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प्राधिकार से प्रकाशित
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सं. 08]	नई दिल्ली, मार्च 2—मार्च 8, 2025, शनिवार/फाल्गुन 11—फाल्गुन 17, 1946
No. 08]	NEW DELHI, MARCH 2— MARCH 8, 2025, SATURDAY/PHALGUNA 11— PHALGUNA 17, 1946

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)

विदेश मन्त्रालय

(सी.पी.वी. प्रभाग)

नई दिल्ली, 27 फरवरी, 2025

का.आ. 286—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, सरकार भारत के दूतावास, रियाद में श्री सुख सागर पटेल, सहायक अनुभाग अधिकारी, को फरवरी 27, 2025 से सहायक कांसुलर अधिकारी के रूप में कांसुलर सेवाओं का निर्वहन करने के लिए अधिकृत करती है।

[फा. सं. टी. 4330/01/2025(09)]

एस.आर.एच. फहमी, निदेशक (सीपीवी)

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

New Delhi, the 27th February, 2025

S.O. 286.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Mr. Sukh Sagar Patel, Assistant Section Officer as Assistant Consular Officer in the Embassy of India, Riyadh, to perform the consular services as Assistant Consular Officer with effect from February 27, 2025.

[F. No. T. 4330/01/2025 (09)]

S.R.H. FAHMI, Director (CPV)

नई दिल्ली, 4 मार्च, 2025

का.आ. 287.—राजनयिक और कौंसुलीय अधिकारी (शपथ एवं फीस) के अधिनियम, 1948 की धारा 2 के खंड (क) के अनुसरण में वैधानिक आदेश।

एतद्वारा, सरकार भारत के दूतावास, मिन्स्क में श्री यतीश कुमार, सहायक अनुभाग अधिकारी, को मार्च 04, 2025 से सहायक कांसुलर अधिकारी के रूप में कांसुलर सेवाओं का निर्वहन करने के लिए अधिकृत करती है।

[फा.सं. टी. 4330/01/2025(10)]

एस.आर.एच. फहमी, निदेशक (सीपीवी)

New Delhi, the 4th March, 2025

S.O. 287.—Statutory Order in pursuance of the clause (a) of the Section 2 of the Diplomatic and Consular Officers (Oaths and fees) Act, 1948 (41 of 1048), the Central Government hereby appoints Mr. Yatish Kumar, Assistant Section Officer as Assistant Consular Officer in the Embassy of India, Minsk, to perform the consular services as Assistant Consular Officer with effect from March 04, 2025.

[F. No. T. 4330/01/2025 (10)]

S.R.H. FAHMI, Director (CPV)

कार्मिक, लोक शिकायत तथा पेंशन मंत्रालय**(कार्मिक और प्रशिक्षण विभाग)**

नई दिल्ली, 2 जनवरी, 2025

का.आ. 288—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अपराधों को विनिर्दिष्ट करती है, जिनका अन्वेषण भी दिल्ली विशेष पुलिस स्थापन के सदस्यों द्वारा किया जाना है (दिनांक 23.04.2023 से कार्योत्तर प्रभाव से), नामतः :-

(क) “मध्य प्रदेश निक्षेपकों के हितों का संरक्षण अधिनियम, 2000 (2001 का अधिनियम सं. 16)” के अंतर्गत दंडनीय अपराध।

(ख) उपर्युक्त अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न कोई अन्य अपराध।

[फा. सं. 228/14/2023-एवीडी-II/1)]

सत्यम श्रीवास्तव, अवर सचिव

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

New Delhi, the 2nd January, 2025

S.O. 288.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences which are also to be investigated by the members of the Delhi Special Police Establishment, (ex-post facto w.e.f 23.04.2023) namely :-

(a) Offences punishable under “THE MADHYA PRADESH NIKSHEPAKON KE HITON KA SANRAKSHAN ADHINIYAM, 2000 (Act No. 16 of 2001)”.

(b) Any attempt, abetment and/or conspiracy, in relation to or in connection with above mentioned offence(s) and/or for any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/14/2023-AVD-II/1]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 2 जनवरी, 2025

का.आ. 289.—केंद्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 3 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए निम्नलिखित अपराधों को विनिर्दिष्ट करती है, जिनका अन्वेषण भी दिल्ली विशेष पुलिस स्थापन के सदस्यों द्वारा किया जाना है (दिनांक 23.04.2023 से कार्योत्तर प्रभाव से), नामतः :-

(क) “गुजरात जमाकर्ताओं के हितों का संरक्षण (वित्तीय प्रतिष्ठानों में) अधिनियम, 2003 (2004 का अधिनियम 1)” के अंतर्गत दंडनीय अपराध।

(ख) उपर्युक्त अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न कोई अन्य अपराध।

[फा. सं. 228/19/2023-एवीडी-II/1]

सत्यम श्रीवास्तव, अवसर सचिव

New Delhi, the 2nd January, 2025

S.O. 289.—In exercise of the powers conferred by Section 3 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government hereby specifies the following offences which are also to be investigated by the members of the Delhi Special Police Establishment, (ex-post facto w.e.f 23.04.2023) namely: -

(a) Offences punishable under “THE GUJARAT PROTECTION OF INTEREST OF DEPOSITORS (IN FINANCIAL ESTABLISHMENTS) ACT, 2003 (Act No. 1 of 2004)”.

(b) Any attempt, abetment and/or conspiracy, in relation to or in connection with above mentioned offence(s) and/or for any other offence(s) committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/19/2023-AVD-II/1]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 13 फरवरी, 2025

का.आ. 290.—केन्द्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए शाखा प्रमुख, केन्द्रीय अन्वेषण ब्यूरो, भ्रष्टाचार निरोधक शाखा, धनबाद के दिनांक 27.12.2024 के पत्र संख्या – 503/सीओ-15/2024 द्वारा किए गए अनुरोध पर अधिसूचना जापन सं.-10/सी.बी.आई.-401/2025-310/रांची, दिनांक 16.01.2025, गृह, कारागार एवं आपदा प्रबंधन विभाग के माध्यम से जारी झारखंड राज्य सरकार की सम्मति से श्री प्रणय कुमार सरकार, लिपिक एनईई अनुभाग, बीसीसीएल, कोयला भवन, धनबाद के विरुद्ध दिनांक 20.01.2025 को पंजीकृत आरसी. 01(ए)/2025-डी का भ्रष्टाचार निवारण अधिनियम, 1988 (यथासंशोधित 2018) की धारा 7 के अंतर्गत दंडनीय अपराध तथा इस मामले के अन्वेषण के दौरान सामने आने वाले किसी अन्य अपराध का पंजीकरण एवं अन्वेषण करने तथा ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा और/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापन के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार (दिनांक 20.01.2025 से कार्यान्तर प्रभाव से) करती है।

[फा. सं. 228/2/2025-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 13th February, 2025

S.O. 290.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (25 of 1946), the Central Government with the consent of the State Government of Jharkhand, issued vide Notification Memo No.-10/C.B.I-401/2025-310/Ranchi, dated 16.01.2025, Home, Prisons and Disaster Management Department upon request made via letter number 503/CO-15/2024, dated 27.12.2024 of Head of Branch, CBI, ACB, Dhanbad, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment (ex post facto w.e.f 20.01.2025) for registration and investigation into the offence(s) in RC.01(A)/2025-D registered on 20.01.2025 against Shri Pranay Kumar Sarkar, Clerk NEE Section, BCCL, Koyla Bhawan, Dhanbad for offence punishable under section 7 of the Prevention of Corruption Act, 1988 (as amended in 2018) and any other offence that may come to light during investigation of this case and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/2/2025-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 13 फरवरी, 2025

का.आ. 291.—केन्द्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम सं. 25) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए अधिसूचना सं. एफ.19(52)गृह-5/2024, जयपुर, दिनांक 31.12.2024, गृह (जीआर.-v) विभाग के माध्यम से जारी राजस्थान राज्य सरकार की सम्मति से, नई मण्डी हिंडोन थाना, जिला-करौली (राजस्थान) में भारतीय दंड संहिता की धारा 307, 34 के तहत दर्ज प्राथमिकी सं. 231/2024 और ऐसे अपराध(धों) से जुड़े या उससे संबद्ध किसी दुष्प्रयास, दुष्प्रेरणा एवं/अथवा षड्यंत्र एवं/अथवा उसी संव्यवहार में किए गए या उन्हीं तथ्यों से उत्पन्न किसी अन्य अपराध का अन्वेषण करने के लिए दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और क्षेत्राधिकार का विस्तार समस्त राजस्थान राज्य में करती है।

[फा. सं. 228/105/2024-एवीडी-II]

सत्यम श्रीवास्तव, अवर सचिव

New Delhi, the 13th February, 2025

S.O. 291.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government with the consent of the State Government of Rajasthan, issued vide Notification No. F.19(52)Home-5/2024, Jaipur, Dated 31.12.2024, Home (Gr.-V) Department, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment in the whole of the State of Rajasthan for the investigation of FIR No. 231/2024 under section 307, 34 IPC registered at Police Station New Mandi Hindon, District Karauli (Rajasthan) or any other offences committed in the course of the same transaction arising out of the said case and any attempt, abetment and/or conspiracy, in relation to or in connection with such offence(s) and/or for any other offence committed in the course of the same transaction or arising out of the same facts.

[F. No. 228/105/2024-AVD-II]

SATYAM SRIVASTAVA, Under Secy.

नई दिल्ली, 18 फरवरी, 2025

का.आ. 292—केन्द्रीय सरकार दिल्ली विशेष पुलिस स्थापन अधिनियम, 1946 (1946 का केन्द्रीय अधिनियम XXV) की धारा 5 की उप-धारा (1) सपठित धारा 6 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए महाराष्ट्र राज्य सरकार की अधिसूचना सं. टीईआर-1115/सी.आर.163/एसपीएल-1बी, दिनांक 30.05.2024, गृह विभाग, मंत्रालय, मुंबई के माध्यम से जारी सम्मति से 71 मामलों, जिन्हें महाराष्ट्र राज्य सरकार की अधिसूचना सं. टीईआर-1115/सी.आर.363/एसपीएल.1बी, दिनांक 13.11.2015, गृह विभाग, मंत्रालय, मुंबई के माध्यम से जारी सम्मति से अधिसूचना सं. 228/56/2015-एवीडी-II, दिनांक 22.11.2015 द्वारा डीएसपीई अधिनियम, 1946 की धारा 5 के अंतर्गत अधिसूचित किया गया था, में से 03 मामले अर्थात् जुहू थाने का मामला सं. 385/2006, बोरिवली थाने का मामला सं. 202/1999 और तिलक नगर थाने का मामला सं. 33/2010 को विमुक्त करती है।

[फा. सं. 228/56/2015-एवीडी-II]

राजीव कुमार खरे, अवर सचिव

New Delhi, the 18th February, 2025

S.O. 292.—In exercise of the powers conferred by sub-section (1) of section 5 read with section 6 of the Delhi Special Police Establishment Act, 1946 (Central Act XXV of 1946), the Central Government with the consent of the State Government of Maharashtra, issued vide Notification No. TER-1115/C.R.163/SPL-1B, dated 30.05.2024, Home Department, Mantralaya, Mumbai, hereby de-notifies 03 cases i.e. Case No. 385/2006 of Juhu Police Station, Case No. 202/1999 of Boriwali Police Station & Case No. 33/2010 of Tilak Nagar Police Station out of 71 cases notified u/s 5 of DSPE Act, 1946 vide Notification No. 228/56/2015-AVD-II, dated 21.11.2015 with the consent of the State Government of Maharashtra issued vide Notification No. TER-1115/C.R.363/Spl.1B, dated 13.11.2015, Home Department, Mantralaya, Mumbai.

[F. No. 228/56/2015-AVD-II]

RAJEEV KUMAR KHARE, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय

(दंत शिक्षा अनुभाग)

नई दिल्ली, 11 फरवरी, 2025

का.आ. 293.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय दंत परिषद के परामर्श के पश्चात्, एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, अर्थात्:-

भोजिया डेंटल कॉलेज एवं अस्पताल बददी, हिमाचल प्रदेश के बीडीएस छात्रों के संबंध में अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, मंडी, हिमाचल प्रदेश द्वारा प्रदान की गई दंत चिकित्सा डिग्री की मान्यता से

संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 155 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात्:

भोजिया डेंटल कॉलेज एवं अस्पताल बददी, हिमाचल प्रदेश	
डेंटल सर्जरी में स्नातक (यदि 19.09.2024 को या उसके बाद अनुमोदन दिया जाता है तो 60 सीटों के साथ)	बीडीएस, अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, मंडी, हिमाचल प्रदेश

[फा.सं. वी.12017/06/2024-डीई]

अमित कुमार, अवर सचिव

MINISTRY OF HEALTH AND FAMILY WELFARE

(Dental Education Section)

New Delhi, the 11th February, 2025

S.O. 293.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 155, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Medical and Research University, Mandi, Himachal Pradesh** in respect of BDS students of **Bhojia Dental College & Hospital, Baddi, Himachal Pradesh**, the following entries shall be inserted, namely:

Bhojia Dental College & Hospital, Baddi, Himachal Pradesh	
Bachelor of Dental Surgery (With 100 seats if granted on or after 21.09.2024)	BDS, Atal Medical and Research University, Mandi, Himachal Pradesh

[F. No. V.12017/06/2024-DE]

AMIT KUMAR, Under Secy.

नई दिल्ली, 11 फरवरी, 2025

का.आ. 294.—दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की धारा 10 की उपधारा (2) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्र सरकार, भारतीय दंत परिषद के परामर्श के पश्चात्, एतद्द्वारा उक्त अधिनियम की अनुसूची के भाग-I में निम्नलिखित संशोधन करती है, अर्थात्:-

हिमाचल इंस्टीट्यूट ऑफ डेंटल साइंसेज, पोंटा साहिब, हिमाचल प्रदेश के बीडीएस छात्रों के संबंध में अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, मंडी, हिमाचल प्रदेश द्वारा प्रदान की गई दंत चिकित्सा डिग्री की मान्यता से संबंधित दंत चिकित्सक अधिनियम, 1948 (1948 का 16) की अनुसूची के भाग-I में क्रम संख्या 155 के सामने कॉलम 2 और 3 की मौजूदा प्रविष्टियों में निम्नलिखित प्रविष्टियां अंतःस्थापित की जाएंगी, अर्थात्:

हिमाचल इंस्टीट्यूट ऑफ डेंटल साइंसेज, पोंटा साहिब, हिमाचल प्रदेश	
डेंटल सर्जरी में स्नातक (यदि 21.09.2024 को या उसके बाद अनुमोदन दिया जाता है तो 100 सीटों के साथ)	बीडीएस, अटल मेडिकल एंड रिसर्च यूनिवर्सिटी, मंडी, हिमाचल प्रदेश

[फा. सं. वी.12017/06/2024-डीई]

अमित कुमार, अवर सचिव

New Delhi, the 11th February, 2025

S.O. 294.—In exercise of the powers conferred by sub-section (2) of section 10 of the Dentists Act, 1948 (16 of 1948), the Central Government, after consultation with the Dental Council of India, hereby, makes the following amendments in Part-I of the Schedule to the said Act, namely:-

In the existing entries of column 2 & 3 against Serial No. 155, in Part-I of the Schedule to the Dentists Act, 1948 (16 of 1948) pertaining to recognition of Dental Degrees awarded by **Atal Medical and Research University, Mandi, Himachal Pradesh** in respect of BDS students of **Himachal Institute of Dental Sciences, Paonta Sahib, Himachal Pradesh**, the following entries shall be inserted, namely:

Bhojia Dental College & Hospital, Baddi, Himachal Pradesh	
Bachelor of Dental Surgery (With 100 seats if granted on or after 21.09.2024)	BDS, Atal Medical and Research University, Mandi, Himachal Pradesh

[F. No. V. 12017/06/2024-DE]

AMIT KUMAR, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 30 दिसम्बर, 2024

का.आ. 295.—केन्द्रीय सरकार, राजभाषा (संघ के शासकीय प्रयोजनों के लिए प्रयोग) नियम, 1976 के नियम 10 के उपनियम (4) के अनुसरण में पेट्रोलियम और प्राकृतिक गैस मंत्रालय के प्रशासनिक नियंत्रणाधीन सार्वजनिक क्षेत्र के उपक्रम के निम्नलिखित कार्यालयों को, जिसके 80 या अधिक प्रतिशत कर्मचारी वृन्द ने हिन्दी का कार्यसाधक ज्ञान प्राप्त कर लिया है, अधिसूचित करती है:-

1. भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड, राज्य कार्यालय,
कर्नाटक एएमएम बेंगलुरु, डुपार्क ट्रिनिटी, 7वीं मंजिल,
17 एम जी रोड, बेंगलुरु, कर्नाटक-560001
2. भारत पेट्रोलियम कॉर्पोरेशन लिमिटेड,
प्रादेशिक कार्यालय रिटेल मैसूर,
एफसीआई गोदाम के पीछे, मैसूर डिपो,
मैसूर, कर्नाटक-570016

[फा. सं. 11012/3/2021-रा.भा.(2024)]

डॉ. ज्योति मिश्रा, उप निदेशक (राजभाषा)

MINISTRY OF PETROLEUM AND NATURAL GAS

New Delhi, the 30th December, 2024

S.O. 295.—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 of the Public Sector undertaking under the administrative control of the Ministry of Petroleum & Natural Gas, in which 80 or more percent of the staff have acquired working Knowledge of Hindi:-

1. Bharat Petroleum Corporation Limited, State Office,
Karnataka AMM Bengaluru, Dupark Trinity, 7th Floor,
17 M G Road, Bengaluru, Karnataka-560001

2. **Bharat Petroleum Corporation Limited,**
Regional Office Retail Mysore,
Behind FCI Godown, Mysore Depot,
Mysore, Karnataka-570016

[F. No. 11012/3/2021-OL (2024)]

Dr. JYOTI MISHRA, Dy. Director (OL)

श्रम और रोजगार मंत्रालय

नई दिल्ली, 25 फरवरी, 2025

का.आ. 296.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कंपनी लिमिटेड, के प्रबंधन के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय** हैदराबाद के पंचाट (पहचान संख्या 75/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/43/2015.आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

MINISTRY OF LABOUR AND EMPLOYMENT

New Delhi, the 25th December, 2025

S.O. 296.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 75/2015**) of the **Central Government Industrial Tribunal-cum-Labour Court Hyderabad** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Collieries Company Ltd**, and their workmen, received by the Central Government on 22/01/2025.

[No. L-22012/43/2015-IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 1st day of January, 2025

INDUSTRIAL DISPUTE No. 75/2015

Between:

Sri Kovvuri Mallesh

S/o Sri Chandraiah,

Janagama (V),

Ramagundam (M)-505209

Karimnagar Dist.

.....Petitioner

AND

The General Manager,
M/s. Singareni Collieries Company Ltd.,
Ramagundam-I Area,
Godavarikhani-505209.
Karimnagar Dist.

Respondents

Appearances:

For the Petitioner : A.Sarojana & K. Vasudeva Reddy, Advocate

For the Respondent: Y Ranjeeth Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.22012/43/2015 (IR(CM-II)) dated 29.07.2015 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workmen. The reference is,

SCHEDULE

“Whether the action of the General Manager, M/s. Singareni Collieries Company Ltd., Ramagundam- I Area, Godavarikhani, Karimnagar Dist. In terminating the services of Shri Kovvuri Mallesh, Ex-Coal Filler, GDK-2 Inc., SCCL, Ramagundam-1 Area, Godavarikhani with effect from 14/05/2001 is justified or not? If not, to what relief the applicant is entitled for?”

The reference is numbered in this Tribunal as I.D. No 75/2015 and notices were issued to the parties concerned.

2. Petitioner submitted that he is not in contact of LR of deceased petitioner. Perused the record. Counsel for petitioner informed to the court that on 29th March, 2023, petitioner has died since then, the present matter is fixed for bringing LRs on record, but no LR has appeared or impleaded to pursue the present claim. It seems LRs do not want to prosecute the case on behalf of deceased petitioner Late Kavvuri Mallesh. Therefore, in such circumstances, ‘no claim-award’ is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 1st day of January, 2025.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the

Witnesses examined for the

Petitioner

Respondent

NIL

NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 25 फरवरी, 2025

का.आ. 297.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिंगरेनी कोलियरीज कंपनी लिमिटेड, के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय हैदराबाद के पंचाट (पहचान संख्या 73/2020) को प्रकाशित करती है, जो केन्द्रीय सरकार को 22/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/48/2019.आई. आर. (सीएम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 297.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**ID. No. 73/2020**) of the **Central Government Industrial Tribunal-cum-Labour Court Hyderabad** as shown in the Annexure, in the industrial dispute between the Management of **Singareni Collieries Company Ltd.**, and their workmen, received by the Central Government on **22/01/2025**.

[No. L-22012/48/2019 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

**IN THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT AT
HYDERABAD**

Present: - **Sri IRFAN QAMAR**

Presiding Officer

Dated the 13th day of December, 2024

INDUSTRIAL DISPUTE No. 73/2020

Between:

The General Secretary

(Sri Riaz Ahmed)

Singareni Mines & Engg.

Workers Union (HMS),

H.No. C-34, Sector-I, Godavarikhani

Peddapalli Dist.,-505209

.....Petitioner

AND

The General Manager,

M/s Singareni Collieries Company Ltd.,

Sreerampur Area, Sreerampur,

ADILABAD-504303.

...

Respondents

Appearances:

For the Petitioner : K. Vasudeva Reddy & B. Kiran Kumar, Advocate

For the Respondent: Y. Ranjeeth Reddy, Advocate

AWARD

The Government of India, Ministry of Labour by its order No.L-22012/48/2019 (IR(CM-II) dated 13.05.2019 referred the following dispute under section 10(1)(d) of the I.D. Act, 1947 for adjudication to this Tribunal between the management of M/s. Singareni Collieries Company Ltd., and their workmen. The reference is,

SCHEDULE

“Whether the action of the management in non-granting of annual increment and promotional increment to Shri Mandala Malla Reddy, Electrician Helper and 29 others Tradesman, Srirampur I Incline, Srirampur Area (Annexure I) as per tradesmen Cadre Scheme Agreement dated 03-03-1989 is fair and justified. If not, to what relief the workmen are entitled and from which date.”

The reference is numbered in this Tribunal as I.D. No 73/2020 and notices were issued to the parties concerned.

2. Petitioner absent on the date fixed for filing of claim statement and documents. Docket reveals that despite of providing sufficient opportunity petitioner did not filed any claim statement. Therefore, in absence of Petitioner and non-filing of claim statement by the Petitioner, the case is ‘No Claim’ award is passed.

Award is passed accordingly. Transmit.

Typed to my dictation by Shri Vinay Panghal, LDC corrected and signed by me on this the 13th day of December, 2024.

IRFAN QAMAR, Presiding Officer

Appendix of evidence

Witnesses examined for the
Petitioner
NIL

Witnesses examined for the
Respondent
NIL

Documents marked for the Petitioner

NIL

Documents marked for the Respondent

NIL

नई दिल्ली, 25 फरवरी, 2025

का.आ. 298.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड 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 (सीजीआईटी/एनजीपी/25/2022-23) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/01/2025 को प्राप्त हुआ था।

[सं. एल-22012/83/2022.आई. आर. (सीएम-II)]

मणिकंदन. एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 298.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**CGIT/NGP/25/2022-23**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on **30/01/2025**.

[No. L-22012/83/2022 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOURT COURT, NAGPUR**

Case No. CGIT/NGP/25/2022-23

Date: 21.01.2025.

Party No.1: The General Manager,
Umrer Area of WCL,
Post – Umrer Project,
Distt. – Nagpur – 441204.

V/s.

Party No.2: The General Secretary,
Lalzhenda Coal Mines Mazdoor Union,
(CITU), Qtr No. 1B/156, Umrer Area of
WCL, Tehsil – Umrer, Distt. – Nagpur.
Pin – 441204.

AWARD

(Dated: 21st January, 2025)

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 workman, Shri Jagdish L. Chouhan for adjudication, as per letter **No.L-22012/83/2022-IR (CM-II)** dated **28.09.2022**, with the following schedule:-

“Whether demand of the Union (Lal Zanda Coal Mines Mazdoor Union) vide letter dated 12/07/2017 against the management of the WCL (through its GM, Umrer Area, SAM Umrer, Sub-Area of WCL for protection of pay of the workman Shri Jagdish L. Chouhan, on his conversion from piece rated to time rated is proper, legal and justified? If yes, to what relief the workman concerned is entitled?”

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement, by registered post with acknowledge due. In regard to which the petitioner/claimant did not file any statement of claim and management also not filed any written statement.

3. Today the case called out. None appeared on behalf of the parties. Petitioner is not coming since 15.12.2022 i.e. from last two years. It appears that petitioner is not interested to contest the case and did not want to proceed with the reference, so it was closed. The Petitioner neither filed any statement of claim nor adduces any evidence to prove his case.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The demand of the Union (Lal Zanda Coal Mines Mazdoor Union) vide letter dated 12/07/2017 against the management of the WCL (through its GM, Umrer Area, SAM Umrer, Sub-Area of WCL for protection of pay of the workman Shri Jagdish L. Chouhan, on his conversion from piece rated to time rated is improper, illegal and unjustified. The Workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

का.आ. 299.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, नागपुर के पंचाट (सीजीआईटी/एनजीपी/19/2017-18) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/01/2025 को प्राप्त हुआ था।

[सं. एल-22012/31/2017-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 299.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**CGIT/NGP/19/2017-18**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on **30/01/2025**.

[No. L-22012/31/2017 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/19/2017-18

Date: 10.02.2025.

Party No.1:

The Sub Area Manager,
Durgapur O/c Mines of WCL,
Post: Urjanagar, Distt. Chandrapur,
Chandrapur (M.S.).

V/s

Party No.2:

The Jt. General Secretary,
Rashtriya Colliery Mazdoor Congress,
RC. Tembhre House, Vaidha Nagar,
Near Ayyappa Mandir, Tukum Ward No. 2,
Chandrapur (M.S.).

AWARD(Dated: 10th February, 2025)

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 WCL, Durgapur Open Cast Mine, Post. Durgapur, Tah. and Dist. Chandrapur and their workman, Shri Mohd. Imran Ilias, for adjudication, as per letter No.L-22012/31/2017 (IR(CM-II)) dated 18.09.2017, with the following schedule:-

"Whether the action of management of WCL, Durgapur Open Cast Mine, Post. Durgapur, Tah. And Dist. Chandrapur is denying employment to Shri Mohd. Imran Ilias the dependant son of Shri Mohd. Ilias, Retire employee who has already put more than 37 years of service, which is contrary to the provisions of Para 9.4.4 of NCW-III is legal and justified? If not, what relief the workman is entitled to?"

2. Case is called out. Both the parties are absent on repeated calls. Petitioner is not attending the Court since very beginning i.e. 27.10.2017. No statement of claim and written statement have been filed by the parties. Parties have not produced any evidence to prove their say/claim. It seems that the Petitioner is not interested to contest the case. Case is not proved. Hence it is closed.

Hence, it is ordered:

ORDER

The action of management of WCL, Durgapur Open Cast Mine, Post. Durgapur, Tah. And Dist. Chandrapur is denying employment to Shri Mohd. Imran Ilias the dependant son of Shri Mohd. Ilias, Retire employee who has already put more than 37 years of service, which is contrary to the provisions of Para 9.4.4 of NCW-III is legal and justified. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

का.आ. 300.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, नागपुर के पंचाट (सीजीआईटी/एनजीपी/07/2012-13) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/01/2025 को प्राप्त हुआ था।

[सं. एल-22012/106/2012-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 300.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGIT/NGP/07/2012-13) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on 30/01/2025.

[No. L-22012/106/2012 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOURT COURT, NAGPUR**

Case No.CGIT/NGP/07/2012-13

Date: 21.01.2025.

Party No.1:

- 1) All India SC/ST Backward Class Employees,
Co-ordination Council
Through it's The Joint General Secretary,
Wani, Yavatmal (M.S.)
- 2) Shri R.R. Sattiwale,
R/o Post Belora, Tha. Wani,
Dist. Yeotmal (M.S.)
V/s.

Party No.2:

- 1) The Chief General Manager,
Western Coalfield Limited
Post Urjagram Tadali,
Chandrapur
- 2) The Sub-Area Manager,
Neeljai O/C mines, Wani Area,
Western Coalfields Ltd., Post- Neeljai,
Tah-Wani, Yavatmal (MS)

AWARD(Dated: 21st January, 2025)

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 workman, Shri R.R. Sattiwale for adjudication, as per letter **No.L-22012/106/2012-IR (CM-II) dated 12.07.2012**, with the following schedule:-

"With reference of CIL's Career growth to Personnel with ITI Certificate Holder, Whether management's denial to remove anomaly/pay disparity in respect of Shri R.R. Sattiwale, ITI Certificate Holder at par with his juniors who are drawing more wages in Wani Area of WCL is legal & justified? To what monetary benefit the workman is entitled to?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement, by registered post with acknowledge due. In regard to which the petitioner/claimant filed statement of claim and management filed written statement. Petitioner also files Rejoinder and evidence on affidavit. Which has not proved by the witness concerned being present before the Court.

3. Today the case called out. None appeared on behalf of the parties. Petitioner is not coming since long back i.e. from last five years. It appears that petitioner is not interested to contest the case and did not want to proceed with the reference, so it was closed. As no evidence filed by the petitioner to prove the contents of statement of claim

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

With reference of CIL's Career growth to Personnel with ITI Certificate Holder, Management's denial to remove anomaly/pay disparity in respect of Shri R.R. Sattiwale, ITI Certificate Holder at par with his juniors who are drawing more wages in Wani Area of WCL is legal & justified. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

का.आ. 301.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड 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 (सीजीआईटी/एनजीपी/03/2019-20) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/01/2025 को प्राप्त हुआ था।

[सं. एल-22012/97/2017-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 301.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**CGIT/NGP/03/2019-20**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on **30/01/2025**.

[No. L-22012/97/2017 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/03/2019-22

Date: 20.01.2025.

Party No.1: The General Manager,
Western Coalfields Limited,
Tawa Mine, PO:Pathakhhera Area
Distt. Betul-460330

V/s.

Party No.2: The Regional Secretary,
Rashtriya Colliery Mazdoor Sangh (INTUC),
WCL, Region Nagpur(MS).

AWARD(Dated: 20th January, 2025)

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 Tawa Mines and their workman, Shri Sudama Pasi for adjudication, as per letter **No.L-22012/97/2017-IR (CM-II) dated 16.11.2017**, with the following schedule:-

"Whether the demand of the union to change the date of birth of Shri Sudama Pashi (Workman) from 07.08.57 to 01.11.59, as per the copy of the School Leaving Certificate is just & proper? If not, to what relief the workman concerned is entitled to?"

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement, by registered post with acknowledge due. In regard to which the petitioner/claimant filed statement of claim and management filed written statement.

3. Today the case called out. None appeared on behalf of the parties. Petitioner is not coming since 16.04.2021 i.e. from last four years. It appears that petitioner is not interested to contest the case and did not want to proceed with the reference, so it was closed.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The demand of the union to change the date of birth of Shri Sudama Pashi (Workman) from 07.08.57 to 01.11.59, as per the copy of the School Leaving Certificate is unjust & improper. The workman Shri Sudama Pashi is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

का.आ. 302.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड 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 (सीजीआईटी/एनजीपी/36/2018-19) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/01/2025 को प्राप्त हुआ था।

[सं. एल-22012/43/2018-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 302.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGIT/NGP/36/2018-19) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on 30/01/2025.

[No. L-22012/43/2018 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOURT COURT, NAGPUR

Case No.CGIT/NGP/36/2018-19

Date: 20.01.2025.

Party No.1: The General Manager,
Western Coalfields Limited,
Tawa Mine, PO:Pathakhara Area
Distt. Betul-460330

V/s.

Party No.2: The Regional Secretary,
Rashtriya Colliery Mazdoor Sangh (INTUC),
Regional Camp(WCL) Hotel Banjara Area,
Bagdona, Post. Pathakhara,
Distt. Betul (MP) - 460449

AWARD

(Dated: 20th January, 2025)

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 workman, Shri Prurushottam Sharma for adjudication, as per letter **No.L-22012/43/2018-IR (CM-II) dated 23.10.2018**, with the following schedule:-

“Whether the demand of Shri Purushottam S/o. Shri Narayan Prashad Sharma, Senior Head Chainman under WCL, Tawa Mines, PO. Pathakheda Area, Distt. Betul (MP) to change his date of birth as 29.12.1960 in place of 01.01.1959 is just fair & legal? If yes, to what relief Shri Purushottam S/o. Shri Narayan Prashad Sharma, Senior Head Chainman is entitled to from the management of Western Coalfield, Ltd. Pathakheda?”

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement, by registered post with acknowledge due. In regard to which the petitioner/claimant filed statement of claim and management filed written statement. Petitioner also files evidence on affidavit. Examination-in-chief and cross examination of the petitioner's witness recorded. Management also filed their evidence on affidavit. Examination-in-Chief and cross-examination of the management witness also recorded.

3. Today the case called out. None appeared on behalf of the parties. Petitioner is not coming since 16.04.2020 i.e. from last five years. It appears that petitioner is not interested to contest the case and did not want to proceed with the reference, so it was closed.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The demand of Shri Purushottam S/o. Shri Narayan Prashad Sharma, Senior Head Chainman under WCL, Tawa Mines, PO. Pathakheda Area, Distt. Betul (MP) to change his date of birth as 29.12.1960 in place of 01.01.1959 is unjust, unfair & illegal. The workman Shri Purushottam S/o. Shri Narayan Prashad Sharma is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

का.आ. 303.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारियों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, नागपुर के पंचाट (सीजीआईटी/एनजीपी/32/2013-14) को प्रकाशित करती है, जो केन्द्रीय सरकार को 30/01/2025 को प्राप्त हुआ था।

[सं. एल-22012/67/2013-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 303.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGIT/NGP/32/2013-14) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on 30/01/2025.

[No. L-22012/67/2013 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOURT COURT, NAGPUR

Case No. CGIT/NGP/32/2013-14

Date: 23.01.2025.

Party No.1:

The Sub Area Manager,
Dhoptala Sub Area of Ballarpur Area of WCL,
Post Sasti, Distt. Chandrapur (M.S.)

V/s.

Party No.2:

The General Secretary,
Rashtriya Colliery Mazdoor Congress,
Dr. Ambedkar Ward, Ballarpur,
Post Ballarpur, Distt. Chandrapur (M.S.)

AWARD(Dated: 23rd January, 2025)

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 Dhoptala Sub Area of Chandrapur Area, Western Coalfields Limited, and their workman, Shri Shailendra Lodhi for adjudication, as per letter **No.L-22012/67/2013 IR(CM-II)** dated **30.05.2013**, with the following schedule:-

"Whether the action of the management of Dhoptala Sub Area of Chandrapur Area Western Coalfields Limited, in denying employment to Shri Shailendra Lodhi the dependent son of Shri Ramaji Lodhi who has already put in more than 37 years service, which is contrary to the provision of para 9.4.4 of NCWA is legal and justified? If not, to what relief the workman is entitled to?"

2. Case called out. Learned Counsel Shri. Ghare is present for the Respondent but none is present on behalf of petitioner since long back i.e. 16/01/2020 near about five years. Application dated 01/11/2018 has been moved by party no. 2 but none is present to press this application. Hence, this application is dismissed being not pressed. Although statement of claim and written statement have also been filed by the parties but petitioner is not attending the Court since long back nor he filed any evidence on his behalf to establish his case.

3. As the petitioner is not coming since 16/01/2020 it shows that petitioner is not interested to contest the case and did not want to proceed with the reference, so it was closed.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The action of the management of Dhoptala Sub Area of Chandrapur Area Western Coalfields Limited, in denying employment to Shri Shailendra Lodhi the dependent son of Shri Ramaji Lodhi who has already put in more than 37 years service, which is contrary to the provision of para 9.4.4 of NCWA is legal and justified. Shri Shailendra Lodhi is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

का.आ. 304.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधन के संबंध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, नागपुर के पंचाट (सीजीआईटी/एनजीपी/12/2013-14) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/3/2013-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 304.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**CGIT/NGP/12/2013-14**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on **24/02/2025**.

[No. L-22012/3/2013 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/12/2013-14

Date: 10.02.2025.

Party No.1: The Director (Personnel).
Western Coalfields Limited,
Coal Estates, Civil Lines,
Nagpur – 440001

V/s

Party No.2: The President,
Rashtriya Koyla Mazdoor Sangh (INTUC),
604-Giripeth,
Nagpur - 440001

AWARD

(Dated: 10th February, 2025)

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 (HQ), and their workman, Shri Shri W.D. Mone and 15 others for adjudication, as per letter **No. L-22012/3/2013 (IR(CM-II)) dated 03.04.2013**, with the following schedule:-

"Whether the action of the management of Western Coalfields Limited (HQ), Nagpur in posting Shri W.D. Mone, Clerk Spl. Grade & 15 others as mentioned in the list annexed, at a grade lower with bottom seniority on accepting their request for transfer to Nagpur HQ or WTI Wardha, is just fair or legal? If not, to what relief is entitled to the concerned workmen to?"

2. Case called out. Both the parties are absent. From perusal of the order sheets, it is apparent that, both the parties are not appearing since 17.11.2020. Although, statement of claim on behalf of the Petitioner and written statement on behalf of the Respondent has been filed. On behalf of the Petitioner, Shri Lal P.S. has filed affidavit as evidence. Some cross-examination has been performed by the Respondent on this witness and 42 Photostat documents have been wrongly and illegally exhibited, while Photostat copies are not admissible in evidence and that cannot be legally exhibited. No other evidence has been adduced by the Petitioner to prove his case. Available evidences are not sufficient to establish the claim of the Petitioner.

3. Therefore, contents of the claim of the petitioner are not proved and the case is closed.

Hence, it is ordered:

ORDER

The action of the management of Western Coalfields Limited (HQ), Nagpur in posting Shri W.D. Mone, Clerk Spl. Grade & 15 others as mentioned in the list annexed, at a grade lower with bottom seniority on accepting their request for transfer to Nagpur HQ or WTI Wardha, is just fair or legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

का.आ. 305.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधन के संबंध नियोजकां और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, नागपुर के पंचाट (सीजीआईटी/एनजीपी/69/2013-14) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/153/2013-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 305.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**CGIT/NGP/69/2013-14**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on **24/02/2025**.

[No. L-22012/153/2013 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/69/2013-14

Date: 24.01.2025.

Party No.1:

The Sub Area Manager,
Sasti U/G Mines Dhoptala Sub Area of Ballarpur Area
WCL, Post Sasti, Tah, Rajura,
Distt. Chandrapur. (M.S.)

V/s.

