entitled to.

The claimant filed a claim statement stating therein that he was working with the management Bank as a Special Assistant. On 09.03.1998 he was placed under suspension and at that time he was posted as a special assistant at branch office Shashtri Nagar New Delhi. Thereafter charge sheet was issued and inquiry was initiated. The departmental inquiry was conducted ignoring the Principles of Natural Justice and at the end of the inquiry he was found guilty of charges i.e. his indulgence in speculated transaction and share business. On the basis of the inquiry report the disciplinary authority passed an order dismissing him from service. Though appeal was filed the same was rejected too.

The claimant raised a dispute before the Labour Commissioner where the conciliation proceeding was initiated. The conciliation since, failed the appropriate government referred the matter for adjudication.

Notice being served the management Bank appeared and filed written statement denying the allegation made by the claimant. While filing the proceeding of the domestic inquiry and the orders passed therein the

management stated that the claimant was guilty of misconduct and the inquiry was conducted in a proper manner. The charges were proved and the punishment imposed is proportionate to the charge.

On the rival pleadings three issues were framed by order dated 19.11.2010 and it was ordered that the issue no.1 seems involves the question of fairness of the inquiry shall be heard as a preliminary issue accordingly parties were called upon to adduce evidence. The claimant examined himself as WW1 and placed certain document on record. The management examined one of its manager as MW1 and the matter was fixed for argument. At this juncture the Ld. A/R for the claimant filed a petition stating therein that the claimant died during the pendency of the proceeding and his LR's need to be substituted. He also took time to file the substitution petition. Several adjournments were allowed to the proceeding for substitution of the LR's for the claimant. But the Ld. A/R did not file any substitution application.

Perusal of the record shows that 3 separate notices in 3 available addresses were sent giving opportunity to the LR's of the claimant to substitute themselves in the proceeding. But all the notices return unserved with a report that the addressee had left the place. Thus, all the efforts for the substitution of the legal Heirs of the claimant failed.

It is the principle of law no judicial order/award can be passed against a dead person. Hence the claim petition is liable to be dismissed and a no dispute award is required to be passed. Hence, ordered.

ORDER

The claim petition be and the same is dismissed for non prosecution and a no dispute award is hereby pass. 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.

1st March, 2021

PRANITA MOHANTY, Presiding Officer