Party No.2:

Shri Lomesh Khartad,
General Secretary,
Rashtriya Colliery Mazdoor Congress,
Dr. Ambedkar Ward, Ballarpur,
Post Ballarpur, Distt. Chandrapur (M.S.)

AWARD

(Dated: 24th January, 2025)

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 Ballarpur Sub Area of Western Coalfields Limited and their workman, Shri Shaikh Niyaz for adjudication, as per letter **No. L-22012/153/2013 (IR(CM-II))** dated **12.11.2013**, with the following schedule:-

"Whether the action of the management of Ballarpur Sub Area of Western Coalfields Limited in denying employment to Shri Shaikh Niyaz the dependant son of Shri Shaikh Kasam Allaudin who had already put in more than 38 years of service, which is contrary to the provision of Para 9.4.4 of NCWA is legal and justified? If not, to what relief the workman is entitled to?"

2. Case called out. Counsel for the management is present. Petitioner is absent on repeated calls. Petitioner is not attending the Court since 03/07/2019 i.e. near about 6 years. Although, petitioner has filed his statement of claim and written statement has also been filed by the respondent. Petitioner has filed his evidence on affidavit dated 05/01/2015 but petitioner is not present to prove his case which is contended in the statement of claim. No other evidence is adduced by the petitioner to establish his case.

3. As the petitioner is not coming since long shows that petitioner is not interested to contest the case and did not want to proceed with the reference, so it is closed.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The action of the management of Ballarpur Sub Area of Western Coalfields Limited in denying employment to Shri Shaikh Niyaz the dependant son of Shri Shaikh Kasam Allaudin who had already put in more than 38 years of service, which is contrary to the provision of Para 9.4.4 of NCWA is legal and justified. Shri. Shaikh Niyaz is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

का.आ. 306.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड 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 (सीजीआईटी/एनजीपी/14/2020-21) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/32/2020-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 306.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**CGIT/NGP/14/2020-21**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on **24/02/2025**.

[No. L-22012/32/2020 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/14/2020-21

Date: 16.01.2025.

Party No.1:

The Sub Area Manager,
Western Coalfields Limited,
Umrer Sub Area, PO & Tah. Umred
Distt. Nagpur - 441204

V/s.

Party No.2:

The Secretary,
Lal Zanda Coal Mines Mazdoor Union (CITU),
Branch: Umred Sub Area, Qtr. No. 1B/156,
Tah. Umrer, Distt. Nagpur - 441204

AWARD(Dated: 16th January, 2025)

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 workman, Shri Devendra Chhuttu Singh for adjudication, as per letter **No.L-22012/32/2020-IR (CM-II) dated 21.08.2020**, with the following schedule:-

"Whether the action of the management of Western Coalfields Ltd., Umrer Sub Area, Post & Tah. Umrer, Distt. Nagpur through the Sub Area Manager in denying for payment of Basic Pay as deducted by the management of WCL Umrer Sub Area i.r.o. Shri Devendra Chhuttu Singh, Drill Operator, Gr. 'B' along with interest is just fair & legal? If not, to what relief the concerned workman is entitled?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement. After perusal of record it appears that none is present on behalf of the parties since 13/11/2020 i.e. near about 4 years. The reference notification no. 22012/32/2020 (IR(CM-II)) dated 21/08/2020 has been received from the Ministry and has registered case vide case no. CGIT/NGP/14/2020-21. The dispute has been raised by the workman. The Government has already directed the parties for raising the dispute and to file a statement of claim with relevant documents, list of reliance and witnesses within 15

days of the receipt of the order or reference and also to forward the copies of the said statement to which one of the opposite parties involved in the dispute. But from the date of registration of reference of this Court no parties turned up to prove his case. No statement of claim and written statement have been filed by the parties till date. It appears that both the parties are not interested to contest the case referred by the Ministry.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The action of the management of Western Coalfields Ltd., Umrer Sub Area, Post & Tah. Umrer, Distt. Nagpur through the Sub Area Manager in denying for payment of Basic Pay as deducted by the management of WCL Umrer Sub Area i.r.o. Shri Devendra Chhuttu Singh, Drill Operator, Gr. 'B' along with interest is just fair & legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

का.आ. 307.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में **केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, नागपुर** के पंचाट (सीजीआईटी/एनजीपी/15/2020-21) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/33/2020-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 307.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**CGIT/NGP/15/2020-21**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on 24/02/2025.

[No. L-22012/33/2020 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOURT COURT, NAGPUR

Case No.CGIT/NGP/15/2020-21

Date: 16.01.2025.

Party No.1:

The Sub Area Manager,
Western Coalfields Limited,
Makardhokda Sub Area, Umrer Sub Area,
Post: Umrer Project, Tah. Umred, Distt.
Nagpur - 441204

V/s

Party No.2:

The President,
Koyla Shramik Sabha (HMS),
WCL. Umrer Area,
Tah. Umrer, Distt
Nagpur - 441204

AWARD(Dated: 16th January, 2025)

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 workman, Shri Yogesh Soni for adjudication, as per letter **No.L-22012/33/2020-IR (CM-II) dated 21.08.2020**, with the following schedule:-

"Whether the action of the management of Western Coalfields Ltd., Makardhokda Sub Area, P.O. Umrer Project, Distt. Nagpur through the Sub Area Manager in deducting amount of Pay Scale and denying to release Pay Scale amount as deducted by the management, denying to correct designation and denying to give promotion to Shri Yogendra Soni is just, fair & legal? If not, to what relief the concerned workman/ union is entitled to?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement. After perusal of record it appears that none is present on behalf of the parties since 13/11/2020 i.e. near about 4 years. The reference notification no. 22012/33/2020 (IR(CM-II)) dated 21/08/2020 has been received from the Ministry and has registered case vide case no. CGIT/NGP/15/2020-21. The dispute has been raised by the workman. The Government has already directed the parties for raising the dispute and to file a statement of claim with relevant documents, list of reliance and witnesses within 15 days of the receipt of the order or reference and also to forward the copies of the said statement to which one of the opposite parties involved in the dispute. But from the date of registration of reference of this Court no parties turned up to prove his case. No statement of claim and written statement have been filed by the parties till date. It appears that both the parties are not interested to contest the case referred by the Ministry.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The action of the management of Western Coalfields Ltd., Makardhokda Sub Area, P.O. Umrer Project, Distt. Nagpur through the Sub Area Manager in deducting amount of Pay Scale and denying to release Pay Scale amount as deducted by the management, denying to correct designation and denying to give promotion to Shri Yogendra Soni is just, fair & legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

का.आ. 308.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण-सह-श्रम न्यायालय, नागपुर के पंचाट (सीजीआईटी/एनजीपी/18/2020-21) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/36/2020-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 308.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGIT/NGP/18/2020-21) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on 24/02/2025.

[No. L-22012/36/2020 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOURT COURT, NAGPUR

Case No. CGIT/NGP/18/2020-21

Date: 16.01.2025.

Party No.1: The Sr. Manager (Mining)/ Mines Manager,
Western Coalfields Limited,
Adasa Mine, Saoner Sub Area,
Tah. Saoner, Distt.
Nagpur - 441107

V/s

Party No.2: The Secretary,
Rashtriya Koyla Khadan Mazdoor Sangh (INTUC),
Branch: Adasa Mine,
Tah. Saoner, Distt
Nagpur - 441107

AWARD

(Dated: 16th January, 2025)

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 workman, Shri Bala Matru Harde for adjudication, as per letter **No.L-22012/36/2020-IR (CM-II) dated 21.08.2020**, with the following schedule:-

"Whether the action of the management of Western Coalfields Ltd., Adasa Mine, Saoner Sub Area, Tah. Saoner, Distt. Nagpur through its Sr. Manager (Mining). Mines Manager in denying to correct of date of birth in respect of Shri Bhola Matru Harde is just fair & legal? If not, to what relief the workman is entitled to?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement. After perusal of record it appears that none is present on behalf of the parties since 13/11/2020 i.e. near about 4 years. The reference notification no. 22012/36/2020 (IR(CM-II)) dated 21/08/2020 has been received from the Ministry and has registered case vide case no. CGIT/NGP/18/2020-21. The dispute has been raised by the workman. The Government has already directed the parties for raising the dispute and to file a statement of claim with relevant documents, list of reliance and witnesses within 15 days of the receipt of the order or reference and also to forward the copies of the said statement to which one of the opposite parties involved in the dispute. But from the date of registration of reference of this Court no parties turned up to prove his case. No statement of claim and written statement have been filed by the parties till date. It appears that both the parties are not interested to contest the case referred by the Ministry.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The action of the management of Western Coalfields Ltd., Adasa Mine, Saoner Sub Area, Tah. Saoner, Distt. Nagpur through its Sr. Manager (Mining). Mines Manager in denying to correct of date of birth in respect of Shri Bhola Matru Harde is just fair & Legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

का.आ. 309.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड 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 (सीजीआईटी/एनजीपी/17/2020-21) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/35/2020-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 309.— In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**CGIT/NGP/17/2020-21**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on **24/02/2025**.

[No. L-22012/35/2020 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/17/2020-21

Date: 16.01.2025.

Party No.1: The Sub Area Manager,
Western Coalfields Limited,
Umrer Sub Area,
Post & Tah. Umred, Distt
Nagpur - 441204

V/s

Party No.2: The Secretary,
Lal Zanda Coal Mines Mazdoor Union (CITU),
Branch: Umred Sub Area, Qtr. No. 1B/156,
Tah. Umrer, Distt. Nagpur - 441204

AWARD

(Dated: 16th January, 2025)

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 workman, Shri Santosh Vishwas for adjudication, as per letter **No.L-22012/35/2020-IR (CM-II) dated 21.08.2020**, with the following schedule:-

"Whether the action of the management of Western Coalfields Ltd., Umrer Sub Area, Post & Tah. Umrer, Distt. Nagpur through the Sub Area Manager in denying to give promotion as EP Welder Gr. B to Shri Santosh Vishwas is just fair & Legal? If not, to what relief the concerned workman/union is entitled to?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement. After perusal of record it appears that none is present on behalf of the parties since 13/11/2020 i.e. near about 4 years. The reference notification no. 22012/35/2020 (IR(CM-II)) dated 21/08/2020 has been received from the Ministry and has registered vide case no. CGIT/NGP/17/2020-21. The dispute has been raised by the workman. The Government has already directed the parties for raising the dispute and to file a statement of claim with relevant documents, list of reliance and witnesses within 15 days of the receipt of the order or reference and also to forward the copies of the said statement to which one of the opposite parties involved in the dispute. But from the date of registration of reference of this Court no

parties turned up to prove his case. No statement of claim and written statement have been filed by the parties till date. It appears that both the parties are not interested to contest the case referred by the Ministry.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The action of the management of Western Coalfields Ltd., Umrer Sub Area, Post & Tah. Umrer, Distt. Nagpur through the Sub Area Manager in denying to give promotion as EP Welder Gr. B to Shri Santosh Vishwas is just fair & Legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

का.आ. 310.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड 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 (सीजीआईटी/एनजीपी/22/2017-18) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/10/2017-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 310.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**CGIT/NGP/22/2017-18**) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on 24/02/2025.

[No. L-22012/10/2017 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No. CGIT/NGP/22/2017-18

Date: 17.02.2025.

Party No.1:

The Sub Area Manager,
Ballarpur Area, WCL, Post. Sasti
Tha. Rajura, Dist. Chandrapur.
Chandrapur (M.S.)

V/s

Party No.2:

The Zonal Secretary,
Coal Mines Engineering Worker Association,
Ward No. 10, Gudhi, Post: Palachouri,
Distt. Chhindwara (M.P.).
Chhindwara.

AWARD

(Dated: 17th February, 2025)

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,

Ballarpur Colliery, Post. Sasti, Tah. Rajura Dist. Chandrapur and their workman, Shri. Ashish Suresh Puri for adjudication, as per letter **No.L-22012/10/2017 (IR(CM-II)) dated 16.10.2017**, with the following schedule:-

“Whether the action of Management of Western Coalfields Limited, Ballarpur Colliery, Post. Sasti, Tah. Rajura, Dist. Chandrapur is denying employment to Shri Ashish Suresh Puri the dependant son of Shri Suresh Narayan Puri, Retd. Employee who has already put more than 38 years of service, which is contrary to the provision of para 9.4.4 of NCWA is legal and justified? If not, what relief the workman is entitled to?”

2. Case is called out. Learned Counsel for the respondent Shri.R.E. Mohirir is present before the Court but none is present on behalf of petitioner. Both the parties are not attending and responding the Court since 01/10/2018. Today only Counsel for the respondent is present. Although statement of claim and written statement have been filed by the parties respectably. Petitioner has not filed any evidence to prove his claim till today. Petitioner is not attending the Court since long back. Meaning thereby petitioner is not interested to contest the case. Claim of the petitioner is not proved so the case is closed.

Hence, it is ordered:

ORDER

The action of Management of Western Coalfields Limited, Ballarpur Colliery, Post. Sasti, Tah. Rajura, Dist. Chandrapur is denying employment to Shri Ashish Suresh Puri the dependant son of Shri Suresh Narayan Puri, Retd. Employee who has already put more than 38 years of service, which is contrary to the provision of para 9.4.4 of NCWA is legal and justified. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 25 फरवरी, 2025

का.आ. 311.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार वेस्टर्न कोलफील्ड्स लिमिटेड 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 (सीजीआईटी/एनजीपी/16/2020-21) को प्रकाशित करती है, जो केन्द्रीय सरकार को 24/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/34/2020-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 25th February, 2025

S.O. 311.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (CGIT/NGP/16/2020-21) of the **Central Government Industrial Tribunal-cum-Labour Court, Nagpur** as shown in the Annexure, in the industrial dispute between the Management of **Western Coalfields Ltd.** and their workmen, received by the Central Government on 24/02/2025.

[No. L-22012/34/2020 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/17/2020-21

Date: 16.01.2025.

Party No.1:

The Sub Area Manager,
Western Coalfields Limited,
Umrer Sub Area,
Post & Tah. Umred, Distt
Nagpur - 441204

V/s

Party No.2:

The Secretary,
Lal Zanda Coal Mines Mazdoor Union (CITU),
Branch: Umred Sub Area, Qtr. No. 1B/156,
Tah. Umrer, Distt. Nagpur - 441204

AWARD(Dated: 16th January, 2025)

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 workman, Shri Santosh Vishwas for adjudication, as per letter **No.L-22012/35/2020-IR (CM-II) dated 21.08.2020**, with the following schedule:-

"Whether the action of the management of Western Coalfields Ltd., Umrer Sub Area, Post & Tah. Umrer, Distt. Nagpur through the Sub Area Manager in denying to give promotion as EP Welder Gr. B to Shri Santosh Vishwas is just fair & Legal? If not, to what relief the concerned workman/union is entitled to?"

2. On receipt of the reference, parties were noticed to file their respective statement of claim and written statement. After perusal of record it appears that none is present on behalf of the parties since 13/11/2020 i.e. near about 4 years. The reference notification no. 22012/35/2020 (IR(CM-II)) dated 21/08/2020 has been received from the Ministry and has registered vide case no. CGIT/NGP/17/2020-21. The dispute has been raised by the workman. The Government has already directed the parties for raising the dispute and to file a statement of claim with relevant documents, list of reliance and witnesses within 15 days of the receipt of the order or reference and also to forward the copies of the said statement to which one of the opposite parties involved in the dispute. But from the date of registration of reference of this Court no parties turned up to prove his case. No statement of claim and written statement have been filed by the parties till date. It appears that both the parties are not interested to contest the case referred by the Ministry.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The action of the management of Western Coalfields Ltd., Umrer Sub Area, Post & Tah. Umrer, Distt. Nagpur through the Sub Area Manager in denying to give promotion as EP Welder Gr. B to Shri Santosh Vishwas is just fair & Legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 27 फरवरी, 2025

का.आ. 312.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ हैदराबाद के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (24/2017-18) प्रकाशित करती है।

[सं. एल-12012/107/2016-आई. आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 27th February, 2025

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. 24/2017-18) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of Hyderabad their workmen

[No. L-12012/107/2016- IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/24/2017-18

Date: 31.01.2025.

Party No.1:

- 1) The Branch Manager,
State Bank of Hyderabad,
Sengaon Branch, Nagnath Road, Sengaon,
Distt. Hingoli (M.S.) - 431542
- 2) Sh. Deepak Ramanna Ratnal, Contractor, Mauli Tea House, Akola Road,
Near State Bank of Hyderabad, Hingoli
Distt.Hingoli.

V/s.

Party No.2:

Sh. Dinesh Bajrang Paighaan,
R/o At Post: Jaipur, Tah. Sengaon,
Distt. Hingoli (M.S) - 431542

AWARD(Dated: 31st January, 2025)

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 State Bank of Hyderabad, Br. Sengaon, Distt. Hingoli and their workman, Shri. Dinesh Bajrang Paighan for adjudication, as per letter No. L-12012/107/2016 (IR(B-I)) dated 17.10.2017, with the following schedule:-

"Whether the action of the management of State Bank of Hyderabad, Br. Sengaon, Distt. Hingoli, in terminating the service of the Sh. Dinesh Bajrang Paighan w.e.f. August, 2015 is just fair & legal? If not, to what relief Shri Dinesh Bajrang Paighan is entitled to?"

2. Case called out. None appeared on behalf of both the parties. Petitioner as well as his counsel is not appearing before the Court since 05/08/2019 i.e. near about six years. Though statement of claim has been filed by the petitioner No evidence has been adduced by the petitioner in support of his statement of claim. No written statement is also filed by the management.

3. As the petitioner is not coming since long shows that petitioner is not interested to contest the case and do not want to proceed with the reference, so it is closed.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The action of the management of State Bank of Hyderabad, Br. Sengaon, Distt. Hingoli, in terminating the service of the Sh. Dinesh Bajrang Paighan w.e.f. August, 2015 is just fair & legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 27 फरवरी, 2025

का.आ. 313.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार रिजर्व बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (04/2021-22) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई. आर. (बी-1)-25]

सलोनी, उप निदेशक

New Delhi, the 27th February, 2025

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. 04/2021-22) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of Reserve Bank of India their workmen.

[No. L-12025/01/2025 – IR (B-I)-25]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/04/2021-22

Date: 04.02.2025

Party No.1:

- 1) The Manager,
M/s M.K. Enterprises, Proprietor,
Branch Office: House No. G-21,
Behind Maharaja Shuttewrs,
Ghat Road, Nagpur (M.S.).
- 2) The Manager,
M/s M.K. Enterprises, Proprietor,
Plot No. 189, Teacher Colony,
Tajbagh, Nagpur – 440024.
- 3) The Additional General Manager,
Reserve Bank of India,
P.B. No. 15, Dr. Raghavendra Rao Road,
Civil Lines, Nagpur – 440001.

V/s.

Party No.2:

Shri Pralhad Santosh Tekade
& 2 others, R/o Plot No. 53,
Savita Society, Zingabai Takli,
Nagpur - 440030

AWARD

(Dated: 04th February, 2025)

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 M/s M.K. Enterprises, Contractor, and Reserve Bank of India, and their workmen, Shri Pralhad Santosh Tekade, Shri Akash Rameshwar Utkhede & Shri Manish Janrao Thakre for adjudication, as per letter **No.N-8(05)/2021-ID/IR dated 26.03.2021**, with the following schedule:-

“Whether the action M/s M.K. Enterprises, Contractor, House No. G-21, Behind Maharaja Shuttewrs, Ghat Road, Nagpur and the Management of Reserve Bank of India, P.B. No. 15, Dr. Raghavendra Rao Road, Civil Lines, Nagpur in not reinstating the workman Shri Pralhad Santosh Tekade, Shri Akash Rameshwar Utkhede & Shri Manish Janrao Thakre over the alleged illegal termination from the service w.e.f. 01/08/2020 are just fair & legal? If not, to what relief the workman is entitled to?”

2. Case called out. Representative of Management Shri Shivdas Rathod, Assistant Manager is present before the Court. None has appeared on behalf of the petitioners. Though notice was issued to the petitioners and acknowledgement is received by this office, petitioners are not appearing before the Court since beginning.

No statement of claim and written statement have been filed by parties. No evidence was also adduced by the petitioners to establish their claim.

3. As the petitioners are not coming since long shows that they are not interested to contest the case and do not want to proceed with the reference, so it is closed.

The case of the petitioners is not proved.

Hence, it is ordered:

ORDER

The action M/s M.K. Enterprises, Contractor, House No. G-21, Behind Maharaja Shuttewrs, Ghat Road, Nagpur and the Management of Reserve Bank of India, P.B. No. 15, Dr. Raghavendra Rao Road, Civil Lines, Nagpur in not reinstating the workman Shri Pralhad Santosh Tekade, Shri Akash Rameshwar Utkhede & Shri Manish Janrao Thakre over the alleged illegal termination from the service w.e.f. 01/08/2020 are just fair & legal. The workmen are not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 27 फरवरी, 2025

का.आ. 314.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (34/2014) प्रकाशित करती है।

[सं. एल-12012/50/2014-आई. आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 27th February, 2025

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. 34/2014) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India their workmen.

[No. L-12012/50/2014 – IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOURT COURT, NAGPUR

Case No.CGIT/NGP/34/2014

Date: 21.01.2025.

Party No.1:

1) The Chief Manager,
State Bank of India,
Shyam Vatsa,
Doctor's Lane, Vazirabad,
Nanded (M.S.) 431601

2) The Regional Manager,
State Bank of India,
Regional Office, New Mondha,
Nanded (M.S.) 431601

V/s.

Party No.2:

Sadashiv s/o Narayan Hanumante
Aged about 47 years, Occ- presently Nil
R/O Samta Nagar, Pawdewadi Naka
P.O. Yashwant Nagar, Nanded (M.s)
Pin 431601

AWARD(Dated: 21st January, 2025)

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 State Bank of India and their workman, Shri Sadashiv Narayan Hanmante for adjudication, as per letter **No.L-12012/50/2014-IR (B-I) dated 27.10.2014**, with the following schedule:-

1. **"Whether the applicant Shri Sadashiv Narayan Hanmante is a workman.**
2. **Whether the action of the management to terminating him from service orally is legal and justified. If not, to what relief Shri Sadashiv Narayan Hanmante is entitled to?"**

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement, by registered post with acknowledge due. In regard to which the petitioner/claimant filed statement of claim and management filed written statement. Petitioner also files rejoinder, evidence on affidavit and some documents on record.

3. Today the case called out. Learned Counsel for the Respondent is present before the court. Petitioner and his counsel are absent today. Previously on 03.03.2020 Petitioner has filed some documents with application no. I.A. No.1, but the papers are not proved and no other evidence has been filed by the petitioner till date. Statement of claim is not proved by the petitioner. As the petitioner is absent since long it appears that he is not interested to contest the case and did not want to proceed with the reference, so it was closed.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The applicant Shri Sadashiv Narayan Hanmante is a workman is not proved. The action of the management of terminating him from service orally is legal and justified. Shri Sadashiv Narayan Hanmante is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 27 फरवरी, 2025

का.आ. 315.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय स्टेट बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (35/2014) प्रकाशित करती है।

[सं. एल-12012/51/2014-आई. आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 27th February, 2025

S.O. 315.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 35/2014) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of State Bank of India their workmen.

[No. L-12012/51/2014 – IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOURT COURT, NAGPUR

Case No.CGIT/NGP/35/2014

Date: 21.01.2025.

Party No.1:

- 1) The General Manager,
State Bank of India,
Nariman Point,
Mumbai (M.S)

2) The Asstt. General Manager,
State Bank of India,
Shyam Vatsa,
Doctor's Lane, Vazirabad,
Nanded (M.S.)

V/s.

Party No.2:

Shaikh Hamid Shaikh Mehboob,
Aged about-61 Yrs., Occ-Presently Nill,
R/o Islampur, Nanded
(M.S)-431601

AWARD

(Dated: 21st January, 2025)

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 State Bank of India and their workman, Shri Shaikh Hamid Shaikh Mehboob for adjudication, as per letter **No.L-12012/51/2014-IR (B-I) dated 27.10.2014**, with the following schedule:-

1. **"Whether the applicant Shri Shaikh Hamid Shaikh Mehboob is a workman.**
2. **Whether Shri Shaikh Hamid Shaikh Mehboob has worked for 240 days continuously in a calendar year.**
3. **Whether the action of the management of terminating him from service orally is legal and justified. If not, to what relief Shri Shaikh Hamid Shaikh Mehboob is entitled to?"**

2. On receipt of the reference, the parties were noticed to file their respective statement of claim and written statement, by registered post with acknowledge due. In regard to which the petitioner/claimant filed statement of claim and management filed written statement. Petitioner also files rejoinder, evidence on affidavit and some documents on record.

3. Today the case called out. Learned Counsel for the Respondent is present before the court. Petitioner is not coming since 02.12.2021. Only on 10.10.2024 learned counsel for petitioner was present, but today he is also not present. Petitioner has filed some documents with application no. I.A. No.6, but the papers are not proved and no other evidence has been filed by the petitioner till date. Statement of claim is not proved by the petitioner. As the petitioner is absent since long it appears that he is not interested to contest the case and did not want to proceed with the reference, so it was closed.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The applicant Shri Shaikh Hamid Shaikh Mehboob is a workman is not proved. Shri Shaikh Hamid Shaikh Mehboob has worked for 240 days continuously in a calendar year is not proved. The action of the management of terminating him from service orally is legal and justified. Shri Shaikh Hamid Shaikh Mehboob is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 27 फरवरी, 2025

का.आ. 316.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार उत्तर पूर्व रेलवे के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (67/2013) प्रकाशित करती है।

[सं. एल-41011/58/2013-आई. आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 27th February, 2025

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. 67/2013) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of North Eastern Railway and their workman.

[No. L-41011/58/2013 – IR (B-I)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR

PRESIDING OFFICER

I.D. No. 67/2013

Ref. No. L-41011/582013-IR(B-I) dated: 18.10.2013

BETWEEN

Shri Parvez Aalam, Mandal Sangathan Mantri, Uttar Railway Karmachari Union, 283/63 KH, Garhi Kannora (Premvati Nagar), PO: Manak Nagar, Lucknow-11

AND

Sr. Divisional Personnal Officer, North Eastern Railway, Hazratganj, Lucknow

AWARD

By order No. L-41011/582013-IR(B-I) dated: 18.10.2013 the present industrial dispute has been referred for adjudication to this CGIT, Lucknow in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

“क्या उत्तर रेलवे प्रबंधन, लखनऊ द्वारा अपने कर्मकार श्री आर०के० मिश्रा, जे० ई०-11/ टी. एस. उत्तर रेलवे/ लखनऊ को कनिष्ठ कर्मकार श्री ए० के० मिश्रा के ऊपर दि० 30-12-2010 से पड़ोनिती न दिया जाना उचित एवम् वैधानिक है? यदि नहीं तो कामगार क्या हित लाभ प्राप्त करने का पात्र है?”

Accordingly, an industrial dispute No. 67/2013 has been registered.

On 22.01.2014 claimant filed claim statement with following prayer:

“विनम्रतापूर्वक निवेदन है कि कर्मकार श्री, आर०के० मिश्रा को कनिष्ठ कर्मकार ए०के० मिश्रा के ऊपर वेतन आदि सभी हित लाभों सहित दि० 30/12/2010 से एस०एस०ई० के पद पर पदोन्नति प्रदान करने हेतु अवार्ड पारित करने की कृपा करें। महान कृपा होगी।”

On behalf of the respondent statement of defense filed on 119/22.06.2015, denying the claim of the workman.

Thereafter, workman filed rejoinder on 03.08.2015 and evidence in support of his case vide affidavit dated 18.01.2018.

After filing of the evidence on affidavit, the workman did not turned for his cross-examination, in spite of several opportunities given to workman, he did not turn for his cross-examination.

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not field any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of

service if is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

13th January, 2025

Justice ANIL KUMAR, Presiding Officer

Let two copies of this award be sent to the Ministry for publication.

नई दिल्ली, 27 फरवरी, 2025

का.आ. 317.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ बड़ोदा के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय बंगलोर के पंचाट (02/2015) प्रकाशित करती है।

[सं. एल-12011/76/2014-आई. आर. (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 27th February, 2025

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.02/2015) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Bangalore* as shown in the Annexure, in the industrial dispute between the management of Bank of Baroda and their workman.

[No. L-12011/76/2014 – IR (B-II)]

SALONI, Dy. Director

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

“Shram Sadan”,
 G G Palya, Tumkur Road,
 Yeswanthpur, Bangalore – 560 022

DATED : 4th DECEMBER 2024
 PRESENT : **Smt. K. P. INDIRA B.A., LLB.**
 Presiding Officer

C R No. 02/2015

I Party

The General Secretary,
 Bank of Baroda
 Employees Union,
 C/o Bank of Baroda, K
 G Road,
 BANGALORE – 560 009.

II Party

The Deputy General Manager,
 Bank of Baroda, Regional Office,
 III Floor, Lexington Avenue,
 Brigade Road,
 BANGALORE – 560 025.

Appearances

I Party : **Shri Muralidhara**
 Advocate
 II Party : **Shri Ramesh Upadhayaya**
 Advocate

1. The Government of India, Ministry of Labour vide Order No. L-12011/76/2014-IR(B-II) dated 02/08.01.2015 in exercise of the power conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter referred as “The Act”) (14 of 1947) referred the following Industrial Dispute to this Tribunal for adjudication:

SCHEDULE

“Whether the action of the management of Bank of Baroda, Bangalore in refusing to regularize Shri Praveen B and 17 other workmen, mentioned in the annexure to the dispute raised by the Union is legal and justified. What relief are they entitled for?”

2. After registering the case the date of hearing was fixed as 18.03.2015 and Claim Statement was filed by the 1st Party on 16.03.2017 and Counter Statement of the II Party was filed on 17.11.2020. Then the matter was posted for cross-examination of WW 1 as the 1st Party filed his Affidavit in lieu of his examination-in-chief on 15.11.2019 and got marked Ex W-1 to Ex W-8. When the matter stood thus the 1st Party Union General Secretary along with his Counsel on 03.12.2024 filed a memo stating that a comprehensive dispute has been raised for regularization of 292 casual employees in which the all the 18 casual employees of this dispute are also included and hence, requested the claim to be closed as not pressed.

3. Perused the records. The 1st Party Union has filed a Memo dated 03.12.2024 which bears the signature of the 1st Party Union and counter signed by the learned counsel for the 1st Party on record. Therefore, in view of the above, the Memo is recorded and prayer is allowed. The reference is thus dismissed as not pressed. Transmit.

AWARD

Reference is dismissed as not pressed.

(Dictated to Secretary to Court, transcribed by him, corrected and signed by me on 4th December 2024)

K P INDIRA, Presiding Officer

नई दिल्ली, 27 फरवरी, 2025

का.आ. 318.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (02/2016-17) प्रकाशित करती है।

[सं. एल-12012/6/2016-आई. आर. (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 27th February, 2025

S.O. 318.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.02/2016-17) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of Union Bank of India their workmen.

[No. L-12012/6/2016 – IR (B-II)]

SALONI, Dy. Director

ANNEXURE**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/02/2016-17

Date: 17.02.2025.

Party No.1:

Shri Gajanan S/O Mahadeorao Mapale,
R/o Kachari Sawanga,
Tah. Katol
Distt. Nagur.

V/s

Party No.2:

The Branch Manager,
Union Bank of India,
Kachari Sawanga Branch,
Tahsil-Katol Distt. Nagpur.

AWARD(Dated: 17th February, 2025)

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 Union Bank of India and their workman, Shri. Gajanan S/o Mahadeorao Maple for adjudication, as per letter **No.L-12012/6/2016 (IR(B-II))** dated 31.03.2016, with the following schedule:-

Whether the action of the management of Union Bank of India, through Branch Manager, Branch Kachari Sawanga, Tahsil-Katol Distt. Nagpur in terminating the service of Shri. Gajanan S/o Mahadeorao Mapli is just fair & legal? If not, to what relief the concerned workman is entitled to?"

2. Case is called out. Learned Counsel for the respondent Shri. Dadu Sachdeva is present before the Court. None is present on behalf of the petitioner. Petitioner is not responding and attending the Court since 09/04/2020. IA no. 2 is pending for disposal but none is present to press this application on behalf of petitioner. Hence application IA no. 2 is rejected being not pressed. Although petitioner and respondent has filed their respective statement of claim and counter claim. Petitioner has filed his affidavit on 11/12/2017 but contents of the affidavit and claim are not proved by the petitioner. No other evidence has been filed by the petitioner to prove his claim. Claim of the petitioner is not proved so it is closed.

Hence, it is ordered:

ORDER

The action of the management of Union Bank of India, through Branch Manager, Branch Kachari Sawanga, Tahsil-Katol Distt. Nagpur in terminating the service of Shri. Gajanan S/o Mahadeorao Mapli is just fair & legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 27 फरवरी, 2025

का.आ. 319.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ महाराष्ट्र के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (56/2014-15) प्रकाशित करती है।

[सं. एल-12012/74/2014-आई. आर. (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 27th February, 2025

S.O. 319.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 56/2014-15) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of Bank of Maharashtra their workmen.

[No. L-12012/74/2014 – IR (B-II)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/56/2014-15

Date: 10.02.2025.

Party No.1:

The Regional Manager,
Bank of Maharashtra, Regional Office,
Nagpur Region, Mahabank Building,
Dr. Munje Marg, Sitabuldi,
Nagpur – 440012.

V/s

Party No.2:

Shri Tulsiram S/o Shriman Raut,
R/o Saundad, Tehsil: Sadak Arjuni,
Distt. Gondia.

AWARD

(Dated: 10th February, 2025)

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 Bank of Maharashtra, Branch Saundad and their workman, Shri Tulsiram S/o Shriman Raut, for adjudication, as per letter **No.12012/74/2014 (IR(B-II)) dated 06.01.2015**, with the following schedule:-

"Whether the action of the management of Bank of Maharashtra, Branch Saundad, terminating the service of Shri Tulsiram S/o Shriman Raut and denying the claim of applicant for reinstatement in service is just fair & legal? What relief the workman is entitled to?"

2. Case is called out. Learned Counsel Renuka Puranik Nalanwar has filed vakalatnama today on behalf of the Respondent. None is present on behalf of the Petitioner. The Petitioner as well as the Respondent are not attending the Court since 27.02.2020. Only today Counsel for the Respondent is present before the Court. Petitioner has filed his statement of claim on 14.01.2019 but no written statement has been filed by the Respondent till today. No evidence has been filed by the Petitioner to establish his say/claim. Contents of the statement of claim are not proved by any evidence available on record. Petitioner is not attending the Court since 27.02.2020. Petitioner is not interested to contest the case. Case is not proved so it is closed.

Hence, it is ordered:

ORDER

The action of the management of Bank of Maharashtra, Branch Saundad, terminating the service of Shri Tulsiram S/o Shriman Raut and denying the claim of applicant for reinstatement in service is just fair & legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 27 फरवरी, 2025

का.आ. 320.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (87/2018-19) प्रकाशित करती है।

[सं. एल-12012/56/2018-आई. आर. (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 27th February, 2025

S.O. 320.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.87/2018-19) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of Union Bank of India their workmen.

[No. L-12012/56/2018 – IR (B-II)]

SALONI, Dy. Director

ANNEXURE**BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR**

Case No.CGIT/NGP/87/2018-19

Date: 04.02.2025.

Party No.1:

1) The Branch Manager,
Union Bank of India,
Tiroda Branch, Tah. Tiroda,
Distt. Gondia – 441911

2) The General Manager,
Union Bank of India,
Branch: Tiroda, Tah. Tiroda,
Distt. Gondia - 441911

V/s.

Party No.2:

Shri Ravindra Baburao Chachane,
R/o At. Sarra, Post : Kodelohara,
Tah. Tiroda,
Distt. Gondia - 441911

AWARD(Dated: 04th February, 2025)

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 Union Bank of India, Tiroda Branch and their workman, Shri. Ravindra Baburao Chachane for adjudication, as per letter **No. L-12012/56/2018 (IR(B-II))** dated **11.02.2019**, with the following schedule:-

"Whether the action of the respondents management i.e., Union Bank of India, Tiroda Branch, Tah. Tiroda, Distt. Gondia through its Branch Manager, Union Bank of India, Tiroda Branch, Tah. Tiroda, Distt. Gondia through its General Manager in terminating the services of Shri Ravindra Baburao Chachane w.e.f. 16/12/2017 is just, fair and legal? If not, to what relief the workman is entitled to?"

2. Case called out. Petitioner is not coming since 01/09/2021. Learned Counsel for the respondent is present before the Court. Statement of claim and written statement have been filed by the parties and petitioner has also filed rejoinder and affidavit as evidence. But petitioner has not turned up to prove the contents of the affidavit filed by him as well as contents of statement of claim and rejoinder.

3. As the petitioner is not coming since long shows that petitioner is not interested to contest the case and do not want to proceed with the reference, so it is closed.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The action of the respondents management i.e., Union Bank of India, Tiroda Branch, Tah. Tiroda, Distt. Gondia through its Branch Manager, Union Bank of India, Tiroda Branch, Tah. Tiroda, Distt. Gondia through its General Manager in terminating the services of Shri Ravindra Baburao Chachane w.e.f. 16/12/2017 is just, fair and legal. The workman is not entitled to any relief.

Justice (Retd.) SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 27 फरवरी, 2025

का.आ. 321.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पश्चिम रेलवे के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय अहमदाबाद के पंचाट (34/2021) प्रकाशित करती है।

[सं. एल-41011/47/2021-आई. आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 27th February, 2025

S.O. 321.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 34/2021) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Ahmedabad* as shown in the Annexure, in the industrial dispute between the management of Western Railway their workmen.

[No. L-41011/47/2021 – IR (B-I)]

SALONI, Dy. Director

ANNEXURE

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

Present....

Radha Mohan Chaturvedi,

Presiding Officer (I/c),

CGIT-cum-Labour Court,

Ahmedabad

Dated 19th December, 2024

Reference (CGITA) No. - 34 / 2021

The Divisional Railway Manager,

Western Railway, Asarwa,

Ahmedabad (Gujarat) - 380016

..... First Party

V/s

The General Secretary,

Akhil Bhartiya Karmachari Mahasangh,

28-B, Narayan Park, B/h. Chandkheda Railway Station, Sabarmati,

Ahmedabad (Gujarat) - 382470

.....Second Party

For the First Party

: None

For the Second Party

: Shri R. S. Sisodiya

AWARD

The Ministry of Labour and Employment, Government of India have in exercise of powers conferred by the Clause (d) of Sub-section (1) and Sub-section 2A of Section 10 of Industrial Disputes Act, 1947 referred the below mentioned dispute vide reference adjudication Order No. L-41011/47/2021-IR (B-I) dated 16.11.2021 for adjudication to this Tribunal.

SCHEDULE

“Whether the action of Railway Administration in transferring Mr. Pradeep Dambre, SSC (Drawing) from Ahmedabad to Valsad and back to Ahmedabad within a period of 6 months and further reverted him to the lower post of Jr. Engineer and placing him at bottom seniority of Jr. Engineer is fair, legal and justified? If not, what relief the workman is entitled to?”

1. The reference was received in this Tribunal on 29th November, 2021. The second party submitted statement of claim on 16.02.2023. The case is listed for filing of written statement by the first party.
2. The matter is taken up today. None present on behalf of the first party. Shri R. S. Sisodiya, General Secretary of union is present on behalf of claimant with his workman. He filed withdrawal application at Ex. 8.
3. The application Ex. 8 is allowed. As the claim of the second party has been withdrawn by him, it is established that there is no claim pending from the second party against first party management.
4. It is therefore just & proper to pass an award considering “no claim” filed by the second party.
5. The award is passed as above. The award be sent for publication U/s 17(1) of Industrial Disputes Act, 1947.

RADHA MOHAN CHATURVEDI , Presiding Officer (I/c)

नई दिल्ली, 27 फरवरी, 2025

का.आ. 322.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (37/2022) प्रकाशित करती है।

[सं. एल-12011/69/2022-आई. आर. (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 27th February, 2025

S.O. 322.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 37/2022) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Central Bank of India their workmen.

[No. L-12011/69/2022 – IR (B-II)]

SALONI, Dy. Director

ANNEXURE**CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA**

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO. 37 OF 2022

Parties : Employers in relation to the management of

1. **Central Bank of India, and**
2. **M/s. Vaishali Security Investigation Pvt. Ltd.**

Versus

Bank Employees' Federation, West Bengal.

Appearance :

On behalf of Central Bank of India: Absent.

On behalf of M/s. Vaishali Security Investigation Pvt. Ltd.: Absent.

On behalf of the Union : Mr. Sudipta Saha Roy, Authorised Representative.

Dated: 28th January, 2025

AWARD

By order no. L-12011/69/2022 IR(B-II) dated 12-08-2022, Central Government, Ministry of Labour and Employment, in exercise of power conferred u/s 10 (1) (d) and sub-section (2A) of the I.D. Act, 1947 has referred the following issue to this Tribunal for adjudication:-

“Whether the action of the management of M/s. Vaishali Security Investigation Pvt. Ltd., contractor of Central Bank of India, Zonal Office, Kolkata in retrenching Sri Chiranjit Banerjee, Security Guard without paying him retrenchment compensation as per I.D. Act, 1947 is fair, legal and justified? If not, what relief the concerned workman is entitled to?”

The facts giving rise to the present case is that Central Bank of India, Zonal Office, Kolkata had sourced out the job of security guards and as such it had engaged M/s. Vaishali Security Investigation Pvt. Ltd., a service provider, for supply of security guards at its establishment.

It is the case of the workman that Central Bank of India has a training college at Salt Lake with hostel facilities. That Security Guards are deployed in such training college, in order to guard such establishment of the bank. Thus, he was engaged by M/s. Vaishali Security Investigation Pvt. Ltd as a Security Guard and posted at such training college. He has further alleged that he was working as a Security Guard in such training college of bank since 18-11-2010 and worked under different contractors engaged by the bank and lastly he was engaged by M/s. Vaishali Security Investigation Pvt. Ltd. on 01-03-2015. That he discharged his duty with utmost sincerity and diligently. Unfortunately, he was served with a show cause notice on 11-09-2020 by his employer for damaging its reputation and called for explanation. That he submitted explanation on 15-09-2020, but the employer not being satisfied with his explanation placed him under suspension for the period from 17-09-2020 to 23-09-2020 by issuing an order dt. 16-09-2020.

That on expiry of such suspension period he approached the employer to permit him to resume his duty, but his employer sent him for medical test at ESI Hospital. That on the medical fitness report he went to join his duty but his employer served him with a transfer order dt. 23-09-2020 asking him to join Central Bank of India, Regional Office, Durgapur.

It has been alleged by him that he went to Durgapur to join his duty on several occasion but management of the bank did not allow him to join his duty on the plea that the bank already has a security guard. That he could not join the place of his transfer as his transfer order was designed and implemented by his employer with sole purpose to retrench him from the service. Thus, he alleged that was illegally retrenched from the service without adhering the provisions of section 25-F of I.D. Act and prayed for declaration that his retrenchment to void ab initio and for payment of compensation u/s 25-F of the Industrial Disputes Act.

Record shows that M/s. Vaishali Security Investigation Pvt. Ltd. has failed to appear and contest the claim of the workman despite due service of notice upon it and as such it has been proceeded exparte.

The case of the workman has been contested by the principal employer bank by filing written statement, where it has categorically alleged that it had no relationship of employer and employee in between it and the concerned workman as concerned workman was engaged as a Security Guard by its service provider/ contractor engaged by it for supply of security guards at its establishment.

That it was the prerogative right of the contractor/ employer to decide whom to retain or to retrench from the service. That it cannot be held responsible for the decision taken by the contractor employer in respect of the employees employed by contractor or for retrenchment of the concerned workman, an employee of its contractor. It has also alleged that employees supplied by contractors are controlled and supervised by the contractor and not by it. Therefore, it has alleged that the present case is not maintainable against it and has prayed for dismissal of the same. Ultimately, bank too failed to proceed with the case and as such the present case has been proceeded exparte against it.

That concerned workman to prove his case has examined himself as a witness before this Tribunal and he has produced following documents in support of his claim and case:-

1. Copy I.D. Card issued to workman by Vaishali Security Investigation Pvt. Ltd. as Exb.W-1.
2. Copy of workman's petition dt. 15-09-2020 to the management of Vaishali Security Investigation Pvt. Ltd. as Exb.W-2.
3. Copy of letter dt. 16-09-2020 addressed to workman by Vaishali Security Investigation Pvt. Ltd. as Exb.W-3.
4. Copy of letter dt.24-09-2020 of Vaishali Security Investigation Pvt. Ltd. to Medical Superintendent, ESI Hospital as Exb.W-4.
5. Copy of OPD slip of workman issued by ESI Hospital on 28-09-2020 as Exb.W-5.
6. Copy of prescription of workman dt.25-09-2020 issued by ESI Hospital as Exb.W-6.
7. Copy of transfer order of workman dt.23-09-2020 issued by Vaishali Security Investigation Pvt. Ltd. as Exb.W-7.
8. Copy of train tickets and bus ticket dt.05-10-2020, 06-11-2020 are marked as Exb.W-8, 8/A, 8/B and 8/C.
9. Copy of representations of workman dt.24-10-2020 and 30-09-2020 to the Chairman of Vaishali Security Investigation Pvt. Ltd. are marked as Exb.W-9 and W-9/A
10. Copy of my Provident Fund slips are collectively marked as Exb.W-10.
11. Copy of union's letter dt.04-01-2021 to DLC (C), Kolkata is marked as Exb.W-11.
12. Copy of conciliation proceeding dt.23-02-2021, 06-04-2022 and 09-06-2022 are marked as Exb.W-12, W-12/A and 12/B.
13. Copy of conciliation failure report dt. 22-06-2022 as Exb.W-13 and
14. Copy of agreement executed between Central Bank of and M/s. Vaishali Security Investigation Pvt. Ltd as Exb.W-14.

Having regards to the pleadings of the parties, oral and documentary evidence adduced by workman and submission made by authorised representative of union, it appears that Central Bank of India had outsourced the job of security guards at its establishment. From Exb.W-14 dt. 06-07-2020, it appears the agreement which the bank had with M/s. Vaishali Security Investigation Pvt. Ltd. was further renewed for deployment of 4 security guards at its Zonal Office building for the period from 01-06-2020 to 31-05-2021 on terms and conditions contained in the agreement.

From the documents that have been produced and exhibited by the workman it appears that workman was served with a show cause and placed under suspension, when he was found in sleeping condition during duty hours on 11-09-2020. That he was placed under suspension for the period from 17-09-2020 to 23-09-2020. That before permitting him to rejoin his duty as a security guard on expiry of suspension period, he was sent for medical fitness at ESI hospital. The Doctor of ESI Hospital had declared the workman fit for normal activities. Then he was transferred from bank's Training College at Salt Lake to Regional Office, Durgapur on 23-09-2020 and directed him to join immediately at his new place of posting.

The copy of workman's letter dt. 30-09-2020 addressed to the employer shows that he would be able to join his new place of posting only in between 4th to 10th October, 2020 and also sought leave in between 4th to 10th October, 2020.

The workman to prove that he went to join his new place of posting on 04-10-2020, 05-10-2020 and on 06-11-2020 have produced CTC Bus and South Bengal State Transport Corpn. Bus Tickets. That he in his letter dt. 14-10-2020 addressed to the employer shows that he went to join his new place of posting on 05-09-2020 but he was not allowed to join by another security guard Sri Arup Kar and his men and as such he informed about such incident to Sri Ravi K. Govind and union on 06-10-2020 and 10-10-2020, but he failed to file copy of such letters as mentioned above, to prove that he was sincere and diligent in complying the transfer order with immediate effect as desired by his employer.

It is true whatever evidence that have come on record stands unchallenged as both the employers have failed to contest the case but whatever documents that have come on record show that the workman was show caused for dereliction of duty as he being a security guard was found sleeping during duty hour.

That transfer order dt. 23-09-2020 shows that he was transferred to Regional Office, Durgapur in view of paragraph 2 of renewal work order dt. 12-07-2020 that was executed in between principal employer and contractor employer. That he was transferred in place of one Sri Arup Kar with immediate effect.

It is very interesting to note from Exb. W-9/A dt. 30-09-2020, that workman wanted to join his new place of posting as per his convenience and desire and on the date of his choice, when the transfer order invariably directed him to join his new place of posting immediately. He in such letter had informed the management that he would join in between 4th October, 2020 to 10th October, 2020 and at the same time he has sought leave for the period from 4th October, 2010 to 10th October, 2020. So, it is not known what he actually wanted.

The bus tickets show he is a resident of Barasat, North 24 Parganas and earlier he was posted at Training College of the bank situated at Salt Lake, which is within the district of North 24 Parganas and distance of around 20 K.M. Further, he had sought change in his transfer order from Durgapur to Regional Office at Kolkata.

Such conducts on the part of the workman proves that he being an employee of a contractor in the capacity of a Security Guard lacks sense of responsibility and he wants to discharge his duty not as per the terms and conditions and convenience of the person for whom he was engaged to work as a security guard. The job of a security guard in a bank is a responsible job, but the attitude and conduct of the concerned workman reflected above proves he is not a fit person for the job of a security guard.

No doubt, the bus tickets show that he went to join his new place of posting, not immediate after getting the transfer order on 23-09-2020 but on 5th/6th October, 2020 and thereafter one month's later on 06-11-2020. Such conduct further proves irresponsible, no care attitude of the workman as a security guard and least adherence to the transfer order.

However, no cogent and corroborative evidence have come on record to prove indeed the workman was prevented and threatened to join his new place of posting by Sri Arup Kar and his men as he has failed to produce any police complaint to that effect or any witness to that effect, rather it can be inferred from his conducts mentioned above that he being a resident of Barasat, North 24 Parganas was not willing to join at Durgapur as a security guard. The job of security guard of a bank cannot be discharged by commuting daily from Barasat to Durgapur. That security guard of a bank has to discharge duty on shift by doing day duty or night duty. Therefore, this Tribunal is unable to accept the contention of the workman that he was prevented from joining as a security guard at Durgapur Regional Office. For the sake of argument even if we assume that he was threatened and prevented by Sri Arup Kar, another security guard of same agency, then he could have brought such fact to the notice of the management of the Bank at Durgapur, in whose establishment he was to join and work, but he has failed to produce any petition to that effect filed before the bank authority in this Tribunal. Having regard to such facts this Tribunal is unable to accept the contention of workman that he was terminated from the service in the guise of transfer order by his employer, rather it appears he voluntarily did not join his new place of posting. If the job was so essential to him then he would have made an effort to join the duty immediate after the issue of transfer order on 23-09-2020, but the bus tickets filed by him show he went to Durgapur on 5th and 6th October, 2020 and one month thereafter i.e. on 06-11-2020 and which prove he was not interested or keen to join at Durgapur, a distant place from his residence at Barasat.

In view of the above, this Tribunal holds that there was no retrenchment of the concerned workman by his employer as alleged by him, rather it appears he voluntarily failed to join his assignment at new place and as such he is not entitled to get any relief as prayed for. Accordingly, Reference No.37 of 2022 is dismissed and an award to that effect is passed.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 27 फरवरी, 2025

का.आ. 323.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार आयुध निर्माणी बोर्ड के प्रबंधतंत्र, संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (31/2023) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई. आर. (बी-1)-26]

सलोनी, उप निदेशक

New Delhi, the 27th February, 2025

S.O. 323.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 31/2023) of the *Cent.Govt.Indus.Tribunal-cum-*

Labour Court Kolkata as shown in the Annexure, in the industrial dispute between the management of Ordinance Factory Board their workmen.

[No. L-12025/01/2025– IR (B-I)-26]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

REF. NO. 31 OF 2023

Parties : Employers in relation to the management of

Ordinance Factory Board.

Versus

Smt. Arunima Karmakar & Ors.

Appearance:

On behalf of Ordinance Factory Board: Mr. Bikramjit Bhattacharjee, Ld. Advocate.

On behalf of Smt. Arunima Karmakar & Ors: Mr. Debraj Mallick . Ld. Advocate.

Dated: 5th February, 2025.

AWARD

By order No. Kol-700020/18/2023-Dy. CLC (C) dated 29-11-2023, the Dy. Chief Labour Commissioner (Central), Kolkata in exercise of power conferred under section 12 (5) read with sub-section (2A) of section 10 of the Industrial Dispute Act, 1947 and in view of notifications of the Government of India Part II, Section 3, Sub-Section (ii) vide S.O.1262 (E) and 1263(E) both dated 17-03-23 has referred the following issue for determination to this Tribunal :-

“Whether the action of the management of Directorate of Ordinance (Coordination & Services), Ordinance Factory Board, Kolkata in terminating the Stenographers without giving any advance notice and not regularising in service is justified? If not, what relief the concerned workmen are entitled to?”

However, all six workmen have filed six separate withdrawal applications supported by affidavit and where they have stated that they want to withdraw the case voluntarily and without any undue influence as they are contemplating to seek relief in some other alternative forum.

Ld. Counsels for both sides are present. The withdraw petitions are taken up for consideration. Ld. Counsel for Ordinance Factory Board, Govt. of India raises no objection and submits, he has no objection if the workmen are allowed to withdraw the dispute which they have raised before Labour Commissioner and referred by Ministry of Labour.

Since all the six workmen do not want to proceed with the dispute referred by Dy. CLC, Kolkata in exercise of power conferred u/s 12(5) read with section 10(2) (a) of the I.D. Act and by virtue of gazette notification dt.17-03-2023 issued u/s 3(ii) and as such their prayers are considered and allowed as they want to seek relief in some other forum.

Accordingly the Reference Case No.31/2023 stands withdrawn and disposed of. An award to that effect is passed.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 27 फरवरी, 2025

का.आ. 324.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार कंटेनर कॉर्पोरेशन ऑफ इंडिया लिमिटेड के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकता के पंचाट (15/2018) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई. आर. (बी-1)-27]

सलोनी, उप निदेशक

New Delhi, the 27th February, 2025

S.O. 324.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 15/2018) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of Container Corporation of India Limited their workmen.

[F. No. L-12025/01/2025- IR (B-I)-27]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA

Present : Justice K. D. Bhutia, Presiding Officer.

CGIT. NO. 15 OF 2018

Parties : Employers in relation to the management of

- 1. Container Cooperation of India Limited, and**
- 2. M/s. Bengal Sainik Punervas Corporation Limited.**

Versus

Sri Janardan Giri

Appearance:

On behalf of Container Cooperation of India Limited: Mr. Debasish Sarkar , Ld. Advocate.

On behalf of M/s. Bengal Sainik Punervas Corporation Limited: Absent.

On behalf of the Workmen: Mr. Saibal Mukherjee, Ld. Advocate.

Dated: 28th January, 2025

AWARD

This case is u/s 2A of I.D. Act, filed by the workman Sri Janardan Giri, challenging his termination from the service as an Armed Security Guard or Gunman.

The facts giving rise to the present case is that Container Cooperation of India Limited had sourced out the job of security guards and incidental services at its establishments at its Container Terminal to the DGR sponsored agencies. That it had an agreement with M/s. Bengal Sainik Punervas Corporation Limited, one of the DGR sponsored agencies for supply of security guards, Gunmen and Supervisor initially for a period of two years w.e.f. 01-04-2015 to 31-03-2017 and later such agreement was extended w.e.f. 01-04-2017 till 30-09-2017.

It is the case of the workman that all along he worked in the establishment of Container Cooperation of India Limited under its different contactors from April, 2005 and lastly under M/s. Bengal Sainik Punervas, as a Gunman.

That all on a sudden and without serving any show cause notice or termination notice, he was terminated from the service by the Supervisor Mr. Halder w.e.f. 01-11-2017. He has alleged that before such termination no charge sheet was issued, no domestic enquiry was held and without giving him any opportunity of being heard, he was terminated from the service. He has alleged that his such termination is in violation of principle of natural justice and provisions of section 2(oo), 25-F and 25-H of Industrial Disputes Act, 1947.

Therefore, he has prayed for declaration that his termination to be illegal, for reinstatement in service with full back wages or to grant any other relief to which he is entitled.

Record shows that M/s. Bengal Sainik Punervas Corpn. Ltd. has failed to appear and contest the claim of the workman despite due service of notice upon it and as such it has been proceeded ex parte.

The case of the workman has been contested by the principal employer by filing written statement, where it has categorically alleged that it had no relationship of employer and employee in between it and the concerned workman as concerned workman was engaged as a Gunman by its service provider/ contractor engaged by it for supply of security guards and Supervisors at its establishment at Container Terminal, Kolkata.

That the contract which it had with M/s. Bengal Sainik Punervas Corpn. Ltd. was for limited period and had come to an end on expiry of the period of contract on 30-10-2017. It has also alleged that initially there was a contract for supply of 39 men power and later as per the requirement the number has been decreased to 34. That as per contract the contractor employer supplied required 34 nos. of securities. That it was the prerogative right of the contractor/ employer to decide whom to retain or to retrench from the service. That it cannot be held responsible for the decision taken by the contractor employer in respect of the employees employed by contractor or for retrenchment of the concerned workman an employee of its contractor. It has also alleged that employees supplied by contractors are controlled and supervised by the contractor and not by it. Therefore, it has alleged that the present case is not maintainable against it and has prayed for dismissal of the same.

That concerned workman to prove his case has examined himself as a witness before this Tribunal and he has produced following documents in support of his claim and case:-

1. Copy of union's letter dt.30-11-2017 to Labour Commissioner(C) as Exb.W-1.
2. Copy of certificate issued by Conciliation Officer u/s 2A of the I.D. Act as Exb.W-2.
3. Four copies of I.D. Card issued by Bengal Sainik Punervas Corpn. Ltd., Assembly of Elite Guards, Nezones and Metropolis Security Service to the concerned workman as Exb.W-3 to 3/3.
4. Copy of salary statements issued by Assembly of Elite Guards in between October, 2010 to March, 2015 and Bengal Sainik Punervas Corpn. Ltd. in between June, 2015 to November, 2017 as Exb.W-4 collectively.
5. Copy of proceedings before ALC (C), Kolkata in connection of Case no. 5/11/2018 in four sheets as Exb.W-5 to Exb W-5/B and
6. Copy of union's letter dt. 20-04-2018 and 06-04-2018 to the Management of principal employer as Exb.W-6 and 6/A.

On the other hand Container Corporation, principal employer has examined Sri Manoranjan Pattanayak, Terminal in Charge of C.T.K.R. Terminal as M.W.1 and he has produced following documents :-

1. Copy of agreement dt. 30-03-2015 along with letter dt. 30-10-2017 and letter of authority which have been marked as Exb.M-1 and M-2.

Having regards to the pleadings of the parties, oral and documentary evidence adduced by them and submission made by Ld. Counsel for the parties, it appears that Container Cooperation of India Limited being a Public Sector Undertaking had outsourced the job of security guards at its establishment at Container Terminal, Kolkata to different contractors as transpired from Exb.W-3 series and Exb.W-4 collectively. That Identity Cards of the concerned workman issued by different contractors of Container Cooperation and salary statements show that he was engaged as a Gunman by different contractors of Container Cooperation sometime in the year 2010 and he lastly worked as a Gunman in the establishment of Container Cooperation of India Limited as an employee of M/s. Bengal Sainik Punervas Corpn. Ltd. That he lastly worked till 30-10-2017.

The workman in his evidence recorded under oath by the Tribunal has candidly admitted that he worked in the establishment of Container Cooperation of India Limited and he was engaged to work in the establishment of Container Cooperation of India Limited by different contractors of Container Cooperation of India Limited as a Gunman /Armed Guard. That he was all along paid salary by the contractors and not by the principal employer Container Cooperation of India Limited. He has also stated that his work used to be supervised by the Supervisor engaged by contractors. That his service was terminated by his employer M/s. Bengal Sainik Punervas Corpn. Ltd., the then contractor of the Container Cooperation of India Limited on 01-11-2017. That he was terminated from the service as he was prevented from joining the duty. That he was never served with any notice of termination or before termination he was given an opportunity of being heard.

He has categorically denied the suggestion put by Ld. Counsel for Container Cooperation Ltd. that he was not retrenched or terminated from the service by M/s. Bengal Sainik Punervas Corpn. Ltd., rather he refused to take a new assignment elsewhere offered to him by his immediate employer M/s. Bengal Sainik Punervas Corpn. Ltd.

However, workman during his cross examination has admitted that he was never appointed or employed directly by Container Cooperation of India Limited rather stated that he was terminated from the service by M/s. Bengal Sainik Punervas Corpn. Ltd. and not by Container Cooperation of India Limited.

It is true that concerned workman might have worked for Container Cooperation of India Limited as a Security Guard since 2004 as alleged by him or from 2010 as seen from salary statements filed by him, as an

employee under different contractors. So, a presumption can be drawn that he was well aware of the fact that the contractors who appointed or employed him to work in the establishment of Container Cooperation of India Limited were/ are not the permanent contractors of Container Cooperation of India Limited or Container Cooperation of India Limited engage contractors only for limited period i.e. for the period prescribed in the agreement executed in between Container Cooperation of India Limited and its contractors. Therefore, it can be presumed that his service period is also confined only to the period of contract executed in between principal employer and contractor employer who engaged him and provided his service is not retrenched by his immediate employer on some other ground during the subsistence of period of agreement.

The Exb.M-1 prima facie shows that there was an agreement in between Container Cooperation of India Ltd. and Bengal Sainik Punervas Corpn. Ltd. on 30-03-2015 for supply of 39 men power such as 25 Security Guards, 11 Gunmen and 3 Supervisors at C.T.K.R. Container Terminal, Kolkata w.e.f. 01-04-2015 to 31-03-2017 for a period of two years on the terms and conditions as laid down therein. It further shows that M/s. Bengal Sainik Punervas Corpn. Ltd. was granted contract for supply of men power by Container Cooperation of India Ltd. on the basis of tender process. It further shows that such agreement was extended for further period from 01-10-2017 to 30-09-2019 by issuing a letter dt.30-10-2017 by Container Cooperation of India Limited, Eastern Region Office, Kolkata.

The union's letter and copy of the proceeding before the ALC (C), Kolkata prima facie show that concerned workman raised an industrial dispute for his illegal termination w.e.f. 01-11-2017 by his employer.

Therefore, it is seen that M/s. Bengal Sainik Punervas Corpn. Ltd. terminated the service of the concerned workman during the subsistence of contract in between it and Container Cooperation of India Limited.

That the salary statements filed by the workman prima facie shows that he worked for more than 240 days in a calendar year for M/s. Bengal Sainik Punervas Corpn. Ltd. in the establishment of Container Cooperation of India Limited as Gunman. In fact salary statement shows that he continuously worked in the under different contractors since 2010 and under M/s. Bengal Sainik Punervas Corpn. Ltd. in the years 2015, 2016 and till October, 2017.

Therefore, he having worked for more than 240 days in a calendar year for M/s. Bengal Sainik Punervas Corpn. Ltd. in the establishment of Container Cooperation of India Limited and in view of provisions of section 25-B of I.D. Act, he is presumed to be in continuous service of M/s. Bengal Sainik Punervas Corpn. Ltd. Therefore, before terminating him from the service then his immediate employer ought to have served him with one month notice indicating the reason for retrenchment. The employer should have given an opportunity to the workman of being heard. Nothing has come on record to show that workman was paid wages in lieu of notice or for the period of notice or compensation as provided in section 25-F of the I.D. Act. In fact it appears that M/s. Bengal Sainik Punervas Corpn. Ltd., the employer of the concerned workman has violated the provisions of section 25-F and retrenched him without following the procedures laid down in the Act.

In view of above, this Tribunal holds that retrenchment of workman Sri Janardan Giri, by his then immediate employer M/s. Bengal Sainik Punervas Corpn. Ltd., without complying the provisions of Section 25-F to be illegal. Since M/s. Bengal Sainik Punervas Corpn. Ltd. has failed to appear and contest the case and nothing has come on record that it is still running the business of service provider, then it would not be proper on the part of this Tribunal to direct such employer to reinstate the workman in the service of a Gunman and ultimately the workman may not get the relief in the form of reinstatement and as such question of payment of back wages too does not arise. More so, no evidence has come on record to show that after retrenchment, the workman was not gainfully engaged elsewhere. Further, nothing has come on record to show that concerned workman is mentally and physically fit to discharge the duty of a Gunman or Armed Security Guard or he has not attained the age of superannuation as per DGR rules to work as an Armed Security Guard.

However, the service of workman was terminated in violation of the provisions of section 25-F and as such M/s. Bengal Sainik Punervas Corpn. Ltd. is directed to pay compensation of Rs.1,50,000/- (Rupees One Lakh Fifty thousand) only to the workman within two months of passing of this award or publication of the award whichever is earlier, i.d. the workman shall be liberty to execute the award as per law. Accordingly, an award to that effect is passed and CGIT-15 of 2018 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 28 फरवरी, 2025

का.आ. 325.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार यूनियन बैंक ऑफ इंडिया के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट

औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (53/2014) प्रकाशित करती है

[सं. एल-12012/96/2010-आई. आर. (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 28th February, 2025

S.O. 325.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 53/2014) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Union Bank OF India and others.

[F. No.-12012/96/2010-IR(B-II)]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT, LUCKNOW

PRESENT

JUSTICE ANIL KUMAR PRESIDING OFFICER

I.D. No. 53/2014

Ref. No. L-12012/96/2010-IR(B-II) dated: 19.04.2011

BETWEEN

Sh. Anand Swaroop Mani Tripathi, S/o Sh. Udai Narain Tripathi Village Prarepur Mishra, Post Bahadurpur(Maryadpur Distt. Mau

AND

1. The Chief Manager/Dy. General Manager Regional Office, Union Bank of India, Harihar Prasad Dubey Marg, Daupur
2. The Branch Manager Union Bank of India, Branch Office, Maryadpur, Distt. Mau

AWARD

By order No. L-12012/96/2010-IR(B-II) dated: 19.04.2011 the present industrial dispute has been referred for adjudication to this CGIT, Kanpur subsequently transferred to this CGIT, Lucknow vide order dated 27.08.20104 in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 the Industrial Disputes Act, 1947 (14 of 1947) by the Central Government, with following schedule:

"Whether Shri Anand Swaroop Mani Tripathi business facilitator appointed by the Union Bank of India Gorakhpur is a workman under the LD. Act, 1947? If yes, whether the action of the management of Union Bank of India, Gorakhpur in terminating the services of Shri Anand Swaroop Mani Tripathi w.e.f. 05.5.2010 is just fair and legal? What relief the workman is entitled to?"

Accordingly, an industrial dispute No. 53/2014 has been registered.

On 02.07.2011 claimant filed claim statement supported by an affidavit.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent on 25.09.2007 as Business Facilitator; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 05.05.2010.

On behalf of the respondent statement of defense filed on 20.01.2013 in which preliminary objection also taken by the respondent.

Thereafter, workman filed rejoinder on 13.03.2013 and evidence in support of his case vide affidavit dated 23.11.2015.

After filing of the evidence on affidavit, the workman did not turned for his cross- examination, in spite of several opportunities given to workman, he did not turn for his cross-examination.

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not filed any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

"It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if it is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief."

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

"The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led."

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

"The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed."

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

13th January, 2025

Justice ANIL KUMAR, Presiding Officer

Let two copies of this award be sent to the Ministry for publication.

नई दिल्ली, 3 मार्च, 2025

का.आ. 326.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक ऑफ इंडिया के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (08/2015) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई. आर. (बी-1)-28]

सलोनी, उप निदेशक

New Delhi, the 3rd March, 2025

S.O. 326.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 08/2015) 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 their workmen.

[No. L-12025/01/2025-IR (B-I)-28]

सलोनी, उप निदेशक

ANNEXURE

**THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR
NO. CGIT/LC/RC/08/2015**

Present: P.K.Srivastava

H.J.S..(Retd)

Abdul Wahab

Messenger, State Bank of India

GPO, Indore (M.P.)

Through its General Secretary

Dainik Vetan Bhogi Bank Karmachari Sangathan

F-1, Tripti Vihar, Opposite Engineering College

Ujjain (M.P.)

Workman

Versus

The Dy. General Manager

State Bank of India,

Administrative Office, 5,

Yashwant Niwas Road, Indore (M.P.)

Management

AWARD

(Passed on this 21st day of January-2025.)

The applicant workman has filed this petition u/s. 2-A(2&3) of the Industrial Disputes Act 1947 (in short the 'Act') against the management of State Bank of India seeking his reinstatement with back wages and benefits.

After registering the case on the basis of the petition received, Notices were sent to the management and were duly served on them. They appeared and filed their statements of defense.

In short, the case of the workman is that he has engaged in the Branch by the then Branch Manager N.T. Sapre on 02.05.1990 as a daily wager and worked continuously thereafter. He was called for interview by the management Bank which initiated a process for regularization of the daily wagers who had worked in the Bank for the period at provided in the Circular. He was interviewed by Bank on 20.02.1997, but was not regularized. On 11.12.1998 he was paid retrenchment compensation Rs. 5040/- by way of Cheque and was asked by the then Manager in the Branch that his services were to stand terminated from 11.12.1998. According to the workman, the then Manager assured him to engage him from 01.01.1999 and this retrenchment compensation was only a camouflage. One Trilok Chand Dhiman who was also a daily wager engaged by the Bank in Mari Mata Branch Indore was also terminated from 11.12.1998 and retrenchment compensation was given to him.

It is further the case of the workman that he was reengaged by the Bank in the said Branch from 01.01.1999 and was paid his wages through payment vouchers in the name of stitching of vouchers and Hammali from Petty Cash though the work of Messenger and other works were taken from him by the Branch Manager. He thus worked and was paid in this manner till 22.05.2014 and thereafter he was paid his wages in the name of a bogus firm K.K. Book Binding. He thus worked continuously with the Bank till 26.06.2015 when his services were terminated without any notice or compensation. Also, services of Trilok Chand Dhiman, a daily wager engaged by Bank after him, were regularized. This action of management is in violation of Section 25-F & 25-G of the Act, hence against law. He raised a dispute within three years of his termination before the Assistant Labour Commissioner (Central) which could not be conciliated within 45 days, hence this petition. The workman has requested that holding the action of management disengaging him against law, he be held entitled to be reinstated with all back wages and benefits and also to be regularized in service.

According to management, the workman was engaged as daily wager on 02.05.1990 his services were terminated by Bank on 11.12.1998 after paying retrenchment compensation of Rs. 5040/-. Within this period, he was granted opportunity for regularization and was called for interview by management in this respect, but after overall assessment, he was found unfit for regularization. It is further the case of management that, no assurance as claimed by the workman was ever given by any Officer of the Bank nor has any daily wager engaged later than his engagement as daily wager has been retained by management. It is further the case of management that after 11.12.1998 he was not engaged by management nor he was appointed against any post following recruitment process. Also that he never worked for 240 days in any year after 11.12.1998. Accordingly, the management has sought dismissal of the petition.

In evidence, the workman has proved photocopy documents by way of secondary evidence, which are Ex. W/1 retrenchment notice, W/2 Cheque of retrenchment compensation, W/3 retrenchment notice and Cheque of retrenchment compensation with respect to Trilok Chand Dhiman, W/4 is reply of management filed before Assistant Labour Commissioner with regard to demand of bonus by the management, W/5 the list of daily wagers prepared in 1993, W/6 letter of management dated 31.01.2005 to Post Master asking him to deliver some documents mentioned to the workman who was sent by Bank as Messenger. Ex. W/7 to W/9 are three documents to indicate that the workman worked on 25.04.2009 as per W/7, W/8 is undated, W/9 is the Insurance Form of the workman. Ex. W/10 to W/13 are Cheques for 24.07.1999, 24.11.2009, 02.02.2010, 30.07.2010 and three other Cheques of 2009 and 2010. Ex. W/14 is photocopies of various payment vouchers from 1992 to 2013 which show that the workman was paid for Hammali and Stitching of Vouchers. Ex. W/16 and W/17 are Cheques in the name of K.K. Book Binding issued in 2015. The workman filed his affidavit as examination in chief, he has been cross examined by management.

Management has filed affidavit of its witness as his examination in chief. He has been cross examined by workman side.

I have heard argument of learned Counsel for applicant workman Shri Arun Patel and learned Counsel Shri Vijay Tripathi for management.

I have gone through the record and the arguments as well.

On perusal of record in the light of rival arguments, following issues arise for determination:-

1. ***Whether the workman has successfully proved his continuous engagement, as defined u/s. 25-B of the Act, in the year preceding the date of his termination 26.06.2015 ?***
2. ***Whether the workman has been terminated in violation of Section 25-F & 25-G of the Act ?***
3. ***Whether the workman is entitled to relief claimed ?***

Issue No.-1:-

Before, entering into any discussion, Section 25-B of the Act is being reproduced as follows :-

25B. Definition of continuous service.—For the purposes of this Chapter,—

(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.

Explanation.—For the purposes of clause (2), the number of days on which a workman has actually worked under an employer shall include the days on which—

(i) he has been laid-off under an agreement or as permitted by standing orders made under the Industrial Employment (Standing Orders) Act, 1946 (20 of 1946), or under this Act or under any other law applicable to the industrial establishment;

(ii) he has been on leave with full wages, earned in the previous years;

(iii) he has been absent due to temporary disablement caused by accident arising out of and in the course of his employment; and

(iv) in the case of a female, she has been on maternity leave; so, however, that the total period of such maternity leave does not exceed twelve weeks.

Learnd Counsel for workman has referred to decision of Hon'ble Supreme Court in cases Director Fisheries Terminal Division Vs. Bhikhu Bhai Meghaji Chawda reported in 2010 SC 1236 and Gauri Shankar Vs. State of Rajasthan, reported in (2015) 12 SCC 754, wherein it has been held that when the workman was hired on daily wage basis, he would have difficulty in having access to all official documents, muster roll etc. in connection with his service. When the workman claim and deposed that he worked for 240 days, burden of proof shifts to employer to prove that he did not complete 240 days in requisite period to constitute continuous service and also that when the muster roll were not produced by management in spite of order of Court adverse inference rightly drawn against management.

Following paragraph from the Judgment of Hon'ble Supreme Court in the case of **Range Forest Officer Vs. S.T. Hadimani (2002) 3 SCC 25** are being reproduced as follows:-

This extract is taken from Range Forest Officer v. S.T. Hadimani, (2002) 3 SCC 25 : 2002 SCC (L&S) 367 : 2002 SCC OnLine SC 226 at page 26

3. For the view we are taking, it is not necessary to go into the question as to whether the appellant is an "industry" or not, though reliance is placed on the decision of this Court in State of Gujarat v. Pratamsingh Narsingh Parmar [(2001) 9 SCC 713 : 2002 SCC (L&S) 269 : JT (2001) 3 SC 326]. In our opinion the Tribunal was not right in placing the onus on the management without first determining on the basis of cogent evidence that the respondent had worked for more than 240 days in the year preceding his termination. It was the case of the claimant that he had so worked but this claim was denied by the appellant. It was then for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Filing of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any court or tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. No proof of receipt of salary or wages for 240 days or order or record of appointment or engagement for this period was produced by the workman. On this ground alone, the award is liable to be set aside. However, Mr Hegde appearing for the Department states that the State is really interested in getting the law settled and the respondent will be given an employment on compassionate grounds on the same terms as he was allegedly engaged prior to his termination, within two months from today."

State of Uttarakhand v. Sureshwati, (2021) 3 SCC 108

This extract is taken from State of Uttarakhand v. Sureshwati, (2021) 3 SCC 108 : (2021) 1 SCC (L&S) 434 : 2021 SCC OnLine SC 34 at page 117

"25. On the basis of the evidence led before the Labour Court, we hold that the School has established that the respondent had abandoned her service in 1997, and had never reported back for work. The respondent has failed to discharge the onus to prove that she had worked for 240 days in the preceding 12 months prior to her alleged termination on 8-3-2006. The onus was entirely upon the employee to prove that she had worked continuously for 240 days in the twelve months preceding the date of her alleged termination on 8-3-2006, which she failed to discharge."

Surendra Nagar District Panchayat Vs. Dayabhai Amar Singh, (2005) 8 SCC 750. The relevant paragraphs are being reproduced as follows :-

This extract is taken from Surendranagar District Panchayat v. Dayabhai Amarsingh, (2005) 8 SCC 750 : 2006 SCC (L&S) 38 : 2005 SCC OnLine SC 1536 at page 759

“16. In Range Forest Officer v. S.T. Hadimani [(2002) 3 SCC 25 : 2002 SCC (L&S) 367] (SCC at p. 26, para 3) this Court held that:

“In our opinion the Tribunal was not right in placing the onus on the management without first determining on the basis of cogent evidence that the respondent had worked for more than 240 days in the year preceding his termination. It was the case of the claimant that he had so worked but this claim was denied by the appellant. It was then for the claimant to lead evidence to show that he had in fact worked for 240 days in the year preceding his termination. Filing of an affidavit is only his own statement in his favour and that cannot be regarded as sufficient evidence for any court or tribunal to come to the conclusion that a workman had, in fact, worked for 240 days in a year. No proof of receipt of salary or wages for 240 days or order or record of appointment or engagement for this period was produced by the workman. On this ground alone, the award is liable to be set aside.”

17. More recently, in *Rajasthan State Ganganagar S. Mills Ltd. v. State of Rajasthan* [(2004) 8 SCC 161 : 2004 SCC (L&S) 1055], *Municipal Corpn., Faridabad v. Siri Niwas* [(2004) 8 SCC 195 : 2004 SCC (L&S) 1062] and *M.P. Electricity Board v. Hariram* [(2004) 8 SCC 246 : 2004 SCC (L&S) 1092] this Court has reiterated the principle that the burden of proof lies on the workman to show that he had worked continuously for 240 days in the preceding one year prior to his alleged retrenchment and it is for the workman to adduce evidence apart from examining himself to prove the factum of his being in employment of the employer.

18. In the light of the aforesaid, it was necessary for the workman to produce the relevant material to prove that he had actually worked with the employer for not less than 240 days during the period of twelve calendar months preceding the date of termination. What we find is that apart from the oral evidence the workman has not produced any evidence to prove the fact that he has worked for 240 days. No proof of receipt of salary or wages or any record or order in that regard was produced; no co-worker was examined; muster roll produced by the employer has not been contradicted. It is improbable that the workman who claimed to have worked with the appellant for such a long period would not possess any documentary evidence to prove nature of his engagement and the period of work he had undertaken with his employer. Therefore, we are of the opinion that the workman has failed to discharge his burden that he was in employment for 240 days during the preceding 12 months of the date of termination of his service. The courts below have wrongly drawn an adverse inference for non-production of the record of the workman for ten years. The scope of enquiry before the Labour Court was confined to only 12 months preceding the date of termination to decide the question of continuation of service for the purpose of Section 25-F of the Industrial Disputes Act. The workman has never contended that he was regularly employed in the Panchayat for one year to claim the uninterrupted period of service as required under Section 25-B(1) of the Act. In the facts and situation and in the light of the law on the subject, we find that the respondent workman is not entitled to the protection or compliance with Section 25-F of the Act before his service was terminated by the employer. As regards non-compliance with Sections 25-G and 25-H suffice it to say that witness Vinod Misra examined by the appellant has stated that no seniority list was maintained by the department of daily-wagers. In the absence of regular employment of the workmen, the appellant was not expected to maintain seniority list of the employees engaged on daily wages and in the absence of any proof by the respondent regarding existence of the seniority list and his so-called seniority, no relief could be given to him for non-compliance with provisions of the Act. The courts could have drawn adverse inference against the appellant only when seniority list was proved to be in existence and then not produced before the court. In order to entitle the court to draw inference unfavourable to the party, the court must be satisfied that evidence is in existence and could have been proved.”

Now coming on evidence from the side of workman on this issue, there is on record. Affidavit of workman as his examination in chief he has been cross examined by management. He admits that the workman Trilok Chand Dhiman was engaged before his engagement. Also admits that he was not issued any appointment letter or termination letter.

It comes out from the evidence of the workman that he did receive payments from Bank in the name of M/s. K.K. Book Binding and this fact has been admitted by him. This is impersonation. The workman cannot escape from its consequences only by saying that management paid wages under fake names. If he received any amount under a fake name, he is a party to an illegal activity. The Photocopy Cheques and photocopy payment vouchers do show that he was paid as Hammal and Binder by Bank, but it does not establish his case that he worked for 8 hours in a day and for 240 days in a year.

On the basis of above discussion, the workman is held to have failed in proving his continuous engagement I the Bank for a period of 240 days in a year.

Issue No.-1 is answered accordingly.

Issue No.-2 & 3:-

In the light of findings on issue no.1, issue no.-2 & 3 are answered against the workman.

Hence, holding the case of the workman union not proved, the reference deserves to be answered against the workman and is answered accordingly. No order as to cost.

DATE: 21/01/2025

P.K.SRIVASTAVA, Presiding Officer

नई दिल्ली, 3 मार्च, 2025

का.आ. 327.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नर्मदा झाबुआ ग्रामीण बैंक के प्रबंधन, संबद्ध नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (01/2019) प्रकाशित करती है।

[सं. एल-12011/14/2017-आई. आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 3rd March, 2025

S.O. 327.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 01/2019) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Narmada Jhabua Gramin Bank and their workmen.

[No. L-12011/14/2017 – IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/01/2019

Present: P.K.Srivastava

H.J.S..(Retd)

The General Secretary,

Dainik Vetan Bhogi Bank Karmachari Sangathan, F-1,

Tripti Vihar, Opp. Engg. College,

Ujjain (M.P.) - 456010

Workman

Versus

The Chairman,

Narmada Jhabua Gramin Bank,

Head Office, 56 Dukan, New Palasia,

Indore(M.P.) - 452001

Management

AWARD

(Passed on this 03rd day of Febuary-2025.)

As per letter dated 18/12/2018 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 reference number **L-12011/14/2017 (IR(B-I))** dt. 18/12/2018. The dispute under reference related to :-

“Whether the following allegations made by the union, Dainik Vetan Bhogi Bank Karmchari Sangathan against the management of Narmada Jhabua Gramin Bank, in the matter of Shri Mohd. Firdous Sheikh, are amounts to unfair labour practice under I.D Act.?”

- a) Not giving appointment letter and not giving termination letter.
- h) Payment was not made as per pay scale/skill wage.
- c.) Minimum Wages not paid.
- d) Muster Roll has not been maintained as per Section 25-D of ID Act.
- e.) Applicants have worked 240 days in a year.
- J.) After working for 06 days, the Wages for weekly off and National Holidays 26th January, 15th Aug were deducted.

If yes, what relief the workman is entitled to? ”

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of the allotment of time and service of notice, the workman never turned up and submitted his statement of claim. Management also did not file its written statement of claim/ defence. No evidence was ever produced by any of the parties in this Tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

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

P. K. SRIVASTAVA, Presiding Officer

DATE: 03/02/2025

नई दिल्ली, 3 मार्च, 2025

का.आ. 328.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार नार्दन रेलवे के प्रबंधन, संबद्ध नियोजको और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय लखनऊ के पंचाट (01/2021) प्रकाशित करती है

[सं. एल-12025/01/2025-आई. आर. (बी-1)-29]

सलोनी, उप निदेशक

New Delhi, the 3rd March, 2025

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. 01/2021) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Lucknow* as shown in the Annexure, in the industrial dispute between the management of Northern Railway and others.

[No. L-12025/01/2025 – IR (B-I)-29]

SALONI, Dy. Director

ANNEXURE
CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL –CUM- LABOUR COURT, LUCKNOW
PRESENT
JUSTICE ANIL KUMAR
PRESIDING OFFICER
I.D. No. 01/2021
BETWEEN

राजीव शुक्ला पुत्र श्री एस०एस० शुक्ला, मकान नं०-548/4, काशीराम योजना, हंसखेड़ा के०एल० कालोनी,
तहसील-लखनऊ जिला-लखनऊ।

AND

1. जनरल मैनेजर नार्दन रेलवे बड़ौदा हाउस, नई दिल्ली 110001
2. मंडल रेल प्रबन्धक उत्तर रेलवे हजरतगंज, लखनऊ मण्डल। 226001
3. मे० शाहिद फैजान अहमद एण्ड ब्रदर्स 654 बेगम का मकबरा फैजाबाद जनपद-फैजाबाद।

AWARD

Applicant, Rajeev Shukla, filed present industrial dispute u/s 2A of the Industrial Disputes Act, 1947 (14 of 1947); accordingly, an industrial dispute No. 01/2021 has been registered on 18.01.2021.

Facts stated in the claim petition are in brief that claimant was initially appointed with the respondent no 1; however without following the provision of retrenchment as provided under section 25(F) of the Industrial Dispute Act 1947 (hereinafter referred to as the Act) his services were dispensed on 25.04.2009.

On behalf of the respondent statement of defense filed on 20.07.2021 in which preliminary objection also taken by the respondent.

After filing of the written statement by respondent, in spite of opportunities given to workman, he neither filed rejoinder nor evidence in support of his case on affidavit.

Accordingly heard learned counsel for respondent and gone through the records.

In view of the above said facts the claimant/workman has not filed any rejoinder/evidence in support of his case on affidavit, in spite of several opportunities given to him and taking into consideration the law as laid by the Hon'ble High Court in the case of **V. K. Raj Industries v. Labour Court (1) and others 1981 (29) FLR 194** as under:

“It is well settled that if a party challenges the legality of an order, the burden lies upon him to prove illegality of the order and if no evidence is produced the party invoking jurisdiction of the Court must fail. Whenever a workman raises a dispute challenging the validity of the termination of service if it is imperative for him to file written statement before the Industrial Court setting out grounds on which the order is challenged and he must also produce evidence to prove his case. If the workman fails to appear or to file written statement or produce evidence, the dispute referred by the State Government cannot be answered in favour of the workman and he would not be entitled to any relief.”

In the case of **M/s Uptron Powertronics Employees' Union, Ghaziabad through its Secretary v. Presiding Officer, Labour Court (II), Ghaziabad and others 2008 (118) FLR 1164** Hon'ble Allahabad High Court has held as under:

“The law has been settled by the Apex Court in case of Shanker Chakravarti v. Britannia Biscuit Co. Ltd., V.K. Raj Industries v. Labour Court and Ors., Airtech Private Limited v. State of U.P. and Ors. 1984 (49) FLR 38 and Meritech India Ltd. v. State of U.P. and Ors. 1996 FLR that in the absence of any evidence led by or on behalf of the workman the reference is bound to be answered by the court against the workman. In such a situation it is not necessary for the employers to lead any evidence at all. The obligation to lead evidence to establish an allegation made by a party is on the party making the allegation. The test would be, who would fail if no evidence is led.”

And by the Hon'ble Allahabad High Court in the case of **District Administrative Committee, U.P. P.A.C.S.C. Services v. Secretary-cum-G.M. District Co-operative Bank Ltd. 2010 (126) FLR 519**; wherein it has been held as under:

“The submission is that even if the petitioner failed to lead the evidence, burden was on the shoulders of the respondent to prove the termination order as illegal. He was required to lead evidence first which he failed. A perusal of the impugned award also does not show that any evidence either oral or documentary was led by the respondent. In the case of no evidence, the reference has to be dismissed.”

As the workman has not filed any statement of claim/oral/documentary evidence, so the present case is liable to be dismissed.

For the foregoing reasons, the case is dismissed and; and the workman is not entitled for any relief.

Award as above.

Lucknow.

Justice ANIL KUMAR, Presiding Officer

16th January, 2025

Let two copies of this award be sent to the Ministry for publication.

नई दिल्ली, 3 मार्च, 2025

का.आ. 329.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स सेंट्रल ऑर्डनेंस डिपो जबलपुर के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (67/2023) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई. आर. (बी-1)-31]

सलोनी, उप निदेशक

New Delhi, the 3rd March, 2025

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. 67/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of M/s Central Ordnance Depot Jabalpur their workmen.

[No. L-12025/01/2025 – IR (B-I)-31]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/67/2023

Present: P.K.Srivastava

H.J.S..(Retd)

Mohammad Shamim & 4 Others,

Army Sub Dipot, cod T No 1706 V/m Ranjhi Jabalpur,

Jabalpur, M.P. - 482005

Workman

Versus

M/s Central Ordnance Depot Jabalpur,

COD Jabalpur M.P.

Management

A W A R D

(Passed on this 30th day of January-2025.)

Vide communication reference number **J-5(28)/2022-RLC** by the Deputy Chief Labour Commissioner (Central) Jabalpur, Ministry of Labour, New Delhi this reference is sent to the Tribunal under section-10 of Industrial Disputes Act, 1947 (in short the ‘Act’) The dispute under reference related to :-

“Whether the demand of workmen namely (1) Mohd. Shamin (2) Shri Anil Prajapati (3) Shri Arun Kumar (4) Shri Vijay Kumar and (5) Shri Ram Pal for posting to their Trade Area of work against the management of the commandant, Central Ordnance Depot, Jabalpur (M.P.) is legal, fair and justified? If yes, than what relief Workmen are entitled to and from which date?”

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of the allotment of time and service of notice, the workman never turned up and submitted his statement of claim. Management also did not file its written statement of claim/ defence. No evidence was ever produced by any of the parties in this Tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

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

P.K.SRIVASTAVA, Presiding Officer

DATE: 30/01/2025

नई दिल्ली, 3 मार्च, 2025

का.आ. 330.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स आयुध निर्माणी कटनी के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (28/2024) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई. आर. (बी-1)-30]

सलोनी, उप निदेशक

New Delhi, the 3rd March, 2025

S.O. 330.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 28/2024) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of M/s Ordnance Factory Katni their workmen.

[No. L-12025/01/2025 – IR (B-I)-30]

SALONI, Dy. Director

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/28/2024

Present: P.K.Srivastava

H.J.S..(Retd)

Ordnance Factory Pratiraksha Mazdoor Sangh,

Katni, Eastland, Ordnance Factory, Katni,

Madhya Pradesh - 483501

Workman

Versus

**M/s Ordnance Factory Katni,
Ordnance Factory, Katni (M.P.)**

Management

AWARD

(Passed on this 30th day of January-2025.)

As per letter dated 24/01/2024 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 reference number J-5(40)/2023-RLC dt. 24/01/2024. The dispute under reference related to :-

“Whether the charter of demand raised by the President Ordnance Factory Pratiraksha Mazdoor Sangh, Katni to the management of Ordnance Factory Katni for clubbing/merging of trades from the management and other demands are justified? If not what relief the members of union are entitled to?”

After registering the case on reference received, notices were sent to the parties and were duly served on them. Time was allotted to the workman to submit his statement of claim. In spite of the allotment of time and service of notice, the workman never turned up and submitted his statement of claim. Management also did not file its written statement of claim/ defence. No evidence was ever produced by any of the parties in this Tribunal.

The Initial burden to prove his claim is on the workman. Since the workman did not file any pleading nor did he file any evidence, in the absence of any evidence in support of holding the claim of the workman not proved, the reference deserves to be answered against the workman and is answered accordingly.

AWARD

In the light of this factual backdrop, holding that the claim of the workman is not proved, the reference deserves to be answered against the Workman and is answered accordingly.

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

P.K.SRIVASTAVA, Presiding Officer

DATE: 30/01/2025

नई दिल्ली, 3 मार्च, 2025

का.आ. 331.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार छत्तीसगढ़ ग्रामीण बैंक के प्रबंधन, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (113/2012) प्रकाशित करती है।

[सं. एल-12012/51/2012-आई. आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 3rd March, 2025

S.O. 331.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.113/2012) of the Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur as shown in the Annexure, in the industrial dispute between the management of Chattisgarh Gramin Bank and their workmen.

[No. L-12012/51/2012 – IR (B-I)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR
NO. CGIT/LC/R/113/2012**Present: P.K.Srivastava****H.J.S..(Retd)**

Shir Ajay Chandrakar,
S/o Late Shri Jhamuram Chandrakar,
C/o Gajanand Sahu Colony,
Albelapara,
District – Kaner (CG)

Workman

Vs

1. The Chairman,
Chhattisgarh Gramin Bank,
Head Office, Recreation Road,
Chobey Colony, Raipur
2. The General Manager,
Chhattisgarh Gramin Bank,
Regional Office, Hatakchora,
Jagdalpur (Chhattisgarh)

Management**(JUDGMENT)****(Passed on this 30th day of January-2025)**

As per letter dated 11/10/2012 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-12012/51/2012-IR(B-I) dt. 11/10/2012. The dispute under reference relates to:

“Whether the action of the management of Chhattisgarh Gramin Bank, Jagadalpur in imposing the penalty of dismissal upon Shri Ajay Kumar Chandrakar vide their order dated 26/27-10-2009, is legal and justified? Whether the action of the management of Chhattisgarh, Jagadalpur in not reinstating him in service with full back wages after his acquittal by the criminal court from the charges on which he was dismissed, is legal and justified? To what relief Smt. Chauhan is entitled?”

According to the Workman, while he was working as Clerk-cum-Cashier at Sukma Branch of the Management Bank, within the period 1984 to 1997, he was alleged to commit certain serious illegalities. Charge-sheets dated 19.08.1999 and 20.10.2000 were issued against him alleging him to have committed misconduct by way of receiving deposits from various Account Holders/ Depositors but did not credited the amount in their accounts nor did he deposits the amount with the Bank. A Departmental Enquiry was conducted against him, against the principle of natural justice without affording him adequate opportunity of hearing. He was wrongly held guilty for the charges by the Enquiry Officer. After issuing him a show-cause notice in the light of Enquiry Report, he was awarded punishment of removal from service under Section 38 (2) (I) (VI) of the Chhattisgarh Gramin Bank Officers and Employees Service Regulations, 2007. The Appeal preferred by him against the dismissal order was also wrongly dismissed by the Appellate Authority. According to the Workman, the punishment imposed was disproportionate. The Other Officers/ Employees who were involved in this misconduct were also inquired into separately and were awarded lesser punishments. Hence, according to the Workman the action of Management is unjust, arbitrary and illegal. The Workman has thus prayed that holding that action of Management in awarding him punishment of dismissal from services unjust and against law, he be reinstated with back-wages and benefits.

Case of Management is mainly that, the Departmental Enquiry was conducted as per rules and procedures following the Principles of Natural Justice, charges were rightly found proved by the Enquiry Officer in his enquiry report and the punishment awarded is also proportionate to the charge which is a act of moral turpitude, also that the other Officers/Officials awarded different punishment in this episode because the main role was played by the Workman and their role was only lack of supervision.

Vide order dated 13.10.2016, following issues were framed by Learned Predecessor:

1. **Whether the enquiry conducted against Workman is just, proper and legal?**

2. **Whether the charges alleged against Workman are proved from evidences adduced during enquiry proceedings?**
3. **Whether punishment of removal from services imposed against workman is arbitrary and legal?**
4. **Whether the demand of reinstatement of Workman after his acquittal in Criminal Case is legal?**
5. **If not so, what relief the Workman is entitled to?**

Issue No. 1 was taken as preliminary Issue. On 19.09.2022, the Learned Counsel for the Workman did not pressed the Preliminary Issue. Evidences on the parties on other issues was produced by the parties, the Workman filed his affidavit as his examination-in-chief. He was not cross-examined by the Management. Management did not filed any affidavit of any witness on their behalf, the Workman filed as many as 18 photocopy documents as well documents obtain under RTI Act which are mainly related to the charge, enquiry and punishment order, as well judgment of Criminal Court.

I have heard argument of Mr. Pranay Choubey Learned Counsel for Workman. None appeared for Management at the stage of arguments. The Workman side has filed written arguments also. I have perused the Written Arguments as well the record.

Issue No.1 :

Learned Counsel for Workman has not pressed this issue. I have gone through the enquiry proceedings photocopies of which have been filed by the Workman himself. Perusal of these proceedings refers that the Workman was given full opportunity to defend himself during the Enquiry he participated in the enquiry, cross-examined the Witness, pre of defense was also given by the Enquiry Officer. I did not find any illegality or material irregularity with respect to stance of procedure in the Enquiry conducted hence, holding the Departmental Enquiry just and legal, this preliminary issue is answered accordingly.

Issue No. 2:

As submitted by Learned Counsel for Workman, the findings of the Enquiry Officer with respect to proof of charges have been wrongly recorded and are perverse.

The settlement preposition of law with respect to proof of charges in Departmental Proceedings is that the charges should be proved up to the level of probability and they need not be proved beyond reasonable doubt as it is required in Criminal Trials.

Charges against the Workman are mainly as follows:

1. **The Account Holders mentioned in this charge tender different amounts before the Workman who was working as a Clerk-cum-Cashier in the Bank. This amount was** received by him but it was not entered, not in the concern registers, though entry in the concern Passbooks of the account holders. These amounts were not deposited with the Bank and misappropriated by the Workman resulting into financial loss to the Bank.
2. **During his posting from September 1994 to July, 1997** the Workman in order to conceal his misconduct as mention in Charge-sheet Charge No. 1, wrongly prepared Monthly Balance-sheet, and wrongly survive the deposit of the amounts.
3. **The Workman conciliated his these** illegal activities from his spheres in order to avoid punishment.

It comes from perusal of Enquiry Proceeding that the Officer posted in the Branch during the misconduct was committed by themselves by way of lack of supervision these four such officers deposed against the Workman. Learned Counsel for Workman has submitted that they were interested in shifting of the liability over the Workman and the Enquiry Officer committed error in law in relying on their evidences, while recording his finding regarding prove of charge against the workman. It is to be kept in notice that nature of the transactions are such that they could easily be deciphered from documents such as Passbooks where the false entries regarding deposit was made by the workman and the relevant registers in which these deposits were required to be entered into as well calculation of cash. In an enquiry there is evidence that entries were made with respect to deposit of the amounts in the passbooks of different account holders but there is no corresponding entry in the concerned ledger and cash book with respect with respect to these deposits. The cash was also found deficient.

Since, it is not disputed that it was the Workman, who was working as Clerk-cum-Cashier and was under obligation to receive the amount as well make entry in the Passbook as well relevant registers, it may be presumed that entries were made in Passbooks and not made in the connected registers by the

Workman. The onus was on the workman during the enquiry to so by evidence that these entries were in fact not made by him. Hence, another argument by Learned Counsel for the Workman is that the Workman has been acquitted over full trial in the case arising out of charge-sheet submitted by police after investigation of FIR's relating to these incidents, hence, the finding of enquiry officer cannot be held to be correct.

Learned Counsel for Workman has referred to **Judgment of Hon'ble Supreme Court in the Case of Ramlal V.s. State of Rajasthan and Others, reported in (2024) 1 SCC 175**. In this case it has been laid down by Hon'ble Supreme Court that if the charges in the departmental enquiry and Criminal Court are identical or similar and if the evidences, witness, and circumstances are one and same, then the matter concludes different dimensions. Have the Court in Judicial Review concludes that the acquittal in the Criminal Proceedings was after full consideration of prosecution evidences and that prosecution miserably failed to prove the charge, the Court in Judicial Review could maintain readdress in certain circumstances. The Court will be entitled to exercise its discretion and grant relief, if it concludes that allowing the findings in disciplinary proceedings to stand will be unjust, unfair and abrasive. Each case will turn on its own fact.

The facts of the referred case are different from the case in hand. Hence, this decision does not hold the workman. I am not inclined to accept this argument, because the enquiry was conducted and punishment order was passed in 2009 where as the judgment of the Criminal Court was pronounce in 2011. The Criminal Court held the charges not proved beyond reasonable doubt and the Workman was acquitted of the charges by way of giving him benefit of doubt. As stated earlier, standard of proof with respect to charges in departmental enquiry is different from that in Criminal Trails. On the basis of above discussions, holding the finding of Enquiry Officer with respect to prove of charges of misconduct by the Workman as alleged in the charge-sheet conducted correctly, this issue is answered against the Workman.

Issue No. 3, 4 & 5 –

Since these issues are connected with each other, they are being taken together.

Nature of the charges proved is of severe misconduct. They affect the core integrity of the Workman. The charges proved are acts of moral turpitude. The service rule provides punishment of dismissal in case of grave misconduct.

Learned Counsel for Workman has submitted that Bank Officers were also involved in these charges and were held guilty of these charges in separate enquiry. But they were awarded different punishments and not dismissal from service. Hence, as submitted by Learned Counsel already who have maintain in punishment, since the disciplinary authority or appellate authority over looked these fact, and did not maintain parity in punishment, the punishment is arbitrary.

Learned Counsel for Workman has filed RTI documents with respect to charges and enquiry conducted against the Bank Officers it comes out that Officer M. Anand Pawar, Vinod Kumar Acharya, and Himeshlal Rathi were awarded punishment of reduction of their basic pay, to different stages. Also it comes out that charges against these officers were that they failed to exercise effective supervision over the Applicant Workman and wrongly verified the ledger and Passbook entries without ensuring that the money, the amount deposited was in-fact credited in the Bank Records and was deposited with Bank by the Applicant Workman or not. It is not disputed that the initial job of receiving the amount, as well entering the amount received in the relevant registers also depositing with the Bank was the primary responsibility of the Applicant workman. The role of the Officers above mentioned was supervisory. This is also true that had they been alert and exercised effective supervision, these incidents could not have happened; hence, no doubt they were also a part of the incidents with the Applicant Workman and deserved serious punishment. But this fact also is required to be kept in mind that role of the Applicant Workman and these officers were different. Hence, in the light of above discussion, no parity with respect to punishment could be given to the Workman.

In the light of above findings, the punishment awarded is held not disproportionate to the charge and the workman is held entitled to no relief.

Issue No. 3,4 & 5 are answered accordingly.

On the basis of above findings, the reference is answered as follows.

AWARD

Holding the action of the management of Chhatisgarh Gramin Bank, Jagadalpur in imposing the penalty of dismissal upon Shri Ajay Kumar Chandrakar vide their order dated 26/27-10-2009, and the action of the management of Chhatisgarh, Jagadalpur in not reinstating him in service with full back wages after his acquittal by the criminal court from the charges on which he was dismissed legal and justified, the Workman is held entitled to no relief.

No order as to cost.

DATE:- 30/01/2025

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 3 मार्च, 2025

का.आ. 332.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार बैंक ऑफ इंडिया के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (26/2014) प्रकाशित करती है।

[सं. एल-12012/26/2014-आई. आर. (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 3rd March, 2025

S.O. 332.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref.26/2014) of the *Indus.Tribunal-cum-Labour Court Pune* as shown in the Annexure, in the industrial dispute between the management of Bank of India and their workmen.

[No. L-12012/26/2014 – IR (B-II)]

SALONI, Dy. Director

ANNEXURE

Presented on : 09.07.2014

Registered on : 09.07.2014

Decided on : 23.01.2025

Duration : 10Y 6M 14D

IN THE INDUSTRIAL TRIBUNAL, AT PUNE **BEFORE SHRI K.N. GAUTAM, PRESIDING OFFICER**

Reference (IT) No. 26 of 2014

The Zonal Manager,

Bank of India,

Z.O, 11626, Shivajinagar,

University Road, Pune 411 005.

... First Party

VERSUS

Shri. Sharad Rajaram Khadtare.

Flat No. A-004, Vishalgad Housing Society,

Deshmukh Ali, Chakan, Tal. Khed, Pune.

... Second Party

CORAM :- SHRI K.N. GAUTAM, PRESIDING OFFICER, INDUSTRIAL TRIBUNAL, PUNE.

APPEARANCES :- Shri. B.S. Tapasvi, Advocate for the First Party.

Shri. R.P. Shaligram, Advocate for the Second Party.

AWARD

(Dated : 23.01.2025)

This is a reference made by Government of India vide order dated 26.06.2014 under Section 10(1)(d) and 10(2A) of the Industrial Disputes Act, 1947 in respect of that whether the action of management of Bank of India, Pune in dismissing the service of Shri. Sharad Rajaram Khadtare with effect from 18.10.2000 is legal and justified? And What relief the workman is entitled to?

Facts of the Second Party :

2. The Second Party filed its statement of claim and contended that he was working with the First Party since 11.01.1979. He was illegally terminated from service by the First Party vide letter dated 18.10.2000. At the time of termination, First Party was working as Accounts Clerk. The First Party is the nationalized bank engaged in banking industry. It is contended that the First Party issued suspension order dated 05.02.1997 to the Second Party and

thereafter, issued charge-sheet dated 16.10.1999 to the Second Party. The Second Party submitted his reply to the charge-sheet vide reply dated 26.11.1999 and denied the charges leveled against him. Thereafter departmental inquiry was held and the Second Party participated in the inquiry with his defence representative. The Second Party submitted his defence statement on 01.06.2000. The inquiry was concluded on 11.07.2000 and the Inquiry Officer gave findings that the charges against the Second Party are proved. It is contended that said inquiry was not legal, fair and proper and not held as per the principles of natural justice. The findings of the Inquiry Officer were provided to the Second Party with show cause notice dated 03.08.2000. It is contended that the findings of the Inquiry Officer are totally erroneous and not based on the evidence brought on record. In response to show cause notice the Second Party issued letter dated 12.08.2000 to the First Party raising objection in respect of findings of the Inquiry Officer. However, the First Party without considering the same issued dismissal order dated 18.10.2000 against the Second Party. The Second Party prayed that the First Party be directed to reinstate him into the service, with continuity of service and with full back wages from the date of termination.

Facts of the First Party :-

3. The First Party filed its written statement at Exh. C-5 and denied almost all the contentions raised by the Second Party. It is contended that the demand of the Second Party is illegal and the dispute raised by him is not maintainable. The First Party raised a plea that the Second Party was terminated in the year 2000 and he approached the office of Labour Commissioner in the year 2003_hence, reference is hopelessly barred by limitation. It is contended that the Second Party was dismissed from service vide order dated 18.10.2000 after issuing charge-sheet dated 16.10.1999 following his suspension from service vide suspension order dated 13.02.1997. It is contended that the Second Party committed gross misconduct involving fraudulent withdrawal and misappropriation of the deposits of the customers. It is contended that the Second Party was dismissed after conducting departmental inquiry wherein, the Second party participated along-with his defence representative and defended his case. In said inquiry, the charges framed against the Second Party were proved. It is contended that after dismissal the Second party preferred an appeal with the appellate authority i.e. the erstwhile Zonal Manager, Pune Zone and the appellate authority confirmed the punishment of the Second party. It is contended that if the Court comes to the conclusion that the findings of the Inquiry Officer are perverse, then, the First Party may be given opportunity to prove the misconduct of the Second Party by leading evidence in Court. It is contended that the Second Party was dismissed from service for the misconduct proved against him by following due procedure of law. Lastly, it is contended that the reference may be rejected.

4. In view of the rival pleadings of both the parties, the following issues were framed by my learned predecessor vide Exh. O-3. The said issues are reproduced herein below with my findings thereon for reasons to follow :

<u>ISSUES</u>	<u>FINDINGS</u>
1)Whether the inquiry is legal, fair and proper?	Already decided vide order dated 9.8.202
2)Whether the findings given by the Inquiry Officer are pervers	Already decided vide order dated 9.8.2024.
3)Whether the dismissal is illegal and unjustified?	Yes.
4)What relief / Award?	As per final Order.

REASONS

5. The preliminary issue i.e. Issue Nos. 1 and 2 were already decided vide order dated 09.08.2024. As per said order, it was declared that the departmental inquiry held against the Second Party was fair, proper and legal and held as per the principles of natural justice. It was also declared that the findings of the Inquiry officer against the Second Party were not legal and proper, but perverse.

As to Issue No.3 :-

6. In the instant case, the allegation against the Second Party was that he withdrew amount from accounts of the customer of the First Party bank and thereby committed offence of misappropriation. When it was held that the findings of the Inquiry Officer are perverse, then the First Party bank decided to prove the allegations against the Second Party by leading evidence in Court. In order to prove the charge of misappropriation against the Second Party, the First Party bank examined Mr. Mangesh Shengale (Exh. C-19), serving as Senior Manager in the First Party bank. The said witness deposed that he came to know about the facts of the case from the file available with his branch. However, there is nothing in his evidence to prove the allegations made against the Second Party. According to him, the witnesses examined in the inquiry held against the Second Party were the customers and employees of the First Party bank and now they are not traceable, hence unable to attend the Court. Thus, the First Party bank failed to examine the material witnesses to prove the charge of misappropriation made against the

Second Party and closed its evidence by filing purshis at Exh. C-20. Mr. Mangesh Shengale (Exh. C-19) has admitted in his evidence that F.I.R. was lodged against the Second Party in respect of offence committed by him, however, the Second Party was acquitted in criminal case lodged on the basis of F.I.R. made against him. He has also specifically admitted that he has not led any evidence in Court to prove the charges made against the Second Party in charge-sheet issued to him. Thus, there is absolutely no evidence on record to prove the charges made against the complainant.

7. The First Party bank failed to lead any evidence to show that the Second Party was gainfully employed since his termination on 18.10.2000. In fact, Mr. Mangesh Shengale (Exh. C-19) has admitted in his evidence that there is no evidence on record that the Second Party was gainfully employed after his termination. Thus, there is absolutely no evidence on record that the Second party was gainfully employed after his termination on the basis of charges alleged against him.

8. Therefore, from the aforesaid discussions, it is quite apparent that there is absolutely no evidence on record to prove the allegations made against the Second Party that he has committed misconduct involving fraudulent withdrawal and misappropriation of deposits of the customers of the First Party bank. So, certainly the termination of the Second Party with effect from 18.10.2000 on the basis of the charges which the First Party bank failed to prove is illegal and unjust. I, therefore, answered Issue No. 3 in the affirmative.

As to Issue No. 4 :-

9. The Second Party claimed relief of reinstatement in service. However, now the First Party is about 75 years of age. So, obviously he cannot be reinstated as he has already attained the age of retirement. Hence, in such circumstances, he is entitled for full back wages from the date of his termination till he attained the age of retirement as per the rules applicable to the First Party bank. Similarly, the Second Party is also entitled for other consequential reliefs.

10. In the result, I pass following order :

ORDER

1. It is hereby declared that the action of the First Party bank of dismissing the services of the Second Party i.e. Sharad Rajaram Khadatare with effect from 18.10.2000 is illegal and unjust.

2. The First Party bank is hereby ordered to pay full back wages to the Second Party from the date of his termination i.e. from 18.10.2000 till he attained the age of retirement as per the rules applicable to the First Party bank with consequential benefits and continuity of service.

3. No order as to the costs.

4. The copy of Award be sent to the appropriate Government for its publication.

Place : Pune

K.N. GAUTAM, Presiding Officer

Date : 23.01.2025

Industrial Tribunal, Pune

Sd/-

Secretary

Industrial Tribunal, Pune

nsp/direct dictation

Argued on	23.01.2025
Order dictated on	23.01.2025
Order transcribed on	23.01.2025
Order checked & signed on	23.01.2025

नई दिल्ली, 3 मार्च, 2025

का.आ. 333.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार सेंट्रल बैंक ऑफ इंडिया के प्रबंधक, संबद्ध नियोजको और उनके कर्मचारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय जबलपुर के पंचाट (39/2017) प्रकाशित करती है।

[सं. एल-12012/20/2017-आई. आर. (बी-II)]

सलोनी, उप निदेशक

New Delhi, the 3rd March, 2025

S.O. 333.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 39/2017) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Jabalpur* as shown in the Annexure, in the industrial dispute between the management of Central Bank of India and their workmen.

[F. No. 12012/20/2017-IR- (B-II)]

SALONI, Dy. Director

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR

NO. CGIT/LC/R/39/2017Present: P.K.SrivastavaH.J.S..(Retd)

Shri Rakesh Kumar Kanojia,

S/o Shri Matrulal Kanojia

House No. 2022/A, Kajrawara Road,

New Rajul Vatika, Bilhari, Mandla Road,

Jabalpur (MP)

Workman

Vs

The Regional Manager,

Central Bank of India, Regional Office,

Civil Lines, University Road,

Sagar (MP)

Management

(JUDGMENT)

(Passed on this 28th day of January-2025)

As per letter dated 26/04/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-12012/20/2017-IR(B-II) dt. 26/04/2017. The dispute under reference relates to:

'क्या क्षेत्रीय प्रबंधक, सेंट्रल बैंक ऑफ इंडिया, क्षेत्रीय कार्यालय, सिविल लाइन, यूनिवर्सिटी रोड, सागर म.प्र. के प्रबंधन द्वारा श्री राकेश कुमार कनौजिया आत्मज मटरूलाल कनौजिया भूतपूर्व सफाई कर्मचारी कम सब स्टाफ की सेवाएं दिनांक 05-11-2015 से समाप्त किये जाने की कार्यवाही न्यायोचित है? यदि नहीं तो संबंधित कर्मचारी किस अनुतोष का हकदार हैं?'

The case of the Workman as taken by him in his statement of claim is that he completed and passed his Class 8th examination in 1985 from government Higher Secondary School. A Marksheet was issued to him by the Principle and the Secretary under their seal and signature. He got selected in army as a Sweeper and worked there for 28 years. After his retirement he applied for the post of Sweeper in the Management Bank and was selected for the post. While working in the Bank as a Sweeper, a charge sheet was issued to him with the allegation that the Marksheet which he had produced, was fake and false. An enquiry was conducted and based on the result of the enquiry, in which the charges were found proved, he was terminated from service which is against law, arbitrary

and unjust. According to the Workman, the enquiry was not conducted properly, charges were held wrongly proved and punishment was excessive.

Management was served a notice but did not appear and did not contest the case.

Workman filed his affidavit, also filed Army Certificate, Certification of Education, Last pay certificate issued by Bank, Army certificate regarding employment, Class 8th Marksheet, Interview Letter dated 21.12.2012 issued by Bank, Appointment letter, Chargesheet dated 29.10.2014, Reply, Enquiry Proceedings and dismissal order by photocopies. Management did not produce any evidences.

None appeared at the time of arguments. No written argument was filed. I have gone through the record.

As regards legality of the enquiry, there appears no illegality or material irregularity on perusal of Photocopy Enquiry Papers filed by Workman himself. The Workman has been given full opportunity to defend himself, hence the enquiry is held legal and proper.

As regards the second point whether the charges are proved from the evidences in enquiry, the charge against the Workman was that the marksheet of Class 8th filed by him with respect to his appointment as subject, was found false and forged after verification. It was found that the Workman had in fact failed in three subjects and did not appear in the supplementary examination held whereas the Marksheet filed by him showed that he had passed Class 8th examination. This act of workman is grave misconduct as defined in Para 5(M) of the bipartite settlement dated 10.04.202.

As it is established from enquiry papers that the case of the Workman was that his marksheet is true and genuine. There are evidences of witness who said that they have collected report from the School, from where the marksheet is said to have been issued and have inspected the records. They have found that the Roll No. mentioned in the marksheet is incorrect, date of birth also not correct and does not match with School records as well the marks also did not match with the School Records. In these circumstances, the finding of the enquiry officer that the charges are proved cannot be held to be perverse.

As regards punishment, furnishing false information regarding education qualification is defined as great misconduct in the bipartite punishment for which his dismissal from service. Hence punishment also cannot be held excessive.

In the light of above findings, the reference deserves to be and is answered as follows.

AWARD

Holding the action of Management terminating the services of Workman Rakesh Kumar Kanojiya from 05.11.2015 just legal and proper, he is held entitled to no relief.

No order as to cost.

DATE:- 28/01/2025

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 334.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.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, आसनसोल के पंचाट (सन्दर्भ संख्या 28/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/75/2017-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 334.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.28/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **19/02/2025**

[No. L-22012/75/2017 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

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

PRESENT: Shri Ananda Kumar Mukherjee,
 Presiding Officer,
 C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 28 OF 2018

PARTIES: Anshuman Maji

Vs.

Management of MIC Jhanjra Project Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Shabe Alam, Organizing Secretary, CMC (HMS).

For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 29.01.2025.

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/75/2017-IR(CM-II)** dated 29.10.2018 has been pleased to refer the following dispute between the employer, that is the Management of Main Industrial Complex, Jhanjra Project Colliery under Jhanjra Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Jhanjra Project Colliery, Jhanjra Area of M/s. E.C.Ltd. in reduction of pay on promotion of Sri Anshuman Majhi from Face Crew to Jr. Overman is justified or not. If not, to what relief Sri Anshuman Majhi is entitled.? ”

1. On receiving Order **No. L-22012/75/2017-IR(CM-II)** dated 29.10.2018 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 19.11.2018 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Written statement has been filed by Anshuman Maji, the workman on 21.03.2023 through Mr. Bipul Banerjee his advocate. This Industrial Dispute has been raised by the General Secretary, Colliery Mazdoor Congress (HMS), alleging reduction of pay of the workman on his promotion. It is not raised by the workman in his individual capacity however after registration union did not take any step.

The management filed their written statement on 21.03.2023, denying the claim of the workman.

3. The Brief fact of the workman's case is that he is a permanent employee of Eastern Coalfields Limited (hereinafter referred to as ECL) and was appointed as Underground Mazdoor in Category-I under Land Loser Scheme. He was regularized to the post of Face Crew, Category-V in the year 2004 and was granted six increments for performing the job of Face Crew, as per Circular dated 17.09.1997 issued by the Deputy Chief Personnel Manager (Establishment). The Basic Pay of Anshuman Maji as Face Crew was Rs. 490.43/- (Rupees Four Hundred ninety and ninety-three paise only) per day. On his regularization to the post of Junior Overman in the year 2011 his Basic Pay was reduced to Rs. 427.81/- (Rupees Four Hundred twenty-seven and eighty-one paise only) per day and he received less Basic Pay of Rs. 62.62 (Rupees sixty-two and sixty-two paise only) per day, which is illegal. It is contended by the workman that the action of the management of Jhanjra Project 1 and 2 Incline under Jhanjra Area of ECL is not justified as his pay has not been properly fixed on his regularization to a promotional post in Technical and Supervisory Grade – 'C'. The workman has prayed for passing necessary Award, directing the management of Jhanjra Project 1 and 2 Incline under Jhanjra Area of ECL to fix his Basic Pay at Rs. 490.43/- per day retrospectively from the date of his regularization to the higher post.

4. The Agent, Jhanjra Project Colliery, ECL contested the case by filing written statement wherein it is admitted that Anshuman Maji was appointed as Time Rated Trainee (Underground) under Land Loser Scheme vide appointment letter dated 03.05.2000. He was absorbed as an Underground Mazdoor in Category-I as per order dated 03.04.2002. Anshuman Maji was thereafter regularized to the post of Face Crew, Category-V as per Office Order CGM/JNR/PER/05/2004/1002 dated 23.11.2004. As Face Crew, Anshuman Maji was getting a special Pay with six increments. Subsequently, by order dated 05/07.09.2011 Anshuman Maji was regularized to the post of Junior Overman in Technical and Supervisory Grade – ‘C’ on 14.04.2011. As he was no longer working as a Face Crew, the six special increments which were granted to him for his work as Face Crew have been withdrawn. It is further asserted that the job of a Junior Overman does not have any bearing with the job of Longwall Face Crew, as such he is not entitled to get special allowance. The management has claimed that the workman is not entitled to get any relief in this case and the Industrial Dispute is liable to be dismissed.

5. The point which arise for consideration as per the Schedule is whether the management of Jhanjra Project Colliery under Jhanjra Area of ECL has fixed the pay of Anshuman Maji in proper manner on his regularization to the post of Junior Overman? If not what relief the workman is entitled to?

6. Anshuman Maji has been examined as Workman Witness No. 1. He has reiterated his case in the written statement and in support of his case he produced the following documents :

- (i) Copy of the letter dated 17.09.1997 issued by the Competent Authority granting six incremental benefits to Anshuman Maji has been produced as Exhibit W-1.
- (ii) Copy of letter dated 14.10.2010 by which Anshuman Maji was deployed as Mining Sirdar -cum-Shot Firer (Trainee), as Exhibit W-2.
- (iii) Copy of Office Order dated 05/07.09.2011 by which Anshuman Maji was regularized as Junior Overman in Technical and Supervisory Grade – ‘C’ from the date of completion of training period, as Exhibit W-3.
- (iv) Copy of Pay Slip of Anshuman Maji for the post of Face Crew, as Exhibit W-4.
- (v) Copy of Pay Slip of Anshuman Maji for the post of Junior Overman, as Exhibit W-5.
- (vi) Copy of letter dated 27.05.2013 of union to the Agent of Jhanjra Project Colliery, as Exhibit W-6.
- (vii) Copy of letter dated 13.06.2013 issued by the General Manager (M), Jhanjra Project Colliery addressed to the Secretary of the Union, as Exhibit W-7.

7. In course of cross-examination the workman witness (WW-1) has deposed that he was regularized as Time Rated mazdoor in Category-I on 03.04.2002. Thereafter he was regularized to the post of Face Crew in Category-V on 23.11.2004. Subsequently, on 14.04.2011 he was regularized as Junior Overman in Technical and Supervisory Grade – ‘C’. The witness stated that he received six increments in his Basic Pay while working as Longwall Face Crew and his Basic Pay was reduced by Rs. 62.62/- per day on his posting as Junior Overman. The witness denied the suggestion that six increments were deducted as it was not applicable to any other post except Longwall Face Crew. The witness also claimed that his pay was not fixed in proper manner.

8. Mr. Alaric Oneal Lyndem, Manager (Personnel), Jhanjra Project Colliery has been examined as Management Witness No. 1. He filed his affidavit-in-chief in support of management’s case and has been cross-examined. The management produced the following documents in support of their case :

- (i) Copy of Office Order dated 23.11.2004 by which Anshuman Maji and other employees were regularized to the post of Face Crew in Category-V, has been produced as Exhibit M-1.
- (ii) Copy of Office Order dated 05/07.09.2011 by which Anshuman Maji was regularized as Junior Overman, in Technical and Supervisory Grade – ‘C’ from the date of completion of training period, as Exhibit M-2.

9. In course of cross-examination the witness deposed that the post of Face Crew is a special designation and at the time of promotion to the post of Face Crew the workman was given six increments in Pay. The witness also deposed that the term of posting as Face Crew is for twelve (12) years, which is considered as lock-in period. The witness denied that the management committed illegality by reducing the Basic Pay of the workman after his promotion to the post of Junior Overman. The management witness denied that pay of the workman has been reduced without fixation.

10. The question involved is whether there is justification in reducing the pay of the workman on his posting as Junior Overman from his earlier post of Longwall Face Crew. Mr. P. K. Das, learned advocate argued that a workman is required to perform hazardous job during his posting as a Face Crew, which is an underground work in the Mines. Workman who volunteered for such posting are granted the benefit of six increments to his Basic Pay. By Office Order dated 23.11.2004 (Exhibit M-1), Anshuman Maji along with other ten employees were regularized to

the post of Face Crew in Category-V. A direction was issued in Order dated 23.11.2004 (Exhibit M-1) that the employee could not be diverted to any other job neither could they apply for their transfer to any other Areas nor change their designation at least for a period of twelve years and during this period, if the workman diverted to any job or transfer anywhere, the workman shall be demoted to the category from which he has been regularized as Face Crew. Learned advocate argued that the concerned workman agreed to the terms of order dated 23.11.2004 for his posting as Face Crew. He received his enhanced pay for the nature of job performed by him till he was regularized to the post of Junior Overman by order dated 05/07.09.2011 (Exhibit M-2). Learned advocate argued that the workman before completing twelve years as Face Crew obtained Overman's Certificate of competence and joined the work of Mining Sirdar -cum- Shot Firer (Trainee) and thereafter he was regularized to the post of Junior Overman in Technical and Supervisory Grade – 'C' on completion of his training period of six months. As per the Office Order his Pay was fixed by the Associated Finance. Learned advocate argued that the workman has not been deprived of his basic payment as he is not entitled to receive higher Pay which he was receiving as a Face Crew.

11. Mr. Shabe Alam, Organizing Secretary of Colliery Mazdoor Congress (HMS), arguing the case on behalf of the workman submitted that after promotion to the post of Junior Overman in Technical and Supervisory Grade – 'C', the Pay of the workman cannot be reduced. It is submitted that the management has not denied the fact that the Basic Pay of the workman has been reduced by Rs. 62.62/- per day after his regularization to a higher post. The union representative urged that the Pay of Anshuman Maji, now in the post of Senior Overman, should be fixed with retrospective effect from the date of his completing six months' training as per order dated 05/07.09.2011.

12. Considered the argument advanced by the learned advocate for the management and union representative, pleading of parties and evidence on record. The main grievance regarding the reduction of Basic Pay of Anshuman Maji on his regularization to the post of Junior Overman has not been denied. The workman has filed a copy of his Pay Slip as Face Crew for the month of January, 2011 (Exhibit W-4) wherein it appears that he received a Basic Pay of Rs. 12,751.18/- (Rupees twelve thousand seven hundred fifty-one and eighteen paise only). From a copy of Pay Slip for the month of November, 2011 (Exhibit W-5) it is gathered that as Junior Overman Anshuman Maji received a Basic Pay of Rs. 11,123.06/- (Rupees eleven thousand one hundred twenty-three and six paise only). It is clear that the pay of workman was reduced on his regularization to the post of Junior Overman in Technical and Supervisory Grade – 'C'. The union representative, Mr. Shabe Alam submitted an application dated 27.05.2013 (Exhibit W-6) addressed to the Agent, Jhanjra Project Colliery, seeking proper fixation of Basic Pay of Anshuman Maji and also payment of arrears of difference of wages. The General Manager (M), Jhanjra Project Colliery, ECL in his reply dated 13.06.2013 (Exhibit W-7) addressed to the Secretary, UCMU, informed that difference of wages of Technical and Supervisory Grade – 'C' was paid to Anshuman Maji, Face Crew. It was further stated that the Basic pay of Anshuman Maji on regularization to the post of Junior Overman was fixed in the nearest in the Time Rated Scale without incremental benefit as per norms of fixation on regularization. The management further noted that Anshuman Maji was granted six increments for working as Longwall Face Crew and it was an additional benefit of Longwall Face Crew and such increments were not applicable to the other employee posted with other designations. From the facts and circumstances of the case it transpires that the work of a Longwall Face Crew, operating underground, is a hard and hazardous job and special pay in the form of six increments of the Basic is granted to the employees opting for such difficult nature of job. A person who readily opted for the job of Overman prior to completion of twelve years' lock-in period, as disclosed in the Office Order dated 23.11.2004 (Exhibit M-1), cannot be entitled to receive the same benefit. The management has considered the case of Anshuman Maji and on his posting as Junior Overman has fixed his pay, which incidentally is less than the Basic Pay of Longwall Face Crew. It is to be borne in mind that the change of designation of the workman was not due to promotion. The union representative has failed to produce any Circular or Agreement whereby an employee who was receiving any special Pay in hazardous posting was protected on his being regularized to some other post not by way of promotion. In such view of the matter, I hold that there is no illegality in reduction of Pay of Anshuman Maji, who discontinued the function of Face Crew and opted for the post of Junior Overman. In the present case the workman is not entitled to any difference of Pay. The Industrial Dispute is therefore dismissed on contest.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. The workman on his posting as Junior Overman is not entitled to the Pay and benefits of Longwall Face Crew. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 335.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय

सरकार ई.सी.एल. के प्रबंधन के संबंध में नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 18/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/44/2021-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 335.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 18/2021**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **19/02/2025**.

[No. L-22012/44/2021- IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 18 OF 2021

PARTIES: Kalu Charan Suin

Vs

Management of Naba Kajora Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress

For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 31/01/2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/44/2021-IR(CM-II)** dated 29/09/2021 has been pleased to refer the following dispute between the employer, that is the Management of Naba Kajora Colliery, Kajora Area of Eastern Coalfields Limited and their workmen for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its Kajora Area in imposing a punishment of dismissal on Shri Kalucharan Swain, Dresser of Naba Kajora Colliery under Kajora Area (U.M. No. 125828) w.e.f. 19-05-2020 is just and legal? If not, to what relief the workman is entitled to?”

1. On receiving Order **No. L-22012/44/2021-IR(CM-II)** dated 29/09/2021 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 18 of 2021** was registered on 01/10/2021 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Union of Koyala Mazdoor Congress filed written statement on 21/09/2022 on behalf of Kalu Charan Suin through Mr. Rakesh Kumar, President, Koyala Mazdoor Congress. Mr. P. K. Das, learned advocate appeared for

ECL and filed written statement on same date i.e. 21/09/2022. Fact of the case disclosed in the written statement of the union is that Kalu Charan Suin was posted as Underground Dresser at Naba Kajora Colliery under ECL, having UM No. 125828. Due to his illness he was unable to attend duty from 16/09/2019 till his recovery. When he reported to join his duty, management of the colliery did not allow him to join and issued a charge sheet bearing No. ECL/NKC/Mgr./2020-21/572 dated 12/12/2019 for his unauthorized absence without information and also for his habitual absence in the preceding years 2016, 2017 and 2018 which constituted gross misconduct as per Certified Standing Orders applicable to the company. Workman replied to the charge sheet but explanation was not found satisfactory. He also submitted papers regarding his medical treatment. Management of the colliery appointed Enquiry Officer and a domestic enquiry was conducted. Workman participated in the enquiry and submitted his explanation for alleged unauthorized absence and also produced treatment papers related to his illness. Enquiry Officer conducted domestic enquiry and submitted his report, finding workman guilty of charge. After completion of enquiry, a second show cause Notice was issued to the workman to which he replied. On recommendation of the colliery management, General Manager of the Area being the Competent Authority dismissed the workman from service by issuing a letter No. ECL/KA/APM/C-6/2020/10/187 dated 19/05/2020. Dismissed workman thereafter submitted his mercy appeal before the higher authority on 13/07/2020. Mercy appeal was not considered by the management. It is inter alia contended that the workman was absent from duty only for two months and twenty six days i.e. from 16/09/2019 to 12/12/2019. Therefore, punishment of dismissal from service, which is an extreme punishment is harsh and disproportionate to the alleged misconduct. According to the union, punishment imposed in departmental proceeding should be proportionate to the misconduct. It is prayed that management of ECL should set aside order of dismissal and Kalu Charan Suin should be reinstated in service with full back wages.

3. Management of ECL contested the Industrial Dispute by filing written statement. It has been asserted that Kalu Charan Suin was appointed as Dresser (UG) on 24/10/1996 and was working at Naba Kajora Colliery. He was a habitual absentee for which he was reprimanded several times. It is inter alia contended that as per record workman was absent from duty without any intimation to the employer from 16/09/2019 and continued to remain absent without intimation or authorization of leave. Management ultimately issued a charge sheet against the workman on 12/12/2019. A domestic enquiry was ordered and he participated in the enquiry proceeding held on 21/03/2020. Enquiry Officer conducted enquiry by following the principles of Natural Justice, by giving full opportunity to the charged workman to defend himself. Charge of unauthorized absence was proved beyond doubt. On the basis of finding of the Enquiry officer, General Manager, Kajora Area dismissed the workman by letter dated 19/05/2020. It is the case of the management that workman attended work only for forty six days in the year 2016, thirty five days in the year 2017 and one hundred forty two days in the year 2018. Workman was charged for habitual absence. Further contention of the management is that the charged workman submitted mercy petition before the management after his dismissal. On previous occasions workman suffered impunities by way of warning and stoppage of three increments with cumulative effect in the year 2017, demotion to lower cadre in the year 2016, stoppage of three increments with cumulative effect in the year 2015 and on several occasions, he was warned for his unauthorized absence. According to the management workman did not improve his conduct after several opportunities extended to him. Under such circumstances, it is urged that Industrial Dispute has no merit and workman has been dismissed from service for proper reasons and in a proper manner.

4. Moot point for consideration before this Tribunal is “Whether the action of the Management of M/s. Eastern Coalfields Ltd. in imposing a punishment of dismissal against Shri Kalu Charan Suin, Dresser of Naba Kajora Colliery under Kajora Area (U.M. No. 125828) w.e.f. 19-05-2020 is just and legal? If not, to what relief the workman is entitled to?”

5. Union examined Kalu Charan Suin as Workman Witness-I. He filed his affidavit-in-chief reiterating the case disclosed in written statement of the union. In course of his evidence, he produced the following documents:-

- (i) Copy of Identity Card is produced as Exhibit W-1
- (ii) Copy of charge sheet dated 12/12/2019 is produced as Exhibit W-2
- (iii) Copy of order of dismissal issued by the Agent, Naba Kajora Colliery dated 18/06/2020 is produced as Exhibit W-3.
- (iv) Copy of mercy appeal dated 13/07/2020 addressed to the Director (Personnel), ECL is produced as Exhibit W-4.

In cross-examination, workman admitted that he attended duty only for forty six days in the year 2016, thirty five days in the year 2017 and one hundred forty two days in the year 2018. Workman tried to reason out his absence by deposing in cross-examination that he had reported for duty after short absence but the management did not allow him to join on the pretext that his medical papers were sent to the Area office and ultimately charge sheet was issued for his unauthorized absence. Witness, however stated that he did not make formal complaint before the Agent disclosing that he was not allowed to join duty on several occasions. In his later cross-examination, he admitted that he attended the enquiry proceeding. He further deposed that a second show cause Notice was issued

to him. Witness also denied suggestion put to him that he was not suffering from illness at the time of his absence or that the company dismissed him from service for adequate reasons but did not produce any medical papers.

6. Mr. Ramjee Tripathi for the management of ECL filed an affidavit-in-chief and was examined as Management Witness-I. Witness stated that workman received charge sheet and submitted his reply but the explanation was not found satisfactory for which a domestic enquiry was held in which he was found guilty of the charge of unauthorized absence and habitual absence. A second show cause Notice was issued to the workman. General Manager, Kajora Area after careful consideration of the charge sheet and entire enquiry proceeding, dismissed the workman from service on 19/05/2020. In course of his evidence, witness produced the following documents:-

- (i) Copy of charge sheet dated 12/12/2019 is produced as Exhibit M-1
- (ii) Copy of reply submitted by the workman against charge sheet is produced as Exhibit M-2.
- (iii) Copy of office order dated 04/03/2020 by which Ashis Mohan, Asstt. Manager (P) was appointed as the Enquiry Officer and H. K. Srivastav, Safety Officer as Management Representative is produced as Exhibit M-3.
- (iv) Copy of Notice of Enquiry dated 16/03/2020 is produced as Exhibit M-4.
- (v) Copy of Enquiry proceeding dated 21/03/2020 is produced as Exhibit M-5.
- (vi) Copy of second show cause Notice dated 04/04/2020 is produced as Exhibit M-6.
- (vii) Copy of reply dated 18/04/2020 against the second show cause Notice is produced as Exhibit M-7.
- (viii) Copy of order of dismissal passed by the General Manager, Kajora Area dated 13/19.05.2020 is produced as Exhibit M-8.

In course of his cross-examination, witness stated that the period of absence of the workman was two months and twenty six days. Management witness categorically stated that workman did not submit document relating to medical treatment along with his reply. Witness also denied suggestion that punishment imposed was disproportionate to the charges established against him.

7. Mr. Rakesh Kumar arguing the case on behalf of the dismissed workman submitted that workman was absent for two months and twenty six days till charge sheet was issued on 12/12/2019 (Exhibit W-2/Exhibit M-1). It is submitted that workman participated in the enquiry proceeding and produced papers relating to his medical treatment issued from Khandra Health Centre. Union representative in his argument tried to focus on the fact that work of Dresser (UG) is hazardous in nature and management should have considered the precarious conditions in which the workman served before dismissing him at the drop of a hat only for his unauthorized absence for two months and twenty six days, which was for his illness. It is urged that punishment awarded is disproportionate to the misconduct and the workman should be reinstated in service. Union fairly submitted that though prayer has been made for back wages, justice would be served if workman is reinstated in service simpliciter.

8. Management argued that workman not only remained absent in unauthorized manner without any intimation to the management but was also a habitual absentee and his performance in previous three years was extremely unsatisfactory. Several attempts were made to rectify him by imposing lighter punishment like stoppage of increments, demotion to lower post and issuing warnings but he did not serve even for a continuous period of one hundred ninety days which is the attendance requirement for continuous service in a year in Underground duty. Ld. Advocate argued that enquiry proceeding was held in a proper manner and opportunity was granted to the charged employee to defend his case and demolish charges levelled against him but both the charges i.e. habitual absence and unauthorized absence were established against the charged employee. A second show cause Notice was issued to the workman (Exhibit M-6). Workman replied to the second show cause Notice but there was no extenuating circumstance to take lighter view. The General Manager who is the Competent Authority ultimately directed the workman to be removed from duty (Exhibit M-8). In furtherance of such letter of dismissal, Agent communicated the same to the workman by office order dated 17/18.06.2020 (Exhibit W-3). Mr. Das contended that there is no merit in the Industrial Dispute and sought for dismissal of the same.

9. Considered the rival contentions of the union and learned advocate for the management of ECL in light of pleading and evidence on record. In the instant case, Kalu Charan Suin was charge sheeted on 12/12/2019 wherein he was charged for his unauthorized absence for a period from 16/09/2019 to 12/12/2019 without information and leave and also for his habitual absence from duty. Workman was directed to submit reply within seventy two hours. Workman submitted reply to the charge sheet which is produced as Exhibit M-2. In his reply it is submitted that he was under medical treatment at Khandra Rural Hospital and again he fell ill from 15/12/2019 to 25/02/2020 and was unable to join duty. Nowhere in the reply workman stated that after recovery from illness and before issuance of charge sheet on 12/12/2019, he had reported to join his duty or was disallowed to join. It is therefore clear that the submission made in the written statement that he was disallowed to join duty is untrue and not

reliable due to lack of evidence and want of consistency. No document relating to illness or medical treatment of the workman has been filed along with his reply. Management issued office order dated 04/03/2020 (Exhibit M-3) appointing Shri Ashis Mohan, Asstt. Manager (P), Madhabpur colliery to conduct the domestic enquiry. Notice of Enquiry was issued on 16/03/2020 fixing 21/03/2020 as date for holding domestic enquiry. A copy of Notice of Enquiry is produced as Exhibit M-4. It is gathered from the enquiry proceeding (Exhibit M-5) that a domestic enquiry was held against the charged employee in respect of charges levelled under clause 26.29 and 26.23 of Certified Standing Orders applicable to the company. Content of the charge sheet was explained to the charged employee who understood the charges levelled against him. Workman was given opportunity to take assistance of co-workers or representatives of the Trade Union but he declined. Management Representatives were examined who clearly gave out that past performance of the workman and his attendance from the year 2016 to 2019 appears to be abysmal. It appears that he was warned on previous occasions for his unauthorized absence and three increments with cumulative effect were stopped by letter dated 12/03/2015. He was demoted to lower post without any pay protection by letter dated 04/08/2016 and was warned and three increments were stopped with cumulative effect by letter dated 29/11/2017. Workman did not cross-examine witnesses and admitted his guilt. It is stated that he suffered from viral fever, liver disorder and pain from 17/09/2019 to 06/12/2019 and subsequently from 15/12/2019 to 25/02/2020. There is clear admission that he did not inform the management nor did he avail any leave. He stated that he submitted medical certificate regarding his illness from Khandra (Ukhra) BPHC but in fact no document was submitted before the Enquiry officer nor before the Competent Authority of the company. Enquiry Officer held the workman guilty of charges in respect of clause 26.29 and 26.23 of certified standing orders applicable to the company. A second show cause Notice dated 04/04/2020 was issued to the workman (Exhibit M-6) and a copy of enquiry proceeding was enclosed therewith for his perusal. Workman replied to the second show cause Notice once again admitting the charge (Exhibit M-7). Competent Authority on considering the entire material and reply to the second show cause Notice, dismissed the workman from service with effect from 08/05/2020 which was intimated to him in due course of time by way of order of dismissal issued by the Agent, Naba Kajora colliery, ECL.

10. It emerges from the above facts and circumstances that there was no cogent reason to treat the charged employee in lenient manner. There was no mitigating circumstance nor any reliable document related to his medical treatment, claimed to have been undergone by the workman during the period of his absence. Management of ECL has carried out the enquiry proceeding in a proper manner providing reasonable opportunity to the workman to defend himself. Principle of Natural Justice has been duly complied in holding the domestic enquiry. A mercy petition has been filed by the workman but his claim has to be balanced with past conduct which shows that management provided several opportunities to the workman to rectify the conduct but he has not been able to fulfil the basic requirements. Under such circumstance the punishment of dismissal of the workman from service cannot be considered to be harsh or disproportionate to the nature of misconduct. I do not find any incongruity in the order of dismissal to interfere with the same. Therefore, the Industrial Dispute is dismissed on contest. Workman is found not entitled to the relief of reinstatement.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. Kalu Charan Suin, dismissed workman is not entitled to any relief of reinstatement in service or to back wages. Let an Award be drawn up in light of my above discussion. Let copies of Award be communicated to the Ministry for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 336.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 11/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/53/98-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 336.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 11/1999** of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **19/02/2025**.

[No. L-22012/53/98 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 11 OF 1999

PARTIES: 1. Arjoon Mistry,
2. Baijnath Shaw,
3. Kuldip Yadav,
4. Bachha Swain, and
5. Prakash Singh
(Represented by Koyala Mazdoor Congress)

Vs.

Management of Bankola Area, ECL

REPRESENTATIVES:

For the Union/Workmen: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.

For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 28.01.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/53/98-IR(CM-II)** dated 21.01.1998 has been pleased to refer the scheduled dispute between the employer, that is the Management of Bankola Area of Eastern Coalfields Limited and their workmen for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Bankola Colliery of M/s. ECL in not providing employment to the dependents of five employees namely S/Sh. Bachcha Swai, Bijnath Saw, Kuldip Yadav, Arjun Mistry and Prakash Singh as per provision of NCWA-IV is legal justified? If not, to what relief the workmen are entitled? ”

1. On receiving Order **No. L-22012/53/98-IR(CM-II)** dated 21.01.1998 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 02.02.1999 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. Rakesh Kumar as General Secretary, Koyala Mazdoor Congress filed a written statement on 08.01.2002 on behalf of the five terminated workmen of Bankola Colliery under Bankola Area of Eastern Coalfields Limited (hereinafter referred to as ECL). In gist, the fact of the case disclosed in the written statement is that P. G. Ghosh, Senior Overman of Shankarpur Colliery along with fourteen others of Bankola Colliery were permanent employees under ECL. According to the provision of Clause 9.4.3 of National Coal Wage Agreement (hereinafter referred to as NCWA) – IV these said fifteen employees appeared before a Medical Board of the company on 26.02.1994 and were declared medically unfit. Accordingly they were terminated from service on the basis of letter bearing No. PA/PD/B-II(28)/632 dated 02/03.03.1994. It is the claim of the union that as per provision of Clause 9.4.3 of NCWA-IV one dependant of the employee is entitled to get employment. It is provided in the NCWA that the dependant for this purpose means the wife / husband as the case may be, unmarried

daughter, son and legally adopted son. If no such direct dependant is available for employment, younger brother, widowed daughter / widowed daughter-in-law or son-in-law residing with the employee and almost wholly dependent on the earnings of the employee would be considered. It is further provided in NCWA that the dependant to be considered for employment should be physically fit and suitable for employment, whose age shall be not more than thirty-five years provided the age limit in case of employment of female spouse would be forty-five years as stated in Clause 9.5.0 and in case of male spouse there would be no age limit regarding provision of employment.

3. The concerned union further contended that in spite of such provisions in NCWA, the workmen who were declared permanently disabled were not provided with any employment and on 21.07.1997 the union approached the Chairman of Coal India Limited for redressal of their grievances. A Notice of Strike was served upon the management of Bankola Area proposing a strike from 01.09.1997. On intervention of the Assistant Labour Commissioner (Central) a conciliation proceeding was held. The management of ECL in their representation before the Assistant Labour Commissioner (Central) admitted that the workmen had been declared medically unfit but the Director (Personnel), ECL Headquarters advised them to ensure that no employment is processed till the same is approved by him. Out of fifteen persons declared unfit ten preferred writ petition before the Hon'ble High Court at Calcutta and the management did not submit further comment. The Assistant Labour Commissioner (Central), Raniganj did not recommend for any reference. The management of ECL suggested to all the persons to reappear before the Medical Board but in the Area JCC all the representatives of the operating unions disagreed to the proposal. On 08.11.1997 a Failure of Conciliation was issued by the Assistant Labour Commissioner (Central) which was sent to the Ministry and the Ministry in turn referred the Industrial Dispute to this Tribunal for adjudication. According to the union the Hon'ble High Court passed favorable order in favour of the ten writ petitioners and directed the respondent company to take steps for providing employment to the dependants of the respective petitioners in terms of Clause 9.4.3 of NCWA-IV and that such employment should be given to the writ petitioners within the four corners of the aforesaid provisions and that the decision to be taken within eight weeks from the date of communication of the order. The union demanded employment of the dependants in line with the decision of the Hon'ble High Court passed in the Writ Petition.

4. A rejoinder was submitted by the union on 10.03.2003, stating that the Headquarters of ECL issued a letter for stopping the process for providing employment to the dependants of the employees found medically unfit. It is contended that once Medical Board declared an employee medically unfit and Competent Authority approved the result of the Medical Board then no question can arise for further approval. It is also contended that the management cannot direct the workers to appear before the Medical Board once again. It is their case that union asked for providing employment to the dependants of the workmen found medically unfit for work. Referring to the contents of paragraph (5) of the written statement filed by the management it is urged out that the management admitted the fact that the persons who appeared before the Apex Medical Board were again found medically unfit. The decision of the Medical Board was correct as such the management of ECL is not justified in stopping the employment process. In response to the contention of the management that no employment can be provided to the dependants of the workmen unless it is proved that they are suffering from acute financial crisis cannot arise, the union has urged that the workmen are claiming employment not on compassionate ground but as per the provisions of NCWA. Further case of the union is that if the management cancelled the result of the Medical Board, then the workmen should be allowed to join their duty and the order of termination should be withdrawn but in the instant case management neither provided employment to the dependants of the workmen as per the provisions of NCWA nor did they allow the terminated workmen to resume their duty resulting in financial loss. It is urged that the workmen who were declared medically unfit should be allowed to join their duty and they should be paid wages from the date of their termination till their date of superannuation. It is prayed that the management of Bankola Area, ECL should be directed to provide employment to the dependants of the five terminated employees who were declared medically unfit and adequate compensation be paid to them for the period from 1994 till the date employment is given.

5. Management filed their written statement on 31.10.2002. It is stated by the management that the concerned workmen were permanent employees of different collieries under Bankola Area of ECL and were declared medically unfit by the Medical Board and their services were terminated. Some complaints were received regarding holding of Medical Board and assessment of disability of the concerned persons. Accordingly, the Director (Personnel), ECL Headquarters in his letter dated 29.04.1994 (Exhibit M-3) intimated that no employment to dependant of medically unfit person should be processed till such matter was approved by the appropriate authority. It was intimated by the Chief General Manager (Personnel), ECL Headquarters by letter dated 16.03.1995 that the employees should appear again before the Medical Board at Sanctoria for their medical examination and the matter will be finalized thereafter. After holding meeting by the Area Joint Consultation Committee on 22.03.1995 the management requested the union to advise the workmen to appear before the fresh Medical Board as per the direction of the Competent Authority for consideration of their voluntary retirement under Clause 9.4.0 of NCWA-V but the union representative refused to comply the direction. It is further stated that amongst the employees terminated pursuant to the letter dated 03.03.1994 when some of them appeared before the Apex Medical Board at Sanctoria on 22.01.1996 they were once again declared

medically unfit. Regarding Writ Petition preferred by Kishori Mohan Chakraborty and nine others before the Hon'ble High Court at Calcutta vide W.P. No. 23 of 1996 it is stated that the management preferred an appeal against order dated 24.02.1998 passed by the Hon'ble Single Bench. The Hon'ble Division Bench by disposing the appeal directed ECL authority to consider the prayer for employment of the petitioners on compassionate ground within a period of four weeks from the date and the management complied the direction by passing a reasoned order. The concerned petitioners failed to satisfy that the family of the workmen suffered from economic hardship and acute financial crisis. It was decided that employment could not be provided to them on compassionate ground as a matter of legal right. The management urged that their action in not providing employment to the dependants of the five concerned workmen is appropriate and totally justified.

6. At the time of hearing of the case union produced one Aditya Mistry as the son of Arjoon Mistry, one of the terminated workmen. None of the dependants of Baijnath Shaw, Kuldip Yadav, Bachha Swain, and Prakash Singh turned up claiming employment. Union examined Aditya Mistry as Workman Witness No. 1 and filed his affidavit-in-chief. In his affidavit-in-chief Aditya Mistry state that his father Arjoon Mistry applied for voluntary retirement due to illness. His father appeared before the Medical Board and was declared medically unfit and terminated from his service under the provision of Clause 9.4.0 of NCWA as per letter dated 02/03.03.1994. It is claimed that one dependant of his father is entitled to get employment and his father submitted application for employment along with relevant documents. In the meantime, the management of ECL Headquarters issued direction not to process employment of the dependants of the medically unfit employees. The witness stated that nether employment was provided to him nor his father was allowed to join his duty. It is the contention of the workman witness that if the result of the Medical Board was not approved and the management decided to cancel the result of the Medical Board in that event management should allow the workmen to join duty by withdrawing the termination order but in the present case the management neither provided employment to him nor reinstated his father in the service of the company.

7. In cross-examination the witness denied that his father was asked to appear before the Medical Board once again for re-examination or that he did not appear deliberately. The dependant son admitted that he did not submit any document regarding any financial hardship due to non-employment. In the year 2014 the witness stated before the Tribunal that he was forty-two (42) years old and at the time his father was declared unfit for job he was twenty years old. No document has been produced by the workman witness in support of his claim.

8. Mr. Dibyendu Ghosh, Manager (Personnel), Bankola Colliery has been examined as Management Witness No. 1. In course of his evidence witness stated that the General Manager of Bankola Area was directed by the Director (Personnel), ECL Headquarters that no employment for dependants of medically unfit persons should be processed till it was approved by him. The following documents were produced by the management witness :

- (i) Copy of the Office Order dated 11.03.1994 by which the workmen named in the Schedule of the Industrial Dispute were declared medically unfit for duty and were stopped from duty w.e.f. 12.03.1994 was produced as Exhibit M-1.
- (ii) Copy of order of termination of service on medical ground dated 02/03.03.1994, as Exhibit M-2.
- (iii) Copy of letter dated 29.04.1994 issued by the Director (Personnel), ECL Headquarters for stopping the employment process, as Exhibit M-3.

9. In course of cross-examination the witness deposed that no application was submitted by Bachha Swain for providing employment to Prafulla Swain. Nor any application was submitted by Arjoon Mistry for employment of Aditya Mistry. The witness deposed that the termination order dated 02/03.03.1994 was not cancelled by the management. Furthermore, persons found medically unfit were not reinstated in service thereafter witness admitted that they were not paid wages from the date of termination till superannuation. The witness deposed that he had no knowledge if enquiry was held to find out the genuineness of the medical examination held on 26.02.1994 nor could he state if any action was taken against the Chairman of the Debility Medical Board. The witness lastly stated that no letter was issued to the employees informing that their medical examination held by the Medical Board on 26.02.1994 was not proper or that they were required to report for resuming duty. The witness however stated that claim for employment of the dependants of the five employees is not proper in terms of provisions of NCWA.

10. Mr. Rakesh Kumar, Union representative arguing the case on behalf of the five employees terminated on medical ground submitted that according to the provision of Clause 9.4.3 of NCWA-IV one dependant of the workman, declared medically unfit for job and terminated from service, is entitled to get an employment and such employment is not contingent upon the employee or his family facing financial crisis. It is argued that after five workmen were declared medically unfit, by issuance of an Office Order dated 11.03.1994 (Exhibit M-1) they were stopped from their work w.e.f. 12.03.1994 and they were also terminated from their service on the basis of order dated 02/03.03.1994 (Exhibit M-2). The management has not been able to produce any document to

establish that the result of the Debility Medical Board, held on 26.02.1994, was set aside or vacated by the Competent Authority or that the workmen were asked to appear before any Medical Board on any particular date or that the order of the Medical Board not been found acceptable by the Competent Authority, the five workmen were reinstated in service. It is urged that the dependants of the five terminated workmen are entitled to employment and they are also entitled to compensation for the period from their termination till the date of superannuation.

11. Mr. P. K. Das, learned advocate for the management argued that on the basis of a complaint received regarding assessment made by the Debility Medical Board, the Director (Personnel), ECL Headquarters issued a letter dated 29.04.1994 (Exhibit M-3) requesting the General Manager, Bankola Area not to process employment of the dependants of the employees declared unfit without approval by him. It is argued that subsequently an Apex Medical Board was setup at Sanctoria where the employees were asked to appear for their re-assessment but the operating union disagreed the proposal for re-examination by the Medical Board. It is argued that the union has failed to examine the dependants, seeking employment in place of Baijnath Shaw, Kuldip Yadav, Bachha Swain, and Prakash Singh and no applications were made by their dependants. According to the management of ECL no evidence has been adduced by the union, providing particulars about the dependants of the workmen seeking employment nor have they been able to substantiate that their families are facing financial crisis and hardship.

12. The short question before this Tribunal for adjudication is whether the dependant of five employees named in the Schedule are entitled to get employment on termination of service of the employees on medical ground and to what relief the families of the employees are entitled to?

13. I have considered the pleadings of the parties in the light of scheduled Industrial Dispute referred for adjudication and the evidence garnered on record. The concerned employees were examined by Medical Board of ECL on 26.02.1994 and were terminated from service on and from 12.03.1994. Therefore, the provisions of NCWA-V will apply to the employees declared unfit for work. It is gathered from the argument of the union representative that all the five workmen terminated on medical ground have passed away except Aditya Mistry, son of Arjoon Mistry. There is no evidence on record to establish that the dependants of Baijnath Shaw, Kuldip Yadav, Bachha Swain, and Prakash Singh have applied for their employment according to Clause 9.4.0 (iii) of NCWA-V, applicable to them at the time of issuing the order of termination dated 02/03.03.1994. As per Clause 9.4.0 (ii) of NCWA-V an employee is entitled to the benefit under this Clause if disablement arises out of general physical disability so certified by the Coal Company and the employee is up to fifty-eight years of age. It may be gathered from Exhibit M-2 that all the five employees were declared medically unfit as per Clause 9.4.0 of NCWA-V. Therefore, it may be derived that at the relevant time the said employees were below the age of fifty-eight years and they had at least two more years of employment left under the company. Soon after their termination and discontinuation from service the management issued a letter dated 29.04.1994 through the Director (Personnel), ECL Headquarters (Exhibit M-3) expressing his intention not to process the employment of the dependants of the employees declared medically unfit by the Board till the same was approved by him. The management arranged for re-assessment of the employees by a Medical Debility Board. The union in paragraph (3) of their rejoinder to written statement contended that ECL Headquarters issued a letter for stoppage of employment to the dependants of the medically unfit persons and argued that no further approval for debility was necessary once the Medical Board declared them unfit, which was approved by the Competent Authority. In paragraph (4) it is stated that the decision of the management directing the workmen to appear again before the Medical Board was wrong and not justified and that all unions did not accept the decision of the management. It is evident from such averment that the unions and their workmen were fully aware about the decision of the management to hold fresh Medical Board for re-assessment but they did not appear. I am of the view that under such circumstances the workmen cannot reap the benefit of the provisions of Clause 9.4.0 of NCWA-V by taking a unilateral decision in the mode of assessment by the Medical Board. In such view of the matter, I find and hold that the dependants of the concerned five workmen are not entitled to employment on the ground of termination due to medical unfitness.

14. After issuance of letter to termination (Exhibit M-2) management appeared to be doubtful about the finding of the Medical Board due to which the Director (Personnel), ECL Headquarters issued a letter to the General Manager, Bankola Area, ECL not to process the employment of the dependants until the same was approved by him. It is found from the materials on the record that the management of ECL did not issue any letter cancelling the Office Order dated 11.03.1994 issued by the Dy. CME/Agent, Bankola Colliery, ECL (Exhibit M-1) for stoppage of work of the medically unfit workmen. The management did not decide to withdraw the order of termination of service on medical ground of the five workmen issued by the Personnel Manager (Incharge), Bankola Area, ECL dated 02/03.03.1994 (Exhibit M-2) nor did the management of Bankola Area thought it necessary to issue any order of reinstatement of the five employees in service who according to them could not have been terminated on medical ground. In this backdrop the management is under the obligation to compensate the family of the five terminated employees by paying them an amount equivalent to their pay last drawn, for the

remaining period of their service, taking account of their normal date of superannuation as per their Service Record. The management is therefore directed to pay a compensation amount and all other dues to the dependants of the five employees within two (2) months from the date of communication of the Award.

Hence,

ORDERED

that the Industrial Dispute is decided against the management of Bankola Area of Eastern Coalfields Limited on contest, in part. The management is directed to compensate the dependant family members of the five employees namely, Bachha Swain, Baijnath Shaw, Kuldip Yadav, Arjoon Mistry and Prakash Singh, who have suffered premature termination on the ground of medical debility. The management is directed to pay the compensation amount equivalent to their Pay from the date of their termination up to the date of their actual superannuation, to be computed on the basis of their last Pay drawn. The compensation amount and all other dues be paid to the dependants of the employees within two (2) months from the date of communication of the Award. An award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 337.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.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, आसनसोल के पंचाट (सन्दर्भ संख्या 13/2018) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/77/2017-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 337.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 13/2018**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **25/02/2025**.

[No. L-22012/77/2017 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 13 OF 2018

PARTIES: Mankar Gope

Vs.

Management of Khandra Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Mankar Gope (in person).

For the Management of ECL: Mr. Mani Padma Banerjee, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 07.02.2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/77/2017-IR(CM-II)** dated 19.03.2018 has been pleased to refer the following dispute between the employer, that is the Management of Khandra Colliery under Bankola Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the demand of Colliery Mazdoor Union for promotion/regularization of Shri Mankar Gope, U.G. Trammer to Clipman who is working in NKL, Unit of Khandar Colliery, Bankola Area, M/s. E.C.Ltd., as Clipman since 01-04-2014, is legal and justified? If yes, to what relief the workman is entitled to and from which date? ”

1. On receiving Order **No. L-22012/77/2017-IR(CM-II)** dated 19.03.2018 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 28.03.2018 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. Mani Padma Banerjee, learned advocate appeared for the management of Khandra Colliery of Eastern Coalfields Limited. The case is fixed up today for appearance of the Agent and for evidence of Management Witness. Mr. Asim Kumar Mondal, Agent, Khandra Colliery was directed to produce information from the office record regarding promotion which took place to the post of Clipman for the last time. Mr. Asim Kumar Mondal appeared in person and enlightened that in future he would provide information to the Tribunal, as required. Personal attendance of Mr. Asim Kumar Mondal is dispensed with.

3. Mankar Gope, Underground Trammer, Category-III appeared in person. He had sought for regularization to the post of Clipman in NKJ Unit of Khandra Colliery under Bankola Area of Eastern Coalfields Limited w.e.f. 01.04.2014. An application has been filed today stating that he wants to withdraw the case, as he has been awarded Service Linked Promotion on 26.02.2022 and he does not want to proceed with the case any further. Copy served upon learned advocate for the management. Along with the petition, the aggrieved workman has filed a copy of office order dated 26.02.2022 whereby sixty (60) workmen who have completed seven to eight years of service were provided Service Linked Promotion @ three percent (3%) of their existing Basic. Considered the petition. Since the workman does not want to proceed further, Industrial Dispute is dismissed on being withdrawn. Let a copy of No Dispute Award be drawn up.

Hence,

ORDERED

that a No Dispute Award be drawn up in the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 338.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध में नियोजन और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 37/2019) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/85/2019-आई. आर. सीएम-II]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 338.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.37/2019**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **25/02/2025**.

[No. L-22012/85/2019 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 37 OF 2019

PARTIES: Pawan Kumar Mishra

Vs.

Management of Shyamsundarpur Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.

For the Management of ECL: Mr. P. K. Goswami, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 10.02.2025.

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/85/2019-IR(CM-II)** dated 29.11.2019 has been pleased to refer the following dispute between the employer, that is the Management of Shyamsundarpur Colliery under Bankola Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the reversal of Shri Pawan Kumar Mishra, represented through Koyala Mazdoor Congress, back to the designation of SDL Operator on 11.07.2014, which he was holding prior to his accident, by the management of Shyamsundarpur Colliery is legal, proper and justified? If not, whether the demand of his regularization as 'Pump Khalasi', to which he was deployed on the basis of Medical Board's recommendation, is justified? And if so, what relief is the workman entitled to? ”

1. On receiving Order **No. L-22012/85/2019-IR(CM-II)** dated 29.11.2019 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 09.12.2019 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited has appeared accompanied by Mr. Jayanta Gorai, Manager (Personnel), Bankola Area, Eastern Coalfields Limited. Mr. Rakesh Kumar, union representative appeared with Pawan Kumar Mishra, aggrieved workman. The case is fixed up today for hearing of argument.

3. In this case parties have filed their written statements and adduced evidence. On the date fixed for hearing of argument, Mr. Rakesh Kumar filed an application praying for withdrawing the Industrial Dispute on the ground that Management has changed UG code of the workman to Non-UG code and assured that he will be regularized soon as a non-underground workman. Application is accompanied by a pay slip of workman which shows that he has been offered a Non-UG code. Mr. Jayanta Gorai, Management Representative submitted that they have no objection if Industrial Dispute is withdrawn and the Director (Personnel), Eastern Coalfields Limited Headquarters will appropriately re-designate the workman in due course of time. It appears to me that Pawan Kumar Mishra is not inclined to proceed further, as purpose for initiating the Industrial Dispute has been fulfilled. Prayer for withdrawing the case is allowed. Let a No Dispute Award be drawn up.

Hence,

ORDERED

that a No Dispute Award be drawn up in the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 339.— औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 51/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 27/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/93/2022-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 339.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.51/2022**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **27/02/2025**

[No. L-22012/93/2022 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 51 OF 2022

PARTIES: Bhairab Nath Mukherjee
Vs.
Management of Manderboni Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Chandi Banerjee, Gen. Secy., Colliery Mazdoor Union.
For the Management of ECL: Mr. Mani Padma Banerjee, Advocate.

INDUSTRY: Coal.**STATE:** West Bengal.**Dated:** 13.02.2025**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/93/2022-IR(CM-II)** dated 31.10.2022 has been pleased to refer the following dispute between the employer, that is the Management of Manderboni Colliery under Pandaveswar Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“Whether the action of the management of Manderboni Colliery of Pandaveswar Area, M/s. E.C.Ltd. in non-payment of arrear of wages and other consequential benefits such as q.m.b. Sunday Holidays etc. for the period of service as executive cadre reverted back to non-executive cadre to Sri B.N. Mukherjee is fair, legal and justified? If not, what relief the workman concerned is entitled to?”

1. On receiving Order **No. L-22012/93/2022-IR(CM-II)** dated 31.10.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 01.11.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. Management filed their written statement on 06.02.2023 contesting the Industrial Dispute raised by the General Secretary, Colliery Mazdoor Union (INTUC). Mr. Chandi Banerjee, Union representative filed written statement on 28.03.2023. Fact of the case disclosed in the written statement of the union is that Bhairab Nath Mukherjee, Foreman In-charge posted at Manderboni Colliery under Pandaveswar Area of Eastern Coalfields Limited (hereinafter referred to as ECL) was promoted to the post of Subordinate Engineer (Electrical & Mechanical) vide Order No. ECL/C-5(D)/Upgradation(E1)/E&M/EE/925 dated 21.05.2011 and joined his promotional post on 01.06.2011. It is the contention of the workman that on his promotion he was receiving less wages in respect of Basic Pay, Dearness Allowance, wages for Sundays and Holidays, quarterly Bonus and yearly Puja Bonus. All the workmen upgraded to the post of Subordinate Engineer were suffering from financial loss and prayed for their reversion to the non-executive Grade for the purpose of protection of their Pay and Allowances. The management of ECL issued an Office Order bearing Ref. No. ECL/C-5(D)/Order/Revert Back/E&M/EE/2499 dated 18.10.2013 by which Bhairab Nath Mukherjee was reverted to his earlier non-executive post of Foreman In-charge w.e.f. 01.11.2013. In the order of reversion, it was stated that upon reversion of Subordinate Engineers to the non-executive grade they would be treated as if they have not been upgraded and pay fixation will be done as per rule applicable for non-executive including benefits relating to National Coal Wage Agreement (hereinafter referred to as NCWA – IX) considering due increments. It is inter-alia stated in the written statement that the aggrieved workman is entitled to get difference of wages, Sunday and Holiday wages for the period while he was posted as a Subordinate Engineer as if he was not upgraded. It is the case of the union that Apurba Kumar Roy and Ushapati Samanta, who were also reverted to the post of Foreman In-charge, non-executive grade have been paid the difference of wages and Sunday wages at the time of calculation of arrear pay but the management did not consider the prayer of the aggrieved workman for payment of arrear of difference of wages for the period from 01.06.2011 to 31.10.2013. It is contended that on the basis of order passed by Coal India Limited (hereinafter referred to as CIL) bearing No. CIL/C5A(IV)/B-303 dated 06/12.09.2013 the status of workmen have been changed and in furtherance to such Order the workmen are entitled to wages and benefit as non-executive grade employees and they would be treated as if they had never been upgraded to the post of Subordinate Engineers and Pay fixation would be done as applicable to non-executive grade as per rules with benefits and increments as per NCWA–IX.

3. Management contested the Industrial Dispute before this Tribunal. In their written statement it is admitted that as per order of CIL, Subordinate Engineers who have been reverted to non-executive cadre are to be paid consequential benefit as if they have not been upgraded. Regarding the claim for payment of difference of wage between non-executive and executive post during the period of his work in the executive post, it is contended that Bhairab Nath Mukherjee has drawn all the benefits / facilities / status as an executive of CIL and his claim is not maintainable. Further case of the management is that the concerned workman as an executive has drawn salary for thirty days in place of twenty-six days payable to non-executive. In this context it is further stated that Wage Board employees are deployed on Sundays or holidays as per quota or sanction of Sundays or holidays whereas the executives are deployed on Sundays or holidays without such quota. Therefore, the executives on reversion to non-executives are not entitled to any further benefit for their notional engagement on Sundays and holidays and deemed engagement on holidays or Sundays cannot earn them any benefit in Pay. It is inter-alia contended that Bhairab Nath Mukherjee along with co-worker appealed before the General Manager (EE), ECL, Headquarters for payment of performance related payment (PRP) in lieu of arrear / difference of wages for the period he worked in the executive cadre, which is under consideration as per Office Memorandum bearing Ref. No. CIL/GM (P)/B-163 dated 13.03.2018. The management urged that the workman is not entitled to any payment for Sundays / holidays on reversion and present Industrial Dispute is liable to be dismissed.

4. Bhairab Nath Mukherjee has been examined as Workman Witness No. 1. He has filed affidavit-in-chief citing order dated 21.05.2011 under which he was upgraded to the post of Subordinate Engineer and order dated 18.10.2013 by which he was reverted to the post of non-executive w.e.f. 01.11.2013. It is stated that in the order of reversion it has been clearly mentioned that upon reversion from the post of Subordinate Engineer to non-executive they will be treated as if they were not upgraded and pay fixation will be done as per rule applicable to non-executive, including benefits relating to NCWA-IX considering due increments. The witness referred to the cases of Apurba Kumar Roy and Ushapati Samanta who were paid arrear of wages on their reversion to non-executive cadre. An Order dated 25/27.05.2016 has been produced as Exhibit W-6 in support thereof. The workman also stated that the management of Bankola Area executed a Memorandum of Settlement with the five workmen before the Assistant Labour Commissioner (Central), Durgapur where difference of Basic, Sunday / Holiday wages have been paid. Reliance has been placed on the order of CIL bearing Ref. No. CIL/C5A(IV)/B-303 dated 06/12.09.2013 which assured that on reversion the Subordinate Engineers will be governed by the rules

and regulations applicable to non-executive cadre employees and their pay in non-executive cadre will be fixed as per rules applicable in the earlier non-executive grade held by them prior to upgradation. The workman accordingly claimed arrear of difference of Basic and Dearness Allowance including wages for Sunday / holiday, quarterly bonus and puja bonus. In support of his case the workman witness has produced the following documents:

- (i) Copy of Office Order dated 18.10.2013 by which the workman along with others were reverted back to non-executive cadre has been produced as Exhibit W-1.
- (ii) Copy of Office Order dated 21/25.05.2011 by which the workman along with others were upgraded to the post of Subordinate Engineer (Electrical & Mechanical), as Exhibit W-2.
- (iii) Copy of Office Order dated 02.06.2011 by which Bhairab Nath Mukherjee was posted as Subordinate Engineer at Kendra Colliery, as Exhibit W-3.
- (iv) Copy of Pay Slip of Bhairab Nath Mukherjee after reversion, as Exhibit W-4.
- (v) Copy of Pay Slip of Bhairab Nath Mukherjee for the post of Subordinate Engineer, as Exhibit W-5.
- (vi) Copy of letter dated 25/27.05.2016 for payment of arrear due to Apurba Kumar Roy and Ushapati Samanta after their reversion, as Exhibit W-6.

5. Management examined Kishore Ram Ratan, Assistant Manager (Personnel), Manderboni Colliery, ECL as Management Witness No. 1. He has filed his affidavit-in-chief wherein it is sated that as per order of CIL Subordinate Engineers who were reverted back to non-executive are to be paid consequential benefits as if they have not been upgraded and pay fixation would be done as applicable to non-executive cadre as per NCWA-IX along with increments. In paragraph – (4) the management witness has refuted the claim for arrear of difference of wages as non-executive while he was posted in the executive cadre and further sated that he has drawn all benefits and facilities of an executive cadre. Only for the purpose of fixation of pay in the non-executive cadre on reversion NCWA-IX would be considered for granting him increments, benefits, and pay protection. It is denied that the workman is entitled to payment for Sundays / holidays as non-executive, during his posting in the executive cadre, as such deployment of non-executives are done as per quota / sanction whereas deployment of executives on Sundays / holidays are done without such quota and they are entitled to salary for thirty days. In support of management's case the following documents have been produced :

- (i) Copy of Office Order dated 06/12.09.2013 by which the workman along with others were reverted back to their original substantive posts in non-executive cadre has been produced as Exhibit M-1.
- (ii) Copy of Order dated 05.09.2013 by which reverted employees were paid all consequential benefits as per NCWA-IX, as Exhibit M-2.
- (iii) Copy of Office Memorandum dated 13.03.2018 for payment of Performance Related Pay for the period of work in executive cadre, as Exhibit M-3.

6. In cross-examination the management witness consistent to his earlier stand, denied that the petitioner has been paid on account of Sundays or holidays.

7. The moot point for consideration is whether on reversion to the post of Foreman in-charge, in non-executive cadre, the workman is entitled to any difference of wages in respect of Basic, Dearness Allowance, wages for Sundays / holidays, and quarterly and annual bonus from 01.06.2011 to 31.10.2013.

8. Mr. Chandi Banerjee, Union representative advancing his argument for the workman submitted that it is quaint that on promotion to a higher grade in executive cadre an employee would receive less wages than he was receiving in the non-executive cadre. It is submitted that eighteen employees in the post of Foreman In-charge (Electrical & Mechanical) in Technical and Supervisory Grade A/A-1 were promoted to the post of Subordinate Engineer (Electrical & Mechanical) in E-1 Grade by order dated 21/25.05.2011 (Exhibit W-2) and by order dated 02.06.2011 Bhairab Nath Mukherjee, the aggrieved workman on his upgradation was posted at Kendra Colliery under Pandaveswar Area w.e.f. 02.06.2011. Mr. Banerjee drew my attention to Office Order dated 18.10.2013 (Exhibit W-1) whereby Bhairab Nath Mukherjee was reverted to the non-executive cadre w.e.f. 01.11.2013. Mr. Chandi Banerjee argued that on reversion in the non-executive cadre the workman who had suffered financial loss is entitled to fixation of pay as per rules applicable to non-executive cadre including benefits under provisions of NCWA-IX. It is further submitted that upon reversion to the non-executive cadre the workmen are to be treated as if they have not been upgraded and they are also entitled to receive difference of wages, less paid to them, along with payment for 119 Sundays and 18 holidays during the period of two years in executive cadre and further entitled to quarterly and annual bonus. In support of his claim the union representative relied upon Exhibit W-6, which is a copy of letter dated 25/27.05.2016 issued by the Chief Manager (Personnel), Sripur Area, ECL by which the management paid arrear dues to Apurba Kumar Roy and Ushapati Samanta of SSI Colliery under Sripur

Area under similar circumstances on their reversion from Executive Grade -E to Technical and Supervisory Grade A-1.

9. Mr. Mani Padma Banerjee, learned advocate for the management, in reply, argued that in the order of reversion (Exhibit W-1) it is provided that upon reversion to non-executive cadre the workmen would be treated as if they were not upgraded and pay fixation would be done as per rule applicable to non-executive cadre prospectively from 01.11.2013. It is further argued that such workmen are not entitled to any difference of pay for the period during their posting in the executive cadre from 01.06.2011 to 31.10.2013. It is asserted that during the period the workman worked in the executive post he had drawn all his benefits and enjoyed the facilities as an executive and he drew salary for thirty days in a month as an executive. Therefore, he is not entitled to any payment of wages for Sundays and holidays on his reversion. Furthermore, it is argued that a non-executive employee receives Pay for twenty-six days and on his deployment as per quota / sanction during Sundays / holidays he receives additional Pay. In the instant case the workman has received pay for all thirty days in a month as executive and he is not entitled to any additional pay.

10. I have considered the argument advanced on behalf of the workman and for the management, the facts and circumstances of the case, pleadings of parties and evidence garnered on record. The admitted position in this case is that Bhairab Nath Mukherjee and seventeen other co-employees were promoted from the post of Foreman In-charge to the post of Subordinate Engineer. There was a general grievance of the employees that on their promotion to executive cadre they were incurring financial loss due to less payment made to them in comparison to the wage they used to receive in the non-executive cadre. It transpires from Order bearing Ref. No. CIL/C5A(IV)/B-303 dated 06/12.09.2013 (Exhibit M-1) issued by the General Manager (Personnel), CIL that two hundred and four number of Subordinate Engineer posted in subsidiary companies of CIL have been reverted to their original substantive post in the non-executive grade as per irrevocable option exercised by them pursuant to order dated 31.05.2013. It is further provided that on reversion they will be governed by the rules and regulation as applicable to the non-executive cadre employees and their Pay in non-executive grade would be fixed as per rules applicable in the earlier non-executive grade held by them prior to their upgradation. It is further gathered from Order bearing No. 2637 dated 05.09.2013 issued by the General Manager (Personnel), CIL (Exhibit M-2) that upon reversion from Subordinate Engineer to the substantive post in non-executive grade it will be treated as if they have not been upgraded and pay fixation would be done as applicable for non-executives as per rules with benefits relating to NCWA-IX. Taking into consideration the sum and substance of the clarification order of CIL dated 05.09.2013 (Exhibit M-2), I find that two conditions are required to be followed. Firstly, on reversion to the substantive post of non-executive grade the employee is to be paid as if he had not been upgraded and therefore, he is entitled to benefits and pay according to NCWA-IX. The terms and conditions of NCWA-IX is effective w.e.f. 01.07.2011 therefore, Bhairab Nath Mukherjee is entitled to receive the arrear of difference of wages towards his Basic Pay and Dearness Allowance for the period from 01.06.2011 to 31.10.2013 (i.e., Basic Pay and Dearness Allowance as non-executive, less the Basic Pay and Dearness Allowance as an executive). He is also entitled to his quarterly and annual bonus as financial benefits for the period he was posted as an executive. Secondly, the claim regarding payment of wages for 119 Sundays and 18 holidays during the period of his posting in the executive cadre, the workman having been paid for thirty days a month as an executive which includes 4 Sundays, he is not entitled to any additional pay for his deployment on Sundays and holidays. It needs to be reckoned that a workman in the non-executive cadre is not mandatorily employed on all Sundays and holidays but engaged / deployed only on the basis of necessity and sanction. Such preconditions have neither been proved nor brought on record.

11. In the instant case a general claim has been made that there was less payment of wages and bonus to the workman. The management in turn has only denied the claim of the workman without any fair and constructive proposal as to what are the bona fide dues of the workman on his reversion. In view of such circumstances, I find and hold that Bhairab Nath Mukherjee, who was posted as Foreman In-charge at Manderboni Colliery under Pandaveswar Area of ECL, is entitled to receive difference of Basic Pay and Dearness Allowance from the management of ECL for his posting in the executive cadre for the period from 01.06.2011 to 31.10.2013, according to the benefits and pay fixation under NCWA-IX. He will also be entitled to receive quarterly and annual bonus from the management of the company for the said period. The workman however is not entitled to extra payment of wages for Sundays and holidays. The management of the company is directed to calculate the dues within a period of three (3) months from the date of communication of the Award and disburse the same to Bhairab Nath Mukherjee (U.M. No. 391523).

Hence,

ORDERED

that the Industrial Dispute is allowed in part, on contest, against the management of Manderboni Colliery under Pandaveswar Area of Eastern Coalfields Limited. Bhairab Nath Mukherjee (U.M. No. 391523), Foreman In-charge, Manderboni Colliery is entitled to payment of arrear dues in respect of difference of Basic Pay and Dearness Allowance between Foreman In-charge and Subordinate Engineer for the period from 01.06.2011 to 31.10.2023 and quarterly and annual bonus for the said period. The management is directed to make payment of arrears of aforesaid dues to the workman within three (3) months from the date of communication of the Award. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the

Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 340.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 141/1999) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/179/99-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 340.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.141/1999**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **19/02/2025**.

[No. L-22012/179/99 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 141 OF 1999

PARTIES: Fuleshwar Khaira
(son-in-law of Late Jago Khaira)

Vs.

Management of Haripur Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.

For the Management of ECL: Mr. P. K. Goswami, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 30.01.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/179/99/IR(CM-II)** dated 30/31.08.1999 has been pleased to refer the scheduled dispute between the employer, that is the Management of Haripur Colliery under Kenda Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Haripur Colliery under Kenda Area of M/s. ECL in not providing employment to son-in-law of late Sh. Jago Khaira is justified? If not, to what relief the workman is entitled? ”

1. On receiving Order **No. L-22012/179/99/IR(CM-II)** dated 30/31.08.1999 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 14.09.1999 /

05.10.2001 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. Mr. Rakesh Kumar as the General Secretary of Koyala Mazdoor Congress filed written statement on 09.01.2002 on behalf of Fuleshwar Khaira, the dependant son-in-law of Jago Khaira. Management of Eastern Coalfields Limited (hereinafter referred to as ECL) filed their written statement on 13.10.2004. The fact of the case as disclosed in the written statement of the union is that Jago Khaira was a permanent employee of ECL and was posted as a Dresser at Haripur Colliery. He applied for voluntary retirement under Clause 9.4.3 of National Coal Wage Agreement (hereinafter referred to as NCWA) – III. The Apex Medical Board found him unfit for job and terminated from service w.e.f. 20.11.1989. Jago Khaira applied for providing employment to Fuleshwar Khaira, his son-in-law. Management examined the proposal. The Screening Committee of the management at the Area Level held necessary enquiry and police verification was also done by the management for ascertaining the relationship of Fuleshwar Khaira with Jago Khaira. The file was then forwarded to ECL Headquarters but the management did not consider the proposal for employment of the dependant son-in-law for which the union has raised the Industrial Dispute praying for employment to the dependant son-in-law of the terminated employee as per provision of NCWA.

3. Management of ECL in their written statement stated that Jago Khaira applied for voluntary retirement on medical ground under Clause 9.4.3 (ii) of NCWA-IV under the debility scheme and the workman was declared medically unfit on 25.10.1989 by a duly constituted Medical Board. The service of the workman was terminated w.e.f. 20.11.1989. It is the case of the management that the proposal for employment of Fuleshwar Khaira was examined by the Area Screening Committee on 09.02.1990 and after observing necessary formalities and after Initial Medical Examination (hereinafter referred to as IME) of Fuleshwar Khaira, the proposal for employment was referred to the Competent Authority at ECL Headquarters. It is contended that after verification it was found that the relationship of Fuleshwar Khaira with Jago Khaira was not established and the proposal for employment was not considered by the management as he failed to establish that he was a dependant son-in-law of Jago Khaira as required under the mandatory provision of Clause 9.4.3 (ii) of NCWA-IV. It is contended that Fuleshwar Khaira is not entitled to get any relief in this case and the Industrial Dispute is liable to be dismissed.

4. The moot point for consideration is whether Fuleshwar Khaira is the dependant son-in-law of Jago Khaira, the ex-employee of ECL and whether he is entitled to get an employment as a dependant of Jago Khaira.

5. Fuleshwar Khaira has filed an affidavit-in-chief wherein he stated that Jago Khaira a permanent employee of Haripur Colliery was his father-in-law, who applied for voluntary retirement on medical ground under the provision of Clause 9.4.3 of NCWA-III. He was terminated from service on 20.11.1989 and Jago Khaira nominated Fuleshwar Khaira as his son-in-law for providing employment to him. After screening at the Colliery level, the proposal for employment of Fuleshwar Khaira was forwarded to the Area level. Management at the area level verified the relationship between Fuleshwar Khaira and Jago Khaira through police verification and forwarded the File to the ECL Headquarters. Jago Khaira died on 22.09.1992 and the wife of Jago Khaira predeceased him on 07.03.1992. It is further stated in the affidavit-in-chief that Jago Khaira left behind him three daughters and no son. Fuleshwar Khaira lived with his father-in-law and mother-in-law until their death and was dependent upon them. The retiral dues like Gratuity and Coal Mines Provident Fund (hereinafter referred to as CMPF) of his father-in-law have not been paid till date and the dependant son-in-law is in a state of starvation.

6. In his cross-examination the Workman Witness stated that he had no document regarding his marriage. Zama Devi is the name of his wife. The name of the daughters of Jago Khaira are recorded in the Service Record. Witness further deposed that he used to live with Jago Khaira at Haripur Colliery. It further transpires from his cross-examination that his name was not recorded in the Voters' List of Haripur, on the other hand his name appeared in the Voters' List of Village Banjama, Jamui. He further deposed that he had no Ration Card at Haripur Colliery. It is suggested on behalf of the management that he did not reside with Jago Khaira at Haripur as his dependant and denied that he was the dependant son-in-law of Jago Khaira. Witness stated that he has not submit any application for payment of Gratuity and CMPF.

7. Management has examined Md. Zeya, Dy. Manager (Personnel), Haripur Group of Mines under Kenda Area as Management Witness No. 1. In his affidavit-in-chief the witness stated that Fuleshwar Khaira applied for his employment but his relationship with Jago Khaira was not established and Fuleshwar Khaira was not the son-in-law of Jago Khaira. He further deposed that the relationship between the petitioner and Jago Khaira could not be proved for which the application for employment was rejected. The witness produced a copy of letter of termination of Jago Khaira dated 19/21.11.1989 under which the workman was terminated from service on the ground of physical debility, as Exhibit M-1. No other document has been produced on behalf of the management and the witness stated that the employment file of Jago Khaira could not be traced out.

8. In cross-examination witness the management stated that he had no document to show that any screening or medical examination of dependant of workman was carried out. He was also unable to produce any document in

support of his statement that relation of Fuleshwar Khaira with Jago Khaira was not established.

9. Mr. Rakesh Kumar, Union representative argued that Fuleshwar Khaira being the dependant son-in-law of the ex-employee is entitled to get employment as per terms of Clause 9.4.3 of NCWA-IV.

10. Mr. P. K. Goswami, learned advocate for the management refuting the claim of the union argued that Jago Khaira and his wife have expired in the year 1992. Fuleshwar Khaira in his evidence has not been able to substantiate his claim that he is the dependant son-in-law of Jago Khaira which is necessary for the purpose of providing employment as per provision of NCWA. Drawing my attention to the cross-examination of Fuleshwar Khaira, learned advocate argued that though the witness claimed to reside with Jago Khaira and his wife at Haripur Colliery his name was admittedly not recorded in the Voters' List of Haripur Colliery on the other hand he is a voter at his native place at Village Banjama, Jamui. It is argued that a person who is residing at a place for a long time would also have a Ration Card in the locality but Fuleshwar Khaira did not have any Ration Card issued at Haripur Colliery. Therefore, he did not fulfill the basic requirement of being son-in-law of retired employee nor did he reside with them as dependant. It is contended that the claim of the union for providing employment to Fuleshwar Khaira cannot succeed and the Industrial Dispute is liable to be dismissed.

11. Having considered the argument advanced on behalf of the union and management and on assessing the evidence on record, it appears to me that Fuleshwar Khaira could not provide any document which would prima facie establish that he is the son-in-law of Jago Khaira. In his affidavit-in-chief the witness has stated his residential address as Vill: Banjama, PO: Sahia, PS: Jhajha, Dist: Jamui, Bihar. Documents like Ration Card and Voters' List of Haripur Colliery does not bear the name of Fuleshwar Khaira. The evidence on record goes to establish that the person claiming employment as a dependant son-in-law was actually not residing with the family of Jago Khaira. The witness stated that he married Zama Devi, the eldest daughter of Jago Khaira, whose name appeared in the Service Record of the company. No document has been produced by the union nor by the management from where it could be derived that Zama Devi, the wife of Fuleshwar Khaira was the daughter of Jago Khaira. In this case Zama Devi filed, an affidavit-in-chief before the Tribunal on 29.04.2015 but she did not turn up to face cross-examination by the management. In the event the witness does not turn up to face cross-examination, the statements made in the affidavit-in-chief cannot be relied upon as sacrosanct. I am therefore unable to place reliance upon the affidavit of Zama Devi that her marriage was solemnized with Fuleshwar Khaira during the lifetime of Jago Khaira or Fuleshwar Khaira has residing as "Gharjamai". In the present case the burden of proof lies upon the union representing the interest of the workman. The union ought to have adduce evidence to prove that Fuleshwar Khaira was married to the dependant daughter of Jago Khaira and at the time of termination of the workman on medical ground the dependant son-in-law was residing with the employee and almost wholly dependent on the earning of the employee. None of the family members of Jago Khaira has been examined in the case to prove the relationship of the claimant with the ex-employee. Under such circumstances I am constrained to hold that Fuleshwar Khaira is not entitled to get any employment as dependant son-in-law of Jago Khaira. It appears from the pleadings as well as evidence of Workman Witness No. 1 that the legal dues of Jago Khaira has not been disbursed to his legal heirs. The management of the company is directed to ascertain the legal heirs of Jago Khaira and disburse the legal dues to them on verifying their identity.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 341.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 31/2022) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/61/2022-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 341.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.31/2022**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the

Management of E.C.L. and their workmen, received by the Central Government on **19/02/2025**.

[No. L-22012/61/2022 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 31 OF 2022

PARTIES: Dilip Bouri

Vs.

Management of Khas Kajora Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.

For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 27.01.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/61/2022-IR(CM-II)** dated 28.06.2022 has been pleased to refer the scheduled dispute between the employer, that is the Management of Khas Kajora Colliery under Kajora Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its Khas Kajora Colliery under Kajora Area in imposing a punishment of dismissal on Shri Dilip Bouri, Ex-U.G. Dresser (U.M.553468) Khas Kajora Colliery under Kajora Area w.e.f. 31.07.2017 is proper, justified and legal? If not, to what relief the workman is entitled to? ”

1. On receiving Order **No. L-22012/61/2022-IR(CM-II)** dated 28.06.2022 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 11.07.2022 / 01.08.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. The aggrieved workman being represented by the President, Koyala Mazdoor Congress, filed written statement on 25.10.2022. Mr. P. K. Das, learned advocate for the management of ECL filed written statement on 06.01.2023. In a nutshell, the fact of the case disclosed in the written statement of the union is that Dilip Bouri was posted as an Underground Dresser bearing U.M. No. 553468 at Khas Kajora Colliery under Kajora Area of Eastern Coalfields Limited (hereinafter referred to as ECL). He was unable to attend his duty from 01.10.2016 due to his illness and was under medical treatment at a Health Centre at Kahndra run by West Bengal Government. He was unable to inform the management about his absence from duty. After recovery from his illness, he reported for duty to the Manager of the Colliery but he was not allowed to join. A Charge Sheet was issued to him on 03.02.2017 on the charge of unauthorized and habitual absence. The workman replied to the Charge Sheet and submitted documents related to his treatment at the Health Centre. The management not finding the same satisfactory decided to conduct a Domestic Enquiry. The workman participated in the Enquiry Proceeding, where he disclosed that he had no intention to remain absent but had failed to attend his duty due to illness, thus his absence was beyond his control. The Enquiry Officer found him guilty of misconduct and on the recommendation of the colliery management, the General Manager imposed a punishment of dismissal against him by Order bearing Reference No. ECL/KA/APM/C-6/10/1319 dated 31.07.2017. After receiving the order of dismissal, the workman

submitted an application and prayed for mercy but the same was not considered by the management and he was not allowed to join his duty.

3. It is inter-alia stated in the written statement that the workman had remained absent from duty for a period of three months and two days i.e., from 01.10.2016 to 03.02.2017 but he was awarded a disproportionate punishment of dismissal for his misconduct. Further case of the workman is that while working as Underground Dresser he was required to perform hazardous job which involves dressing of roof and side of the coal face after blast. Due to such dangerous nature of job the workman requested the management for deploying him in other job according to his physical condition but the management did not consider his prayer and he started suffering from illness for which he was unable to attend his duty properly. The workman contended that he has no source of income for sustaining his family and his case should be considered sympathetically and on humanitarian ground. The management of ECL in their Memorandum of Settlement before the Regional Labour Commissioner (Central), Asansol dated 22.05.2007 had agreed to consider the mercy appeals of the dismissed employees who absented from duty up to nine months and were below the age of forty-five years on the date of dismissal. It is urged that the management should consider the mercy petition submitted by Dilip Bouri and prayed for his reinstatement with full back wages with all consequential benefits.

4. Management contested the case by filing a written statement. It is admitted that Dilip Bouri was a permanent employee at Khas Kajora Colliery under ECL and was designated as Underground Dresser and his date of birth is 28.02.1972. According to the management Dilip Bouri was a habitual absentee and he remained absent from duty on various pretexts. The workman was reprimanded on several occasion but he did not improve his conduct. The workman had remained absent from his duty from 01.10.2016 without any information or authorized leave. The management accordingly issued a Charge Sheet against the workman, bearing Ref. No. KKC/P&IR/C-6/CS/17/162 dated 03.02.2017 under Clause 26.23 of the Certified Standing Orders for his habitual absence from duty without sufficient cause and under Clause 26.29 of Certified Standing Orders for absence beyond ten days without sanctioned leave or sufficient cause or overstaying beyond sanctioned leave without valid reason. The matter was referred to domestic enquiry and the workman participated in the enquiry held on 26.06.2017. Principles of natural justice were followed and full opportunity was given to the workman for defending himself. In course of proceeding both the charges of habitual and unauthorized absence are proved against the workman beyond doubt. A second Show Cause Notice was issued to the workman. The charged employee has replied against the second Show Cause Notice, which was not found satisfactory. On the basis of the findings of the Enquiry Officer the General Manager, Kajora Area dismissed the workman by his letter dated 31.07.2017.

5. It is further case of the management that Dilip Bouri was a habitual absentee and during the previous five years he attended duty for 43 days in the year 2012, Nil attendance in the year 2013, 154 days in the year 2014, 167 days in the year 2015 and 129 days in the year 2016. The management asserted that absenteeism is a serious misconduct and it hampers the work of the employer and production process. The concerned workman did not improve his performance in respect of physical attendance before his dismissal. The management placed reliance upon the decisions of the Hon'ble Supreme Court of India in the case of **Union of Inda and Others Vs. Bishamber Das Dogra [C.A. No. 7087 of 2002]**, **Burn and Company Limited Vs. Wormless [AIR 1959 SC 529]** and **L & T Komatsu Limited Vs. N. Udaykumar [(2008) 1 SCC 224]** which found habitual absenteeism as gross violation of discipline. Reliance has been placed upon the decision of the Hon'ble Supreme Court of India in the case of **Delhi Transport Corporation Vs. Sardar Singh [C.A. No. 960 of 2003]** wherein it was observed that habitual absence in fact establishes lack of interest in work. The management also relied upon a decision of the Hon'ble High Court at Calcutta in the case of **Dayanand Paswan Vs. Coal India Limited and Others [W.P. No. 874 of 2014]**, where by order dated 19.05.2016 the Hon'ble Court observed that

"....The conduct and attitude of the petitioner appears to have been extremely casual and cavalier. In the judgment and order dated 20 April, 2016 delivered on WP No. 800 of 2014 (Some Majhi-vs.-Coal India Ltd.) this court emphasised that an employee must take his duty seriously. He cannot take his employment for granted. He must follow the rules and regulations of the employer company. He must conduct himself in a disciplined manner. He must perform his duties with responsibility. An employee should adhere to discipline not only for personal excellence but also for the collective good of the organization which he serves..."

Warning letters were issued to him on fourteen (14) instances. There was stoppage of two increments by order dated 21.09.2006, demotion to next lower category in Category – III by order dated 17.07.2007, stoppage of three increments by order dated 18.03.2008, stoppage of three increments by order dated 10.09.2012, and stoppage of three increments by order dated 23.03.2014. In spite of past punishments imposed against him the workman did not improve his conduct and performance. He did not care to attend his duty and was a job deserter. The management urged that any accommodation granted to the charged employee would amounts to misplaced sympathy and claimed that punishment awarded against the ex-workman is proportionate and the decision of the management was not arbitrary in any way. The management prayed for dismissal of the Industrial Dispute.

6. The short point for consideration before this Tribunal is whether dismissal of Dilip Bouri from his service at Khas Kajora Colliery w.e.f. 31.07.2017 is proper, justified and legal? If not, to what relief the workman is entitled to?

7. In order to prove their case union has examined Dilip Bouri as Workman Witness No. 1. He has filed his affidavit-in-chief reproducing the entire case in their written statement. In Paragraph-11 of the affidavit-in-chief the workman stated that the total period of his absence from duty was only four (4) months from 01.10.2016 to 03.02.2017, which was due to his illness. The workman also stated that he requested the management to depute him for some other job suiting his physical condition but his request was not considered. The workman produced the following documents in support of his case :

- (i) Copy of the Identity Card of Dilip Bouri issued by the management is produced as Exhibit W-1.
- (ii) Copy of Charge Sheet dated 03.02.2017, as Exhibit W-2.
- (iii) Copy of Reply dated 03.06.2017 against the Charge Sheet, as Exhibit W-3.
- (iv) Copy of Medical Certificate dated 02.06.2017, as Exhibit W-4.
- (v) Copy of Note Sheet dated 20/21.07.2017, as Exhibit W-5.
- (vi) Copy of Mercy Appeal dated 11.08.2017, as Exhibit W-6.

8. The management examined Mr. Proloy Dasgupta, Manager (Personnel), Khas Kajora Colliery as Management Witness No. 1 and filed his affidavit-in-chief. In the affidavit-in-chief the management witness stated that the charged workman participated in the Enquiry Proceeding held on 26.06.2017. The Enquiry Proceeding held following the principles of natural justice and full opportunity was given to the workman to defend himself. The charge of habitual and unauthorized absence were established against the workman and a second Show Cause Notice dated 04.07.2017 was issued. The chargesheeted employee submitted his reply to the second Show Cause Notice which is not found satisfactory. The General Manager, Kajora Area by letter dated 31.07.2017 dismissed the workman on the basis of the findings of the Enquiry Officer. It is further stated that absenteeism is a serious misconduct which hampers the work of the employer. The workman did not improve his performance for which the management is unable to keep his name in the roll of the company indefinitely. It is also stated that the dismissal of the workman from service is justified. Management produced the following documents in support of their case :

- (i) Copy of Charge Sheet dated 03.02.2017 is produced, as Exhibit M-1.
- (ii) Copy of Reply dated 03.06.2017 against the Charge Sheet, as Exhibit M-2.
- (iii) Copy of Letter of appointment of the Enquiry Officer dated 13.06.2017, as Exhibit M-3.
- (iv) Copy of Notice of enquiry dated 19.06.2017, as Exhibit M-4.
- (v) Copy of Enquiry Proceeding dated 26.06.2017, as Exhibit M-5.
- (vi) Copy of Enquiry Report dated 26.06.2017, as Exhibit M-6.
- (vii) Copy of 2nd Show Cause Notice dated 04.07.2017, as Exhibit M-7.
- (viii) Copy of Reply dated 13.07.2017 against the 2nd Show Cause Notice, as Exhibit M-8.
- (ix) Copy of Order of dismissal dated 31.07.2017, as Exhibit M-9 and M-9/1.
- (x) Copies of past warnings and punishments imposed upon the workman are marked as Exhibit M-10 collectively.
- (xi) Copy of Note Sheet dated 20/21.07.2017, as Exhibit M-11.

9. In his cross-examination the management witness deposed the chargesheeted employee submitted his treatment papers from the Medical Officer, BPHC, Khandra (Ukhra) along with his reply against Charge Sheet. The witness further stated that the second Show Cause Notice issued was placed before the Competent Authority before dismissal of the workman and the same is reflected in the Note Sheet dated 20/21.07.2017.

10. In the backdrop of the facts and circumstances of the case and the evidence adduced by the dismissed employee and the management witness, the stage is now set for considering whether the dismissal of the workman from service is justified or not. Mr. Rakesh Kumar, Union representative argued that the workman was suffering from illness due to which he was prevented from attending his duty, which was beyond his control. It is further submitted that the workman had no intention to remain absent from duty and the punishment of dismissal from service is disproportionate to the nature of wrong / misconduct alleged against him. Mr. Kumar argued that the management has denied to consider the mercy petition filed by the workman in violation and contrary to the

Memorandum of Settlement dated 22.05.2007, which was signed by the management representative, assuring that the cases of dismissed workmen would be considered on fulfilling the terms of settlement.

11. Mr. P. K. Das, learned advocate for the management took me through the evidence of past habitual absence of the workman for which he had been warned and punished. It is argued that the workman is a chronic absentee and his past record in service is unsatisfactory. From the cross-examination of the workman, it is pointed out that the workman has clearly admitted that from the year 2012 to 2016 he never attended duty for 190 days in any of the year, which is the minimum period for performing continuous service in underground job. It is also pointed out that in the year 2013 the workman did not attend his duty even for a single day. Learned advocate submitted that there were cogent reasons for the management to initiate a Domestic Enquiry against the workman for his unauthorized and habitual absence and he failed to adduce any evidence disclosing plausible reasons for his absence. In response to workman's claim of having undergone medical treatment from 01.10.2016 till 03.02.2017, it is urged that the workman after issuance of Charge Sheet on 03.02.2017 managed to obtain a medical certificate from the Medical Officer, BPHC, Khandra (Ukhra), which was issued on 02.06.2017 and he was advised medical treatment / investigation / rest for the period and he was fit to join his duty on 03.06.2017. Learned advocate argued that no treatment paper nor investigation report has been produced by the workman for the period from 03.10.2016 to 02.06.2017, during a long time period of eight months. Therefore, there is no reason to place reliance upon the copy of Medical Certificate, which does not find support from any other document. Mr. P. K. Das, learned advocate referred to the cross-examination of the workman witness where he admitted that the Enquiry Officer provided him with reasonable and fair opportunity to contest the charge levelled against him and the Enquiry Officer found him guilty of the charge. The Competent Authority after considering the Enquiry Report as well as the second Show Cause Notice and reply submitted by the workman found it appropriate to impose a punishment of dismissal from service. It is argued that a workman should be disciplined in rendering his service to the employer establishment. Frequent absence in habitual manner disrupted the purpose of employment and hampered the production process. Therefore, the workman deserved no sympathy after availing several opportunities on earlier occasion. According to the management the punishment of dismissal of Dilip Bouri from service is proportionate to his repeated misconduct and long absence from duty.

12. It appears to me that the workman had absented on several occasions in the past and also remained absent for more than four months at a stretch without any intimation or authorization from the Competent Authority of the Colliery. The Charge Sheet (Exhibit W-2) clearly states the number of days he attended duty during the period from 2012 to 2016. The workman submitted his reply to the Charge Sheet after four months which has been produced as Exhibit W-3. Issuance of Charge Sheet, seeking explanation within seventy-two hours from the workman is not a matter to be taken lightly. The workman did not deny service of Charge Sheet upon him. Therefore, it was incumbent upon the workman to come out with a prompt reply disclosing the reasons of his unauthorized absence. It took him four months to reason out his absence and the workman approached the Medical Officer, BPHC, Khandra (Ukhra), Burdwan for obtaining a Medical Certificate after receipt of Charge Sheet to suit his purpose. No supportive document has been produced by him to prove that he was actually under medical treatment at any point of time. No document relating to his prognosis or diagnosis by any doctor nor any investigation report has been produced before the Enquiry Officer or before this Tribunal in support of his illness. The doctor has not been examined to support the case of the workman.

13. Under such circumstance I hold that the Enquiry Officer was justified in not placing reliance upon the Medical Certificate. The Domestic Enquiry was held on 26.06.2017 and the Enquiry Proceeding in two pages have been produced as Exhibit M-5 collectively and the Report of the Enquiry Officer as Exhibit M-6. The finding reveals that the workman participated in the Enquiry Proceeding and was given full opportunity to defend himself. The Enquiry Officer has considered the materials produced before him in course of the enquiry proceeding and the

past punishment records of the workman including the period of absence from duty for the period from 2012 to 2016. The Competent Authority thereafter issued a second Show Cause Notice, seeking explanation from the charged employee about the findings of Enquiry Officer. The second Show Cause Notice is produced as Exhibit M-7 and the reply of the workman as Exhibit M-8. The General Manager of Khas Kajora Colliery issued order of termination of service of Dilip Bouri w.e.f. 27.07.2017 (Exhibit M-9 and M-9/1). It appears from the relevant documents produced in the evidence that the reason is rife for termination of service of the workman due to his habitual and unauthorized absence without any information. The conduct of the workman adversely affected the working atmosphere and hampered the production process of the employer. The management had granted several opportunities to the workman in the past but he failed to improve his conduct. I therefore, find no mitigating circumstance to hold that the punishment imposed is disproportionate to the nature of misconduct committed. The punishment imposed by the management is found proportionate to the indiscipline and irresponsible act on the part of the workman, who deserves no sympathy. I find no incongruity in the Enquiry Proceeding which has been conducted following the principles of natural justice. In view of my above discussion, I find no merit in the Industrial Dispute raised by the union and the same is dismissed on contest.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. I find no merit in the dispute raised against the order of termination of service against Dilip Bouri. The impugned order issued by the General Manager, Kajora Area, Eastern Coalfields Limited bearing Reference No. ECL/KA/APM/C-6/10/1319 dated 31.07.2017 calls for no interference. Let an Award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 342.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंधित नियोजन और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 04/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/19/2015-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 342.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 04/2015**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **19/02/2025**

[No. L-22012/19/2015 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 04 OF 2015

PARTIES: Monotosh Kumar Chatterjee
Vs.
Management of Sodepur Area, ECL

REPRESENTATIVES:

For the Union/Workman: Monotosh Kumar Chatterjee (in person).
For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 30.12.2024

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/19/2015-IR(CM-II)** dated 18.06.2015 has been pleased to refer the following dispute between the employer, that is the Management of Sodepur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the Management of Sodepur Area of M/s. ECL is justified and whether Sri Monotosh Kumar Chatterjee is entitled to promotion as per the norms of the company i.e. M/S. ECL, if so what relief the workman is entitled to? ”

1. On receiving Order **No. L-22012/19/2015-IR(CM-II)** dated 18.06.2015 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 01.07.2015 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Monotosh Kumar Chatterjee, the aggrieved workman was represented by Colliery Mazdoor Congress (HMS) and a written statement was filed on 12.08.2015. The fact of the case as adumbrated in the written statement is that, Monotosh Kumar Chatterjee was a permanent employee of Eastern Coalfields Limited (hereinafter referred to as ECL) and was posted at Sodepur Area office, as Revenue Inspector, having U.M. No. 256026. He superannuated from service on 28.02.2014. The contention of the union is that Monotosh Kumar Chatterjee was granted promotion to the post of Technical Grade “A” on 12.03.1993. As per Cadre Scheme followed by the company, Implementation Instruction (hereinafter referred to as I.I.) No. 39 and 24 provide that an employee is entitled to promotion to the next higher post after completion of five years in Technical Grade “A”, which implies that Monotosh Kumar Chatterjee was entitled to be promoted from Technical Grade “A” to Technical Grade “A-1” in the year 1998. The aforesaid Implementation Instruction stipulated that an employee remaining in the Technical Grade “A” shall become eligible for promotion to Technical Grade “A-1” after completion of five years in Technical Grade “A”. Further contention of the union is that the management of the company did not follow the aforesaid norms in the case of Monotosh Kumar Chatterjee, who has been denied his promotion since the year 1998 till his retirement in the year 2014. It is asserted that the workman was not provided with promotion for a period of sixteen years, simply because he was an office bearer of a union i.e., the President of the Branch Committee of Sodepur Area Office, this amounts to clear victimization of the workman. It is inter-alia contended that other employees of Sodepur Area Office who were far more junior to Monotosh Kumar Chatterjee were promoted to Technical Grade “A-1”, several years earlier, ignoring the case of Monotosh Kumar Chatterjee, which amounted to discrimination against the workman by a Public Sector Company. Monotosh Kumar Chatterjee submitted several applications before the management of Sodepur Area Office for granting him promotion as per the norms of the company but the same yield no result as such an Industrial Dispute has been raised by the Colliery Mazdoor Congress (HMS) before the Assistant Labour Commissioner (Central), Asansol on 01.05.2013. On failure of conciliation a FOC Report dated 12.03.2015 was submitted by the Assistant Labour Commissioner (Central), Asansol. Considering the merit of the case, the Ministry of Labour and Employment, Government of India referred the dispute to the Central Government Industrial Tribunal -cum- Labour Court, Asansol for adjudication. The union has prayed for directing the management of Sodepur Area to grant promotion in favour of Monotosh Kumar Chatterjee from Technical Grade “A” to Technical Grade “A-1” w.e.f. the year 1998, as per norms of the Company and consequential benefits which Monotosh Kumar Chatterjee is entitled to.
3. The management of ECL contested the case by filing written statement on 19.05.2016. Primary object of

the management is that Monotosh Kumar Chatterjee has already superannuated from his service on 28.02.2014 as such he is not a workman as defined under Section 2(s) of the Industrial Disputes Act, 1947 and the Reference case is not maintainable. It is asserted that the claim for promotion is not an Industrial Dispute under Section 2(k) of the Industrial Disputes Act, 1947 and it does not involve any issue related to employment, non-employment or terms of employment and the Reference is bad in law and misconceived.

4. Further case of the management is that Monotosh Kumar Chatterjee, in his written statement has admitted that he reached his highest grade of Supervisory Staff and was receiving a salary which is more than Rs. 50,000/- (Rupees fifty thousand) per month, as such he is not a workman under the definition of Section 2(s) of the Industrial Disputes Act, 1947 and no Industrial Dispute can be raised on his account. The management asserted that Monotosh Kumar Chatterjee was already promoted to the Cadre of Technical and Supervisory Grade “A” and “A-1” and thereafter there is no grade for promotion. According to the management promotion is not a matter of right and depends upon vacancy in the cadre and eligibility of candidate. Monotosh Kumar Chatterjee was finally promoted to Technical and Supervisory Grade “A-1” w.e.f. 01.01.2002 after completion of eight years of service, as per provisions of National Coal Wage Agreement (hereinafter referred to as NCWA) for providing time bound promotion. He was subsequently given Service Linked Promotion (hereinafter referred to as SLP) on 01.01.2010 in addition to his normal increments. According to the provision of NCWA an employee is eligible to get four promotions in the minimum, during his career. However, Monotosh Kumar Chatterjee was granted six promotions during his tenure of service and the dispute raised by him is without any merit. It is denied by the management that Monotosh Kumar Chatterjee became eligible for promotion in the year 1998 from Technical and Supervisory Grade “A” to Technical and Supervisory Grade “A-1” and further denied that Monotosh Kumar Chatterjee was not given promotion for being an office bearer of the union. It is urged that the claim of the union is not justified and the dispute is liable to be dismissed.

5. On 21.06.2016 the union submitted a rejoinder stating that Monotosh Kumar Chatterjee was not discharging any managerial function and the nature of duties performed by him would indicate that he was a workman and did not belong to Supervisory Grade. It is contended that the dispute raised by the union in relation to the promotion of workman is a condition of service and if the workman is not considered for promotion and is excluded from promotion without explanation, in violation of the norms of the company, the workman can raise Industrial Dispute which is the matter of Reference for adjudication. It is urged that a conciliation proceeding was initiated by the union which was participated by the management and workman and ultimately resulted in failure, giving rise to the present Reference case. It is asserted that the Reference for conciliation was made by the workman while he was in service, therefore the objection raised by management that there was no employer-employee relation between the parties at the time of initiating the Industrial Dispute has no force.

6. The point for consideration is whether Monotosh Kumar Chatterjee was entitled to any promotion as per the norms of the company and whether the action of management of Sodepur Area of ECL was justified for granting promotion to his junior staff member without considering him.

7. In the instant case Monotosh Kumar Chatterjee, workman witness no. 1 has filed an affidavit-in-chief and was cross-examined on behalf of the management of ECL. It has been stated by the workman that he retired from Technical Grade “A” and was provided upgradation to Technical Grade “A-1” by granting Service Linked Upgradation (hereinafter referred to as SLU) on 01.01.2002. He denied the suggestion that employee junior to him was not given promotion in Technical Grade “A-1” before him and no discrimination was done. The workman also deposed that he submitted papers related to promotion of Mr. Dilip Acharayya who was subsequently promoted to Technical Grade “A-1”. The workman denied that he was not entitled to be considered for promotion from the year 1998 onwards.

8. In support of their case the management examined Mr. Rahul Singh, Senior Officer (Personnel), Sodepur Area of ECL as Management Witness – 1. It transpires from his testimony that Monotosh Kumar Chatterjee was granted promotion to Technical Grade “A” w.e.f. 12.03.1993, copy of the Order has been produced as Exhibit M-1. On 30.01.2002 an Office Order was issued by which Monotosh Kumar Chatterjee was upgraded to Technical Grade “A-1” under SLU, copy of the same has been Marked as Exhibit M-2. Furthermore, on 03.06.2010 Monotosh Kumar Chatterjee was given benefit of Service Linked Increment (hereinafter referred to as SLI), copy of the same has been produced as Exhibit M-3. It is stated by Management Witness No. 1 that in the year 2003 Grade “A” was the highest grade in the Cadre of Revenue Inspector and subsequent to the year 2003 a new Cadre “A-1” was introduced. The witness produced the promotion policy under I.I. No. 39 under NCWA-VI dated 28.11.2003 for promotion from Technical and Supervisory Grade “A” to Technical and Supervisory Grade “A-1”, copy of the document has been produced as Exhibit M-4. According to the management witness the claim of workman for promotion is not justified and a copy of I.I. No. 24 which relates to promotion during service span of a workman, mentioned in Clause 13.5.1 of NCWA-VIII has been admitted in evidence as Exhibit M-5.

9. In his cross-examination the management witness deposed that if an employee does not get promotion in ten years of service, he becomes eligible for SLU by way of upgradation allowing, an increment of three percent (3%) of Basic pay. The witness denied that three percent (3%) increment of Basic was not granted to the workman and that the workman continued to perform same nature of work as he was performed in his earlier grade. In case

of Service Linked Promotion the workman holding the post of Technical Grade “A-1” is given SLI if he is not been given a regular promotion within a span of seven years in underground cases and eight years in surface cases. The witness also deposed that as there was no higher-grade after “A-1” in Technical Grade, a person after seven or eight years of service, as the case may be, was entitled to SLI and he was given increment of three percent (3%) of Basic. The witness denied the suggestion that since there is no provision for promotion of Technical Grade “A-1” in National Coal Wage Agreement no promotion was accorded to the workman for the rest of his service career and he was only granted one increment. The witness also denied that SLP of a workman, holding the post of Technical Grade “A-1”, is not equivalent to promotion. The management witness deposed that for the purpose of promotion of workman from one grade to another grade, a Departmental Promotion Committee (hereinafter referred to as DPC) is constituted, which follows the Circular of the year 2012. Finally, it is denied by the management witness that Monotosh Kumar Chatterjee was deprived of his promotion from Technical Grade “A” to Technical Grade “A-1” as per I.I. No. 39 and 24.

10. Monotosh Kumar Chatterjee appeared in person and argued his case by submitting that the Industrial Dispute is maintainable as it relates to excluding him from being considered for promotion, which is a violation of his service condition. It is argued that he retired from service on 28.02.2014 and the complaint was made before the Conciliation Officer prior to his superannuation and eventually resulted in failure of conciliation and Reference of the Industrial Dispute is made to this Tribunal. According to the workman he made several representations before the management for granting him promotion from Technical Grade “A” to Technical Grade “A-1”, as per norms of the company but it yielded no result. Furthermore, workmen who were junior to him in entering Technical Grade “A” were referred for their promotion to Technical Grade “A-1”. It is inter alia argued that during his service carrier he was granted promotion only on one occasion on 12.03.1993 in Technical Grade “A”. According to the I.I. No. 39 (Exhibit M-4) an employee is entitled to get promotion after five years from Technical Grade “A” to Technical Grade “A-1” and it is submitted that the workman was last promoted to Technical Grade “A” on 12.03.1993 vide Office Order No. ECL:CMD.C-6:WBE-5/425 dated 12.03.1993. It is argued that according to the Cadre scheme and I.I. No. 39 of Joint Bipartite Committee for the Coal Industry, Monotosh Kumar Chatterjee after completion of five years was entitled to a promotion to Technical Grade “A-1” in the year 1998, but the management has denied his promotion from 1998 till his retirement in 2014. In order to meet the contention of the management that the workman was granted SLU on 01.01.2002 by placing him in Technical Grade “A-1” and thereafter was allowed SLI on 03.06.2010 with increment of three percent (3%) of the Basic, it is argued that he received no monetary benefit by way of such upgradation and one Mr. Dilip Acharayya, a junior staff member who was promoted to Technical Grade “A-1” before him. Monotosh Kumar Chatterjee argued that a notional promotion should be granted to him w.e.f. 1998 and consequential financial benefit should be granted as he is now suffering financial loss at the time of computation of pension.

11. Mr. P. K. Das, learned advocate for management of ECL, in reply, argued that according to the provision of NCWA an employee is entitled to four promotional benefits in his service carrier and in the case of Monotosh Kumar Chatterjee, he received six promotional benefits which includes a promotion to Technical Grade “A” on 12.03.1993, a SLU by way of upgradation to Technical Grade “A-1” on 01.01.2002 and a SLI on 03.06.2010. It is further argued that Mr. Dilip Acharayya, who was posted in Personnel Department was granted promotion to Technical Grade “A” on 14.08.2001 and thereafter to Technical Grade “A-1” on 01.11.2011 i.e., long after promotion was granted to the aggrieved workman, who has already reached the highest grade. Learned advocate argued that Monotosh Kumar Chatterjee was granted three percent (3%) increment of his basic pay at the time of granting him SLU and another three percent (3%) increment of his basic pay at the time of providing him with the benefit of SLI, while he was in the post of Technical Grade “A-1”. It is contended that the workman is not entitled to any benefit and the Industrial Dispute is liable to be dismissed.

12. I have considered the rival contentions of the parties in the light of the light of their pleadings and evidence on record. I have also considered the evidence adduced and the provision of I.I. No. 39 and 24, relied on by the workman. At the very outset, I considered it appropriate to address the objection raised by the management regarding maintainability of this Industrial Dispute on the ground that there is no relationship of employer-employee between the workman and management at the time the Industrial Dispute is referred and that Monotosh Kumar Chatterjee, holding a supervisory post is not eligible to raise any dispute as a workman. It is an accepted position that the terms of service of the aggrieved workman are guided by the National Coal Wage Agreement, which are applicable only to workman. Therefore, any difference between employer-employee connected with employment, non-employment, terms of employment or conditions of labour of any person would be considered as Industrial Dispute. In the present case the workman being aggrieved with his condition of his service, for not being considered for his promotion within five years from his first promotion, has the right of raising the Industrial Dispute. It appears from the record that the Conciliation Officer failed to mediate and issued a Failure of Conciliation Certificate, prior to superannuation of the workman. Under such circumstance the contention of the management that the Industrial Dispute is not maintainable does not hold good.

13. The second facet of the workman’s contention is that he was not granted a promotion to Technical Grade

“A-1” due to which he suffered financial loss while computing of his pension. It transpires from paragraph – (3) of the affidavit-in-chief filed by Monotosh Kumar Chatterjee that he was promoted for the last time on 12.03.1993 to Technical Grade “A” as Revenue Inspector. He was entitled to promotion from Technical Grade “A” to Technical Grade “A-1” in the year 1998 as per norms of the company. From Exhibit M-4 i.e., I.I. No. 39 dated 28.11.2003, it appears that minimum experience for eligibility for promotion from Technical and Supervisory Grade “A” to Technical and Supervisory Grade “A-1” for Technical and Non-technical Personnel is five years. A prudent interpretation of the word “minimum experience” indicates that under no circumstance promotion should be granted before completion of five years’ term in Technical and Supervisory Grade “A”. By no stretch of imagination, the converse can be assumed by holding that on completion of the minimum experience of five years a person must be promoted from Technical and Supervisory Grade “A” to Technical and Supervisory Grade “A-1”. In the instant case the evidence of management witness discloses that NCWA stipulates minimum four promotions to an employee during his service carrier, whereas Monotosh Kumar Chatterjee was given six promotions during the tenure of his service. In his examination-in-chief the management witness deposed that Monotosh Kumar Chatterjee was promoted from Revenue Inspector in Technical Grade “B” to Revenue Inspector in Technical Grade “A” w.e.f. 1993 (copy of the Office Order is produced as Exhibit M-1). On 30.01.2002 an Office Order was issued by which the workman was upgraded from Technical Grade “A” to Technical Grade “A-1” under the scheme of SLU, copy of the same has been placed as Exhibit M-2. In paragraph – (5) of the written statement management categorically stated that Technical and Supervisory Grade “A-1” was the highest grade in the cadre of Revenue Inspector till the year 2003, therefore there was no scope for further promotion of Mr. Monotosh Kumar Chatterjee. The workman did not suggest to the management witness that the Technical and Supervisory Grade “A-1” existed prior to 30.01.2002 or he was denied promotion to the post earlier despite existence of such higher post. In cross-examination of the management witness reveals that since there was no grade higher than Technical and Supervisory Grade “A-1”, a person after stagnation of seven or eight years, as the case would be, was entitled to Service Linked Increment, which was equivalent to promotion. Accordingly, Monotosh Kumar Chatterjee received increment of three percent (3%) of his basic pay on his upgradation to Technical and Supervisory Grade “A-1” in the scheme of SLU on 30.01.2002 (Exhibit M-2) and he was also given the benefit of SLI w.e.f. 01.01.2010 by Office Order 03.06.2010 (Exhibit M-3). It is explicit from I.I. No. 24 that a person granted SLU or SLI is bestowed with one promotional increment of three percent (3%) of the existing basic pay in the grade / category after stagnation for seven or eight years, as the case may be and will be promoted to the next category or grade. It is evident the Monotosh Kumar Chatterjee was granted the benefit of promotion from Technical and Supervisory Grade “B” to Technical and Supervisory Grade “A” and thereafter SLU to Technical and Supervisory Grade “A-1” in the year 2002 and a further SLI in the year 2010 before he was superannuated in the year 2014. It has been contended by the workman that Mr. Dilip Acharayya, junior to him in service was granted promotion earlier to him in Technical and Supervisory Grade “A-1” which amounted to discrimination. From of the aggrieved workman, I found that Mr. Dilip Acharayya was promoted to Technical and Supervisory Grade “A-1” w.e.f. 01.01.2010 having remained in the same grade “A” for a period of ten years without any promotion. In both the cases the promotion and SLU granted to Mr. Dilip Acharayya was long after the promotion granted to Monotosh Kumar Chatterjee. The aggrieved workman has miserably failed to establish that any of his junior had been granted any promotional benefit by superseding him. I find that the management of ECL did not commit any illegality in granting promotion, SLU or SLI to Monotosh Kumar Chatterjee quo his junior staff members in the establishment. The Industrial Dispute raised by Monotosh Kumar Chatterjee alleging discrimination against him by the management has no foundation and the same is liable to be dismissed.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest against the workman, Monotosh Kumar Chatterjee. I find no illegality or impropriety in the orders passed by the management of Eastern Coalfields Limited in granting promotion, SLU or SLI to Monotosh Kumar Chatterjee quo the junior employees of the establishment. An award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 343.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण – सह – श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 05/2015) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/06/2015-आई. आर. (सी.एम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 343.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.05/2015**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **19/02/2025**.

[No. L-22012/06/2015 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 05 OF 2015

PARTIES: Dharmendra Shaw
(son of Sukdeo Shaw)

Vs.

Management of Ningah Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.

For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal**STATE:** West Bengal.**Dated:** 31.01.2025**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/06/2015-IR(CM-II)** dated 18.06.2015 has been pleased to refer the following dispute between the employer, that is the Management of Ningha Colliery under Sripur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the claim of the Secretary, Koyala Mazdoor Congress to provide employment of Shri Dharmendra Shaw, son of late Sukdev Shaw, Ex U.G. Loader of Ningha Colliery under Sripur Area of M/s ECL who was declared medically unfit on 23.05.1991 should be given employment as per NCWA is legal and or justified? If not to what relief the concerned dependent is entitled to and from which date? ”

1. On receiving Order **No. L-22012/06/2015-IR(CM-II)** dated 18.06.2015 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 01.07.2015 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements and produce relevant documents along with witnesses in support of their claims.

2. Mr. Rakesh Kumar, President of Koyala Mazdoor Congress filed written statement on 15.09.2015, representing the claim of Sukdeo Shaw, ex-employee of Ningah Colliery under Sripur Area of Eastern Coalfields Limited (hereinafter referred to as ECL). Management filed their written statement on 06.12.2016 through the

Agent, Ningah Group of Mines, ECL. Fact of the case as disclosed in the written statement of the union that Sukdeo Shaw was a permanent employee at Ningha Colliery. Due to illness, he was unable to perform his duty and applied for voluntary retirement under the provision of Clause – 9.4.0 of National Coal Wage Agreement (hereinafter referred to as NCWA). The workman was declared medically unfit for job and was terminated from service as per letter bearing Ref. No. GM/SA/C-6D/91/731 dated 30.05.1991. The Personnel Manager, Sripur Area informed Sukdeo Shaw that on the basis of medical examination held by the Area Medical Board on 23.05.1991 he was found unfit for duty and was advised to submit application for collecting his final dues and employment for dependant in the prescribed form after receiving the letter of termination of service from the Agent of the Colliery. The workman submitted his application praying for providing employment to Jira Devi, his wife. management of Ningah Colliery processed the employment proposal of Jira Devi and after holding screening test at the Colliery and Area level referred her to the Initial Medical Examination Board for her medical examination where she was found fit for job. The proposal for her employment was sent to the Headquarters of ECL but no employment was provided to her and Jira Devi died on 07.06.2011, pending decision of the management. Sukdeo Shaw thereafter applied for employment of his dependant son, Dharmendra Shaw and submitted necessary documents in support of claim for employment. The management of Ningah Colliery once again processed the proposal for employment of Dharmendra Shaw, who was found fit for job. The management of ECL Headquarters after examining the prayer regretted the proposal for employment on the ground the dependant was less than eighteen years of age on the date of his father was found medically unfit to continue employment. It is the contention of the management that Initial Medical Examination (hereinafter referred to as IME) at Area level assessed the approximate age not on the basis of medical jurisprudence and no Ossification test was done. It is the case of the union that the age of the dependant son should be taken into account on the date of application and it is claimed that he was more than eighteen years of age at the relevant time. It is inter-alia contended that according to the provisions of NCWA if the age of the dependant was twelve years and above on the date the employee was found unfit for job then his name is required to be maintained in the Live Roster of the company and wife of the employee to be paid monetary compensation till employment is provided to the dependant on attaining eighteen years. The name of Dharmendra Shaw was not maintained in the Live Roster and the management deliberately did not provide employment by not processing the claim for employment of the dependant son on the ground that application was submitted after eight years from the date of declaring his father unfit and latter regretted the prayer for employment on the ground that he was below age. The union prayed for providing employment to Dharmendra Shaw, the dependant son of Sukdeo Shaw as per provision of Clause – 9.4.0 of NCWA and payment of monetary compensation to the employee concern or his dependant from the date of declaring the ex-employee medically unfit till the dependant was provided with employment.

3. The management of ECL in their written statement has entirely misdirect themselves to the fact of the case and made statement in a blindfolded manner, having no rhymes and reasons. I find that the Agent of Ningah Colliery treated the case to be one of the dismissals of the workman from service for misconduct after issuance of “Charge Sheet” and holding enquiry and thereafter dismissal of the workman by the Disciplinary Authority. It is strange to note that the representative of the management as well as their advocate did not care to meet the contention of the union in their written statement and was unfairly offled the issue.

4. The moot point for consideration is whether Dharmendra Shaw, son of Sukdeo Shaw, ex-employee who was declared medically unfit is entitled to any employment as per the provisions of NCWA and what are the reliefs the dependant is entitled to?

5. Sukdeo Shaw, the ex-employee has been examined as Workman Witness No. 1. He filed an affidavit-in-chief claiming employment for his son on the ground that he was found medically unfit by the Medical Board. It is stated that at first, he applied for employment of his wife, Jira Devi but she died on 07.06.2011. Thereafter, he applied for providing employment to his son Dharmendra Shaw but the management delayed in processing the proposal for employment and violated the provisions of NCWA.

6. In cross-examination the witness stated that the name of his son Dharmendra Shaw is recorded in his Service Record. No suggestion has been put on behalf of the management that his son Dharmendra Shaw is not entitled to any employment as per provision of Clause 9.4.0 of NCWA-IV.

7. Dharmendra Shaw has been examined as Workman Witness No. 2. He filed an affidavit-in-chief. It is stated that after the death of his mother on 07.06.2011 his father applied for providing employment to him. Medical examination as well as screening were held at Colliery and Area level for his employment. Witness stated that he was more than eighteen years of age on the date of application for employment.

8. The witness was cross-examined on behalf of the management where he deposed that he was medically examined by the Board and he had no proof regarding his age on the date of his application for employment. Union in support of their case produced the following documents :

- (i) Copy of the letter dated 30.05.1991 issued by the Personnel Manager, Sripur Area, communicating the findings of the medical examination of Sukdeo Shaw is produced as Exhibit W-1.
- (ii) Copy of details of family members of Sukdeo Shaw, as Exhibit W-2.

- (iii) Copy of Medical Examination Form of Jira Devi, as Exhibit W-3.
- (iv) Copy of letter dated 14/16.02.2007 informing the claim for employment made for Dharmendra Shaw dated 11.11.1998 was a belated claim, as Exhibit W-4.
- (v) Copy of letter dated 27/30.07.2007 informing that no application by Jira Devi for employment was found available, as Exhibit W-5.
- (vi) Copy of letter dated 06.09.2008 issued by the Agent, Ningah Group of Mines to Dharmendra Shaw, seeking resubmission of documents, as Exhibit W-6.
- (vii) Copy of letter dated 19.03.2020 for pre-employment medical examination of Dharmendra Shaw along with others, as Exhibit W-7.
- (viii) Copy of letter dated 14.02.2011 issued by the Senior Manager, Ningah Group of Mines to Dharmendra Shaw for appearing before three-member committee along with supporting documents, as Exhibit W-8.

9. Mr. Ajit Kumar Mazumdar, Dy. Manager (Personnel), Ningah (R) Colliery, ECL has been examined as Management Witness No. 1. In his affidavit-in-chief it is admitted that the family details of Sukdeo Shaw as per Service Book shows that Jira Devi is the wife, Gautam and Dharmendra Shaw are the sons, and Kumari Kamli is the daughter. It is also stated that Sukdeo Shaw appeared for voluntary retirement on 29.09.1989, on the ground of medical disability. The witness further stated that Sukdeo Shaw was found unfit for duty on the basis of medical examination and it was communicated through letter dated 30.05.1991 issued by the Personnel Manager, Sripur Area. Jira Devi who applied for employment in place of her husband, expired and after seven years Dharmendra Shaw applied for employment as the dependant son of Sukdeo Shaw. The application of Dharmendra Shaw was not considered as he was below the age of eighteen years on the date his father was declared medically unfit for duty. In course of his evidence the management witness produced the following documents :

- (i) Copy of application submitted by Sukdeo Shaw proposing the benefit of employee for Voluntary retirement in favour of his son Kesho Saw is produced as Exhibit M-1.
- (ii) Copy of letter dated 04/09.12.2010 issued by the Personnel Manager (I/C), Sripur Area to the Agent of Ningah Group of Mines, regretting employment of Dharmendra Shaw, as Exhibit M-2, M-4 and M-8.
- (iii) Copy of Form nominating Dharmendra Shaw as dependant of Sukdeo Shaw, as Exhibit M-3.
- (iv) Copy of application dated 11.11.1998 for providing employment to the dependant of Sukdeo Shaw, as Exhibit M-5.
- (v) Copy of IME of Dharmendra Shaw which was held on 26.03.2010, as Exhibit M-6.
- (vi) Copy of letter dated 12/13.11.1998 issued by Supdt./Manager, Ningah Colliery, as Exhibit M-7.

10. It is gathered from the cross-examination of the Management Witness No. 1 that he was unable to state why Jira Devi was not given employment though she was found medically fit. The witness admitted that documents relating to Jira Devi were not available and he was unable to answer if Dharmendra Shaw appeared before the Medical Board on 26.03.2010. During further cross-examination the witness stated that medical examination of Dharmendra Shaw was held in the year 2010 and his age was assessed as 32 to 37 years as on 26.03.2010. The witness also admitted that Dharmendra Shaw was above sixteen years of age at the time his father was found medically unfit in the year 1991. The witness stated before the Tribunal that management had no jurisdiction to deny employment to Dharmendra Shaw, the dependant son, who was adult at the relevant time.

11. Heard argument advanced by Mr. Rakesh Kumar, Union representative and Mr. P. K. Das, learned advocate for the management. Mr. Kumar empathetically urged that according to Clause 9.4.0 of NCWA-IV the management of the employer company is duty bound to provide employment to one dependant of a disabled workman, arising out of injury or disease of permanent nature resulting in loss of employment which should be certified by the Coal Company concerned and the benefit would accrue if the employee declared unfit for work was within the age of 58 years. It is claimed that Jira Devi, the wife of the terminated workman applied for employment but no employment was given to her. In the year 1998 Dharmendra Shaw, the son claimed for employment and he was 17 years of age at the time of his father lost the job due to medical unfitness in the year 1991. Mr. Rakesh Kumar, relying upon the documents produced as Exhibit W-4 submitted that Dharmendra Shaw claimed employment on 11.11.1998 instead of Jira Devi but his prayer was rejected on the ground that the application was submitted after seven years. It is urged that the delay was caused at the instance of the management as the prayer for employment of Jira Devi was not finalized till her death in 2011.

12. Mr. P. K. Das, learned advocate for the management in his argument submitted that Sukdeo Shaw had initially nominated his younger brother Kesho Saw for employment and Jira Devi submitted her application. After

the death of Jira Devi, the union processed the claim for employment of the dependant son, Dharmendra Shaw who was below fifteen years at the time of declaring Sukdeo Shaw as medically unfit. There is no provision for maintaining the name of the son in the Live Roster, in case of disablement, as his age was below fifteen years. Learned advocate submitted that in the Service Record Excerpt of the workman (Exhibit W-2) the age of Dharmendra Shaw was recorded as (9) nine years as on 01.04.1987, as such his age was computed as thirteen years on 30.05.1991. Learned advocate further argued that Dharmendra Shaw claimed for employment after passage of seven years and due to such delay, he is not entitled to any employment in place of his father.

13. Considered the rival contention, materials on record and evidence adduced by the parties. Sukdeo Shaw was found medically unfit for his employment which was communicated by letter dated 30.05.1991 (Exhibit W-1). The letter of termination from service has neither been produced by the workman nor by the management. Initially Jira Devi, the wife of the ex-employee prayed for employment but she expired on 07.06.2011 before raising of the Industrial Dispute. Dharmendra Shaw, the son claimed employment on the basis of provision of clause 9.4.3 of NCWA-IV. The dependant son was referred for IME before the Medical Board through letter dated 19.03.2010 (Exhibit W-7). According to the admitted position the age of Dharmendra Shaw was assessed by the Medical Board as 32 to 37 years as on 26.03.2010, therefore he was fourteen and half year of age on the dated of voluntary retirement of his father i.e., 30.05.1991. According to Clause 9.5.0 (iii) of NCWA-V in case of death either in mine accident or for other reasons or medical unfitness under clause 9.4.0, if no employment has been offered and the male dependant of the concerned worker is 15 years and above in age he will be kept on a Live Roster and would be provided employment commensurating with his skill and qualifications when he attains the age of 18 years. In the instant case the dependant son was below fifteen years of age therefore management committed no error by not keeping the son in the Live Roaster for providing employment after he attains eighteen years. It is also evident that during the lifetime of Jira Devi, Dharmendra Shaw made his application for employment in the year 1998. It cannot be said that the son substituted himself in place of his mother Jira Devi, who died long thereafter in the year 2011. The workman is unable to cite proper reason for changing his stance. It also appeared that the application for employment of the son was made seven years after the workman was declared medically unfit on 30.05.1991. The management regretted the prayer for employment by issuing letter dated 04/09.12.2010 (Exhibit M-2). Copy of which was communicated to Dharmendra Shaw, the claimant. From the facts of the case, it clearly emerges that Sukdeo Shaw sought for his voluntary retirement on medical ground only two years before his normal time of superannuation in the year 1993. The situation was not rife to accommodate any of his dependant to provide employment following the norms of the employer company. In this case I find that it would be appropriate to allow compensation to Sukdeo Shaw, Ex-Underground Loader, Ningah Colliery, equivalent to his notional pay for a period of two years i.e., from 30.05.1991 till his actual date of superannuation 30.06.1993 for his premature disengagement. The management of Ningah Colliery is therefore directed to pay compensation to the workman equivalent to his monthly salary and other allowances payable to the employee from the date he was declared medically unfit for duty till 30.06.1993, as 01.07.1933 was his notional date of birth. The management shall make full payment of such amount within two months from the date of communication of the Award.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest in part against the management of Ningah Colliery. Dharmendra Shaw, the dependant son of Sukdeo Shaw is not entitled to any employment according to the provision of Clause 9.4.3 of NCWA-IV applicable to the employer company. The management of Ningah Colliery under Sripur Area of Eastern Coalfields Limited is directed to pay the compensation amount within two months from the date of communication of the Award to Sukdeo Shaw, ex-employee, equivalent to the amount of his Pay and Allowances which he would have earned if he was in service from 30.05.1991 to his normal date of superannuation i.e., 30.06.1993. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 344.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 17/2013) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/124/2013-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 344.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.17/2013**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **25/02/2025**.

[No. L-22012/124/2013 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 17 OF 2013

PARTIES: Gohna Kora

Vs.

Management of J. K. Nagar Colliery of ECL

REPRESENTATIVES:

For the Union/Workman: None.

For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 07.02.2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/124/2013-IR(CM-II)** dated 18.09.2013 has been pleased to refer the following dispute between the employer, that is the Management of J. K. Nagar Colliery under Satgram Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management to dismissal from service w.e.f. 20.06.2011 to Sri Gohna Kora, only ground of absenteeism, while, other punishment can be awarded as per standing order is proper, justified and proportionate. If not, so what relief management can provide to him? ”

1. On receiving Order **No. L-22012/124/2013-IR(CM-II)** dated 18.09.2013 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 14.02.2014 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. P. K. Das, learned advocate for the management of Eastern Coalfields Limited is present. The case is fixed up today for evidence of workman witness. This case relates to dismissal of Gohna Kora for his unauthorized absence from duty. On repeated calls at 1.00 PM none appeared on behalf of the union. Due to death of the dismissed workman a substitution petition was allowed on 07.06.2016 and four legal heirs of the deceased were substituted in his place. The case was fixed for evidence of workman witness from 07.11.2016 to 05.09.2022 and from 23.05.2023 till 07.02.2025 but no evidence has been adduced by the legal heirs of the deceased workman. In such view Industrial Dispute, pending for eleven years, is dismissed for default. Let a No Dispute Award be drawn up. Legal dues of the deceased employee be disbursed to his legal heirs on proper verification of their identity.

Hence,

ORDERED

that a No Dispute Award be drawn up in the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 345.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 12/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/10/2023-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 345.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.12/2023**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **19/02/2025**.

[No. L-22012/10/2023 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 12 OF 2023

PARTIES: Rabindranath Mukherjee

Vs.

Management of Patmohana Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. R. K. Tripathi, Gen. Secy., Koyala Mazdoor Congress.

For the Management of ECL: Mr. P. K. Goswami, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 21.01.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/10/2023-IR(CM-II)** dated 03.02.2023 has been pleased to refer the following dispute between the employer, that is the Management of Patmohana Colliery under Sodepur Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the demand of General Secretary, Koyala Mazdoor Congress for payment of H.R.A. for the period from 01/01/2009 to 06/09/2012 in respect of Shri Rabindranath Mukherjee, Ex-Overman, U.M. No. 133560 to the management of Patmohana Colliery of M/s. Eastern Coalfields Limited is proper, legal and justified? If yes,

to what relief Shri Rabindranath Mukherjee, Ex-Overman is entitled and what directions are necessary to the management in this respect? ”

1. On receiving Order **No. L-22012/10/2023-IR(CM-II)** dated 03.02.2023 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 14.02.2023 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. The workman filed written statement on 03.04.2023 through Koyala Mazdoor Congress. In nutshell, the fact of workman's case is that Rabindranath Mukherjee, a permanent employee of Eastern Coalfields Limited (hereinafter referred to as ECL), was posted at Patmohana Colliery under Sodepur Area as Overman bearing UM No. 133560. He came on transfer from West Kenda OCP and handed over his quarters to the management of West Kenda OCP under Kenda Area. The said quarters was allotted to Kishore Bouri, another employee vide Office Order No. Pers/WKOC/09/06 dated 15.01.2009. After joining Patmohana Colliery the workman attended his duty from his native village at Mithani, which is five kilometers from Patmohana Colliery and claimed payment of House Rent Allowance (hereinafter referred to as HRA) from the Manager, Patmohana Colliery by submitting his application dated 21.01.2009. The management of Patmohana Colliery initiated a Note Sheet bearing No. PMC/C-6/House Rent/09/448 dated 29.03.2009/13.04.2009. According to the guidelines of the employer company, an employee who is residing within a radius of five Kilometers should be paid HRA but in the present case the management neither allotted any quarters to Rabindranath Mukherjee, nor any HRA was paid to him for the period from 01.01.2009 to 06.09.2012. In course of time Rabindranath Mukherjee was declared medically unfit on 07.09.2012 and his service was terminated without paying him the HRA for the period from 01.01.2009 to 06.09.2012 i.e., during the tenure of his service. It is the case of the union that the workman is entitled to HRA from the management and in similar case the Headquarters of ECL had considered the representation submitted by the union and had paid HRA to the concerned employees.

3. Management contested the case by filing written statement on 03.04.2023. It is their case that Rabindranath Mukherjee was an employee of Patmohana Colliery and was declared medically unfit w.e.f. 06.09.2012 and he raised the Industrial Dispute after lapse of five years. Further case of the management is that the workman came on transfer from Kenda OCP to Patmohana Colliery which is near to his house. It is asserted that in Circular No. ECL/CMD/C-6/WBE-1/498 dated 28.06.2006 it is stated that in the event the workman vacated the quarters after issuance of the circular, they shall not be entitled to HRA. According to the management the workman vacated his standard quarters at Kenda, in the year 2008, few years after issuance of circular, therefore he is not entitled to any HRA and the Industrial Dispute is liable to be dismissed.

4. In support of workman's case union examined Rabindranath Mukherjee, as Workman Witness No. 1, who reiterated the case in the pleading. The following documents have been produced by the witness :

- (i) Copy of the Office Order dated 15.01.2009 by which quarters at Krishna Nagar Colliery was allotted to Kishore Bouri has been produced as Exhibit W-1.
- (ii) Copy of Application dated 21.01.2009, claiming HRA is produced as Exhibit W-2.
- (iii) Copy of Order by which the workman was declared medically unfit from 06.09.2012, as Exhibit W-3.

The workman stated that he is entitled to get HRA for the period from 01.01.2009 to 06.09.2012, during his service at Patmohana Colliery, as no quarters of the company was allotted to him during the period.

5. The workman witness was not cross-examined by the management and he was discharged.

6. Record reveals that ample opportunity was granted to the management of the ECL for adducing evidence 08.10.2024 and hearing of argument. No step was taken by the management on 08.10.2024 which was the second consecutive date without any step by the management. The case was thereafter fixed up for hearing of argument on 17.12.2024.

7. It is argued on behalf of the union that the workman who has retired from service was not allocated any quarters during his service at Patmohana Colliery and is entitled to receive the amount towards HRA for the period from 01.01.2009 to 06.09.2012. It is further submitted that the workman was earlier allotted a quarters at West Kenda OCP. At the time of his transfer to Patmohana Colliery Rabindranath Mukherjee handed over the quarters to the management and the same was thereafter allotted to Kishore Bouri by Office Order dated 15.01.2009 (Exhibit W-1). The workman was not allotted with any quarters at Patmohana Colliery and he attended his duty from his own house at Mithani. The workman submitted his application dated 21.01.2009 for payment of HRA (Exhibit W-2). The union representative argued that the workman was medically unfit and the Office Order bearing No. PMC/C-6/unfit/MGR/197 dated 06.09.2012 (Exhibit W-3) was issued whereby he was terminated from service on medical ground w.e.f. 07.09.2012 and he was directed to claim statutory benefit along with gratuity. It is argued that the workman cannot be deprived of his HRA on the basis of Circular dated 28.06.2006, which was issued in the individual capacity of the concerned officer, not based upon any collective decision and

having no applicability. It is furthermore contended that in Chapter - VIII of National Coal Wage Agreement – VII, the provision of Clause 8.1.1 and 8.1.2 lay down that HRA will be paid to those employees who have not been provided with residential accommodation. It is argued that the Circular dated 28.06.2006 issued by the Dy. Chief Personnel Manager (Estd./MP) is an encroachment upon the entitlement of workman in respect of their claim for HRA. Such circular issued in individual capacity without any scope of collective bargaining is not enforceable under the law.

8. Mr. P. K. Goswami, learned advocate argued that as per Circular dated 28.06.2006 the workman is not entitled to any HRA and the workman was not entitled to any quarters as his own house was situated within a short distance from the place of work.

9. Having considered the rival contentions of the union and management, their respective pleadings and evidence, it appears to me that the stage is now set for adjudication as to whether the demand of HRA for Rabindranath Mukherjee from Patmohana Colliery of ECL is justified?

10. It is undisputed that Rabindranath Mukherjee was a permanent employee of ECL and was posted as an overman at West Kenda OCP before he was transferred to Patmohana Colliery on 15.12.2008 on the basis of his own request. On his transfer the workman handed over his quarters at Krishna Nagar Colliery to the management of West Kenda OCP, which was then allotted to Kishore Bouri vide Ref. No. Pers/WKOC/09/06 dated 15.01.2009 (Exhibit W-1). It is obvious that on transfer to Patmohana Colliery the workman was not under any obligation to attend his duty from his earlier quarters at Kenda Area, which was far away from his house. It is only reasonable and prudent for the workman to attend his duty from his native place at village - Mithani which was only five kilometers from his place of work. The workman was not provided with any quarters at his new place of posting at Patmohana and no evidence to that effect has been adduced. It is evident from Exhibit W-2 that the workman claimed HRA by submitting an application before the management. Management raised objection against claim of HRA by the workman on two counts. It is firstly contended that the workman was declared medically unfit and was terminated from his service on 07.09.2012 but the Industrial Dispute was raised after inordinate delay of nearly ten years. On considering such argument, I find that there is no period of limitation for raising any Industrial Dispute. A workman is always entitled to claim his dues. Therefore, I find no substance in the argument advanced on behalf of the management that delay in raising the claim would defeat the Industrial Dispute.

11. The second contention of the management is that a Circular has been issued by the management bearing Ref. No. ECL/CMD/C-6/WBE-1/498 dated 28.06.2006 which has clearly laid down that if any employee after standard quarters is allotted to him, vacated the same then he shall not be entitled to HRA. It is an axiomatic that the rights and liabilities of employees under ECL flows from the joint bipartite agreement between the representatives of management and union. It is gathered from Clause - 8.1.1 of Chapter - VIII of National Coal Wage Agreement – VIII that HRA will be paid to those employees who have not been provided with residential accommodation. Clause – 8.1.3 lays down that HRA for Employees in Urban Areas will be governed by Government notification/clarification on the subject as provided in the previous agreements and shall be applicable from 1.1.2009 on the revised basic. The other related issues will be discussed/decided in the Standardization Committee within a period of three months. It would transpire from Clause – 8.1.1 that HRA would be paid to the employees who have not been provided with any residential accommodation. In the present case no residential accommodation was provided to Rabindranath Mukherjee at the place of his transfer at Patmohana Colliery. This provision of Clause – 8.1.1 cannot be stretched to include a situation where HRA would not be granted to the employees in the event of vacating of company's accommodation. By the term “provide” it means to make available for occupation. Imaginative interpretation and extension of provision of National Coal Wage Agreement by the management is not legally tenable and cannot be accepted. If for argument's sake the provision of circular dated 28.06.2006 is given primacy over the provision of HRA in National Coal Wage Agreement, it would amounts to recession and alteration of the previous agreement in the Joint Bipartite Committee for the Coal Industry or a novation of the agreement, which cannot be the objective of laying down such bipartite agreement in writing. Having considered the core of the dispute involved in this case, I have no hesitation to hold that the workman, Rabindranath Mukherjee is entitled to his HRA for the period from 01.01.2009 to 06.09.2012, as he had not been provided and not in occupation of any quarters of ECL. At the time of assessing the HRA, the management shall take into consideration the terms of O.M No. 2(70)/08-DPE(WC)-GL-XVI/08 dated 26.11.2008 and OM No. 2(70)/08-DPE(WC)-GL-VII dated 02.04.2009 from Government of India, Ministry of Heavy Industries and Public Enterprises for payment of HRA to the employees of Central Public Sector Enterprises on population basis for cities classified as ‘Y’ category. The city of Asansol has been declared as ‘Y’ category city with effect from 29.08.2008. It is undisputed that village – Mithani is situated within the limits of Ward No. 74 of Asansol Municipal Corporation. Accordingly, the HRA of the aggrieved employee be assessed for the said period on the basis of such Office Memorandum, applicable to the locality where the workman was posted. The Industrial Dispute is accordingly allowed on contest in favour of the workman / union.

Hence,

ORDERED

that the Industrial Dispute is allowed on contest, in favour of the workman Rabindranath Mukherjee. It is

ordered that the Management of Patmohana Colliery, ECL shall pay the workman House Rent Allowance from the management of Patmohana Colliery under Sodepur Area of Eastern Coalfields Limited for the period from 01.01.2009 to 06.09.2012. The House Rent Allowance shall be paid to the workman within three months from communication of the Award. An award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 346.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 09/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/19/2021-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 346.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 09/2021**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **19/02/2025**.

[No. L-22012/19/2021 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 09 OF 2021

PARTIES: Nirmal Majhi

Vs.

Management of Nimcha Colliery under Satgram Area, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Rakesh Kumar, President, Koyala Mazdoor Congress.

For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 20.01.2025

AWARD

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/19/2021-IR(CM-II)** dated 21.06.2021 has been pleased to refer the scheduled Industrial Dispute between the employer, that is the Management of Nimcha Colliery under Satgram Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its Nimcha Colliery

under Satgram Area in imposing a punishment of dismissal on Shri Nirmal Majhi, Ex- U.G. Loader (UM No.115433), Nimcha Colliery w.e.f. 25-11-2002 is just and legal? If not, to what relief the workman is entitled to? ”

1. On receiving Order **No. L-22012/19/2021-IR(CM-II)** dated 21.06.2021 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 08.07.2021 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims.

2. The dismissed workman, represented by Koyala Mazdoor Congress, filed written statement on 10.11.2021. The management of Nimcha (R) Colliery of Eastern Coalfields Limited (hereinafter referred to as ECL) filed written statement on 14.12.2022. Brief fact of the case as disclosed in the written statement filed on behalf of the workman is that Nirmal Majhi was posted as an Underground Loader at Nimcha Colliery under Satgram Area of ECL, bearing U.M. No. 115433. Due to his illness, he could not attend his duty from 13.07.2000. After he recovered from his illness, he reported for duty at his place of work but the management did not allow him to join his duty. A Charge Sheet bearing No. NC/CS/Persl/225 dated 26.08.2000 was issued against him on the ground of his unauthorized absence. The workman participated in the enquiry and stated that due to his illness he could not attend his duty and also submitted the documents relating to his medical treatment. After completion of the enquiry the management awarded a major punishment of dismissal for his absence for a period of 1 month and 12 days only. An order of dismissal was passed on 25.11.2002. The workman submitted mercy petition before the management for his reinstatement in accordance with the Memorandum of Settlement signed before the Regional Labour Commissioner (Central), Asansol dated 22.05.2007. It is the case of the union that Nirmal Majhi is a young man and fulfills all the conditions of the Memorandum of Settlement dated 22.05.2007. He was less than forty-five years of age at the time of his dismissal for his absence for less than nine months but the management did not allow him to join his duty. Further grievance of the workman is that he was not allotted any quarter at Nimcha Colliery and was compelled to attend his duty from his native place due to which he fell ill and was unable to attend duty in proper manner. According to the workman a disproportionate punishment was imposed against him in illegal manner. The workman was not provided with the assistance of co-worker to defend himself during enquiry, resulting in violation of natural justice. It is prayed that the order of dismissal passed against Nirmal Majhi should be set aside and the workman should be reinstated in his employment with full back wages and all other consequential benefits.

3. Management of ECL contested the case by filing written statement. The rival contention of the management is that Nirmal Majhi was dismissed from service due to his long absence from duty in unauthorized manner without any information to the employer company the period from 13.07.2000 to 26.08.2000. It is the case of the management that the workman did not respond to the Charge Sheet and continued to be absent till 11.09.2002. He did not participate in the enquiry without any reason. The charged employee participated in the enquiry, after the Enquiry Officer issued Notice dated 29.08.2002. The Charge levelled against the workman was proved beyond doubt and enquiry was held following principles of natural justice. A second Show Cause Notice was issued to the workman dated 28.09.2002 / 21.10.2002. No extenuating circumstance was found to exist in favour of the charged workman and the Competent Authority dismissed him by issuing letter dated 25.11.2002. Before awarding punishment the management of the company had considered the gravity of the misconduct, available records and extenuating circumstance, if any. Further case of the management is that as per office record the workman is a resident of Vill- Layek Dhawra, PO- Chelod, PS- Raniganj but in his pleading he has stated that he was residing at his native place village at Damra. It is inter-alia contended that the workman did not turn up for two years and ultimately after receiving the enquiry notice dated 29.08.2002 he turned up for participating in the domestic enquiry held on 12.09.2002. According to the management onus lies upon the employees to abide the rules and regulations as per Certified Standing Orders applicable to them. In the instant case Nirmal Majhi could not be traced for nearly two years. There is no extenuating circumstance in his favour and from the records it appears that the workman was awarded punishment of stoppage of three SPRA at Kalidaspur Project of ECL, his previous place of posting. The management further urged that the mercy petition has been filed by the workman ten years after his dismissal in the year 2012, which reveals extreme disinterest of the workman in service. In this context management has placed reliance upon a decision of the Hon'ble High Court at Calcutta, in the case of **Some Majhi Vs. Coal India Limited and Others** which inter alia observed that one must take his duties seriously, perform his function with honesty and sincerity and must conduct himself in disciplined manner. An employee / workman who did not think it necessary to sent even one intimation to the employer during the period of absence, deserves no sympathy. Management of ECL further asserted that the Industrial Dispute has been raised after sixteen years, in December 2018, in this regard reliance has been placed upon a dispute of the Hon'ble Supreme Court of India in the case of **Nedungadi Bank Ltd. Vs. K. P. Madhavankutty and Others [C.A. 638 of 2000]**, where the hon'ble court observed that the Government should exercise the power of referring under the provision of the I.D. Act, 1947 in reasonable and rational manner and it should not accept the case referred for adjudication after a laps of seven years as no Industrial Dispute existed or even said to have been apprehended. Such dispute which is stale one, could not be a subject of Reference under Section 10 of the I.D. Act, 1947. The management of ECL urged that the order of dismissal passed by the management against Nirmal Majhi is totally justified and he is not entitled to any relief.

4. Nirmal Majhi has been examined as Workman Witness No. 1. He filed his affidavit-in-chief and produced the following documents :

- (i) Copy of Charge Sheet dated 26.08.2000 has been produced as Exhibit W-1.
- (ii) Copy of the Enquiry Proceeding and Findings, as Exhibit W-2.
- (iii) Copy of dismissal Letter dated 25.11.2002, as Exhibit W-3.
- (iv) Copy of Mercy petition dated 22.12.2012, as Exhibit W-4.
- (v) Copy of second Mercy petition dated 16.01.2017, as Exhibit W-5.

5. In his cross-examination the witness admitted that he was unable to produce medical documents. The witness denied the suggestion that he intentionally remained absent from duty or he is not entitled to any relief.

6. Management examined Mr. Sumit Choudhury as Management Witness No. 1. He filed an affidavit-in-chief in support of the case of the management. The witness produced the following documents:

- (i) Copy of Charge Sheet dated 26.08.2000, as Exhibit M-1.
- (ii) Copy of letter dated 28.08.2002 regarding appointment of the Enquiry Officer, as Exhibit M-2.
- (iii) Copy of Notice of enquiry dated 29.08.2002, as Exhibit M-3.
- (iv) Copy of Enquiry Proceeding and Findings of the Enquiry Officer, as Exhibit M-4.
- (v) Copy of the second Show Cause Notice dated 28.09.2002 / 21.10.2002, as Exhibit M-5.
- (vi) Copy of letter of dismissal dated 25.11.2002, as Exhibit M-6.

7. In course of cross-examination the witness deposed that there was no charge of habitual absence in the Charge Sheet. He also stated that at the time of enquiry assistance of co-worker was extended to Nirmal Majhi, which is mentioned in the Notice of enquiry. Though the second Show Cause Notice dated 28.09.2002 / 21.10.2002 has been produced as Exhibit M-5, the witness deposed that he has no knowledge that the second Show Cause Notice was served upon the charged employee. The management witness supported the dismissal of the workman by denying that the punishment of dismissal was disproportionate to the charge of unauthorized absenteeism.

8. The crux of the Industrial Dispute is whether the punishment of dismissal imposed upon Nirmal Majhi for his absence from duty is legally tenable? If not, whether the workman is entitled to any relief.

9. It is gathered from the pleading of the parties that the workman posted as an Underground Loader at Nimcha Colliery stopped attending his duty from 13.07.2000 to 26.08.2000 without any information to the management of the employer company. The management issued a Charge Sheet against him for his unauthorized absence as per Clause 26.29 of the Certified Standing Orders, copy of the same has been produced as Exhibit W-1 / M-1. The workman did not submit any reply to the Charge Sheet nor did he deny that the Charge Sheet was not served upon him within time. The management issued a letter dated 28.08.2002 to Nirmal Majhi regarding appointment of the Enquiry Officer (Exhibit M-2). A Notice of the enquiry dated 29.08.2002 was issued at the home address of the employee at Layek Dhawah (Exhibit M-3). It is apparent that the Notice of enquiry was issued two years after issuance of the Charge Sheet. The long intervening period of two years clearly indicates that the workman did not respond to the Charge Sheet nor did he turn up for his duty for a period of two years from his admitted date of unauthorized absence from 13.07.2000. The workman eventually participated in the Enquiry Proceeding held on 12.09.2002. In his statement before the Enquiry Officer, he admitted his absence from duty and stated that he was suffering from illness and went to his native village – Damra and did not send any intimation to the management of Nimcha Colliery. It is gathered from the statement of Mr. Laxmikant Jha, Management Representative, that the workman joined Nimcha Colliery on 26.08.2000 and within a span of five months he started absenting from duty. In the entire year of 2000, he performed his duty only for forty-five days. The charged employee did not produce any medical document in respect of his treatment at any point of time. The Enquiry Officer submitted his Report and findings, holding that the charge stood proved (Exhibit M-4). Mr. Rakesh Kumar, Union representative, on behalf of the workman argued that the workman was not given the opportunity to be represented by any co-worker and there is no proof of issuance of any second Show Cause Notice to the workman before his dismissal. Mr. P. K. Das, learned advocate for the management of ECL, in reply, argued that the charged employee was provided opportunity to be assisted by a co-worker during the enquiry and the same was clearly notified in the Notice of enquiry (Exhibit M-3). The workman did not take the assistance of any co-worker on his own accord and did not venture to cross-examine the management representatives, who deposed against him. Regarding the second Show Cause Notice it is submitted that after the Enquiry Officer held the charged employee guilty of the charge under Clause 26.29 of Certified Standing Orders, a second Show Cause Notice dated 28.09.2002 / 21.10.2002 was issued to him under registered post, directing him to submit his reply within seventy-two hours of receipt. It is submitted that the second Show Cause Notice was transmitted to the charged workman under registered post with A/D and a copy of the same has been produced as Exhibit M-5. It is submitted that no objection was raised by the union at the time of admission of second Show Cause Notice. Learned advocate for the management argued that the Mercy petition has been submitted by the workman for the first time on 22.12.2012 (Exhibit W-4) and for the second time on 16.01.2017 (Exhibit W-5) which are long ten years after his dismissal. It is contended that the Industrial Dispute raised after a lapse of sixteen years from his dismissal of the workman after his participation in

the enquiry is a stale one and the order of dismissal passed against the workman is appropriate and consistent to the nature of misconduct which calls for no interference.

10. Having considered the materials on record, pleadings of the parties and the argument advanced on behalf of the union and management, it is crystal clear that the workman not only absented for the period of one month and twelve days but he absented beyond the date of Charge Sheet issued to him and ultimately the domestic enquiry was held two years after the issuance of Charge Sheet. The workman failed to produce any medical document to establish that he was suffering from any type of ailment, which prevented him from joining his duty. The workman having joined Nimcha Colliery in February, 2000, started absenting from 13.07.2000. It appears from his affidavit-in-chief that he joined Nimcha Colliery on 26.02.2000 and the job of an Underground Loader being hazardous, he could not adjust himself and fell ill and could not attend his duty. Failing to perform his duty was admitted by him but he was unable to adduce any evidence in support of his illness. The charge is well established against the workman and the management has also submit a copy of second Show Cause Notice issued to Nirmal Majhi at the same address at Vill- Layek Dhawra, PO- Chelod, PS- Raniganj, where the Notice of enquiry was served upon him. The Enquiry Officer has followed the principles of natural justice at the time of holding the domestic enquiry. The Competent Authority after issuing the second Show Cause Notice dismissed the workman for his unauthorized absence. An employee is required to perform his duty under the employer in a sincere and dedicated manner so that his participation contributes to the benefit of the employer establishment. For this purpose, the employee is required to follow the rules and regulations of the company and maintain a disciplined conduct. In the instant case it is evident that the workman, had absented from duty for a long period but he did not have any responsibility to inform the management the reason of his absence. In my considered view, I find no illegality in the order of dismissal passed against the workman. The punishment of dismissal is the outcome of long unauthorized absence which demonstrates lack of accountability of the workman. The Mercy petition were filed after a decade from the time of his dismissal and the Industrial Dispute is raised even after a longer period. The same therefore has no merit under the emerging facts and circumstances of the case. I therefore hold that Nirmal Majhi, the dismissed workman is not entitled to any relief of reinstatement nor any back wages.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. I find no tangible reason to interfere with the order of dismissal. Nirmal Majhi, the dismissed workman is not entitled to any relief of reinstatement or back wages. The management of the company is directed to disburse his dues, if not paid earlier. An award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 347.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 26/2021) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/60/2021-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 347.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No.26/2021**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **19/02/2025**

[No. L-22012/60/2021 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 26 OF 2021

PARTIES: Suresh Gope

Vs.
Management of Amrit Nagar Colliery, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. Chandi Banerjee, Gen. Secy., Colliery Mazdoor Union.

For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.

STATE: West Bengal.

Dated: 08.01.2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/60/2021-IR(CM-II)** dated 30.11.2021 has been pleased to refer the scheduled Industrial Dispute between the employer, that is the Management of Amrit Nagar Colliery under Kunustoria Area of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the Management of M/s. Eastern Coalfields Ltd. in relation to its Amrit Nagar Colliery under Kunustoria Area in denying the claim for regularization of Shri Suresh Gope, Haulage Operator (UG), UM No. 814887, as S.B. Attendant is just and legal? If not, to what relief the said workman is entitled to? ”

1. On receiving Order **No. L-22012/60/2021-IR(CM-II)** dated 30.11.2021 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 26 of 2021** was registered on 01.12.2021 / 01.07.2022 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Suresh Gope, aggrieved workman is represented by Mr. Chandi Banerjee, union representative. Mr. P. K. Das, learned advocate for the management of Eastern Coalfields Limited is present. The case is fixed up today for hearing of argument. At this stage, a petition is filed by Mr. Chandi Banerjee, General Secretary, Colliery Mazdoor Union, Asansol, stating that the workman who had claimed regularization from Haulage Operator (UG) to S.B. Attendant at Amrit Nagar Colliery under Kunustoria Area of Eastern Coalfields Limited, does not want to proceed any further in this case and wants to withdraw the dispute. Copy of the application is served upon Mr. P. K. Das, learned advocate for the management.

3. Parties filed written statement and contested the case. Suresh Gope adduced evidence and was cross-examined on behalf of the management. Mr. Joydeep Barman appeared as Management Witness No. 1 and documents were produced as Exhibits M-1 and M-2. On the date fixed for hearing of argument, the workman through union representative, prayed for granting permission to withdraw the case. A party can withdraw a case at any stage. Prayer of the union is therefore considered and allowed. The Industrial Dispute stands withdrawn. In view of Reference made by the Government of India, the Industrial Dispute is disposed of and a No Dispute Award is drawn up.

Hence,

ORDERED

that a No Dispute Award be drawn up in the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 348.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधन के संबंधित नियोजकों और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 13/2023) को प्रकाशित करती है, जो केन्द्रीय सरकार को 19/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/11/2023-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 348.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 13/2023**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **19/02/2025**.

[No. L-22012/11/2023 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 13 OF 2023

PARTIES: 1. Shahjad Ansari,
2. Prahalad Nunia (workmen)

Vs.

Management of Narsamuda Colliery, ECL

REPRESENTATIVES:

For the Union/Workmen: None.
For the Management of ECL: Mr. P. K. Das, Advocate.

INDUSTRY: Coal.**STATE:** West Bengal.**Dated:** 13.01.2025**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/11/2023-IR(CM-II)** dated 06.02.2023 has been pleased to refer the following dispute between the employer, that is the Management of Narsamuda Colliery under Dhemomain Group of Eastern Coalfields Limited and their workmen for adjudication by this Tribunal.

SCHEDULE

“ Whether the demand of the Union i.e. Colliery Mazdoor Sabha of India vide letter dated 10/07/2017 (copy enclosed) against the management of Narsamuda Colliery under Dhemomain Group of M/s Eastern Coalfields Limited over the issue of illegal recovery of HRA, against non-standard quarters under the provisions of

NCWA, from the salary of Shri Sahajad Ansari, CCM Helper, UM No. 131277 and Shri Prahalad Nunia, S.F. Pump Operator, UM No. 131392, is proper, legal and justified? If yes, to what relief the concerned both workmen are entitled and what directions are necessary to the management in this respect? ”

1. On receiving Order **No. L-22012/11/2023-IR(CM-II)** dated 06.02.2023 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a Reference case was registered on 14.02.2023 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.
2. Mr. P. K. Das, learned advocate for Eastern Coalfields Limited appeared along with Mr. Rahul Singh, Management Representative. The case is fixed up today for ex-parte hearing. On repeated calls at 12.40 PM, Shahjad Ansari and Prahlad Nunia, the two aggrieved workmen are found absent. None appeared on behalf of Colliery Mazdoor Sabha of India (CITU).
3. Contention of the workmen is that House Rent Allowance was deducted from salary against non-standard quarter and they have challenged the action of the management. After registration of this case on 14.02.2023 Notice under registered post were issued to parties. Management appeared through Mr. P. K. Das, learned advocate and Mr. Asit Kumar Mukherjee, learned advocate appeared for Shahjad Ansari and Prahlad Nunia by filing Vokalatnama. The case was fixed up on several dates i.e., on 11.04.2023, 04.08.2023, 20.12.2023, 05.02.2024 and ultimately fixed for ex-parte hearing on 26.06.2024, 25.10.2024 and 13.01.2025 i.e., today. On compliance with order dated 25.10.2024 fresh Notice under registered post was issued to both the workmen but they did not appear. Considered.
4. It appears to me that neither the union nor the concerned workmen are inclined to proceed any further with this case. It is futile to examine the Management Witness without the Industrial Dispute being represented and contested by the workmen. The Industrial Dispute is therefore dismissed in the form of No Dispute Award.

Hence,

ORDERED

that a No Dispute Award be drawn up in the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 4 मार्च, 2025

का.आ. 349.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार ई.सी.एल. के प्रबंधतंत्र के संबद्ध नियोजको और उनके कर्मचारों के बीच, अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण - सह - श्रम न्यायालय, आसनसोल के पंचाट (सन्दर्भ संख्या 110/2005) को प्रकाशित करती है, जो केन्द्रीय सरकार को 25/02/2025 को प्राप्त हुआ था।

[सं. एल-22012/379/2004-आई. आर. (सीएम-II)]

मणिकंदन.एन, उप निदेशक

New Delhi, the 4th March, 2025

S.O. 349.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (**Reference.I.D.No. 110/2005**) of the **Central Government Industrial Tribunal-cum-Labour Court, Asansol** as shown in the Annexure, in the industrial dispute between the Management of **E.C.L.** and their workmen, received by the Central Government on **25/02/2025**.

[No. L-22012/379/2004 – IR (CM-II)]

MANIKANDAN. N, Dy. Director

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 110 OF 2005**PARTIES:**

Hadu Behara

Vs.

Management of Patmohna Colliery, B.M.P. Group of Mines, ECL

REPRESENTATIVES:

For the Union/Workman: Mr. H.L. Soni, Union Representative, Koyala Mazdoor Congress

For the Management of ECL: Mr. P.K. Goswami, Advocate

INDUSTRY: Coal.**STATE:** West Bengal.**Dated:** 03.02.2025**AWARD**

In exercise of powers conferred under clause (d) of Sub-section (1) and Sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Government of India through the Ministry of Labour, vide its Order **No. L-22012/379/2004-IR(CM-II)** dated 18.08.2005 has been pleased to refer the following dispute between the employer, that is the Management of Patmohna Colliery, B.M.P. Group of Mines of Eastern Coalfields Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of Patmohna Colliery in dismissing Sh. Hadu Behara from services w.e.f. 26.2.97 is legal and justified? If not, to what relief the concerned workman is entitled to and from which date? ”

1. On receiving Order **No. L-22012/379/2004-IR(CM-II)** dated 18.08.2005 from the Government of India, Ministry of Labour, New Delhi for adjudication of the dispute, a **Reference case No. 22 of 2001** was registered on 09.09.2005 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims along with a list of witnesses.

2. Mr. H.L. Soni, Secretary, Koyala Mazdoor Congress filed written statement on behalf of Hadu Behara on 28.11.2005. Management of ECL contested the case by filing their written statement on 03.11.2006. The fact of the case as disclosed in the written statement of the workman is that Hadu Behara, a permanent employee of Eastern Coalfields Limited was posted as U.G. Loader at Patmohna Colliery, Sodepur Area. Due to his continuous illness, he remained absent from duty from 25.10.1994 to 20.10.1995, which was beyond his control. He was undergoing medical treatment from a private medical practitioner at Raniganj. After recovery, he went to attend his duty but the management of Patmohna Colliery issued a Charge Sheet against him bearing number PMC/C-6/58/1060 dated 20.10.1995, levelling a charge of unauthorized absence from duty without notice or authorization. According to the version of the union, the management of ECL conducted a fake enquiry against Hadu Behara without serving any notice of enquiry upon the workman. It is contended that the workman was not aware about the appointment of any Enquiry Officer and Management Representative. The workman could not participate in enquiry to defend his case, resulting in violation of the principles of natural justice. It is inter alia contended that management conducted an ex parte enquiry and he was dismissed from service vide letter No. ECL/STA/C-6/44/539 dated 17.02.1997. The union further contended that the punishment of dismissal imposed against workman is illegal as no Second Show Cause notice was served upon the workman as directed by the Hon'ble Supreme Court of India. Furthermore, the order of dismissal is harsh and disproportionate to the alleged misconduct. It is prayed that the order of dismissal is liable to be set aside and Hadu Behara should to be reinstated in service and full back wages and other consequential benefits should be paid to him from the date of his dismissal till his reinstatement.

3. The management in their written statement disclosed that the union has no locus standi to agitate on behalf of the workman who was not a member of the union at the time of raising the dispute. It is further stated that the workman was dismissed vide letter No. ECL/STA/C-6/44/539 dated 17.02.1997 and the Industrial Dispute was raised by the union after lapse of seven years on 16.07.2004 without assigning any reason for such inordinate delay. It is the case of the management that Hadu Behara was absent from duty from 25.10.1994 to 20.10.1995 without informing the management or obtaining any permission or leave. A Charge Sheet was issued against him. The workman did not submit any reply and an enquiry was held ex parte where the charge of unauthorized absence was proved against him. There was no reason to show any leniency to the workman as he willfully remained absent without any ground. He remained silent for seven years without submitting any representation before the management since his dismissal. It is urged that the workman is not entitled to any relief and the Industrial Dispute is liable to be dismissed.

4. The point for consideration before this Tribunal is whether the dismissal of Hadu Behara from service w.e.f. 26.2.97 is legal and justified and to what relief the workman is entitled to?

5. In order to prove the case of the workman, union filed an affidavit-in-chief of Hadu Behara where the workman has reiterated his case disclosed in the written statement. He has categorically stated that before awarding the maximum punishment of dismissal, a Second Show Cause notice should have been served upon him but the management did not comply the same and he should be reinstated in service with full back wages. In his cross-examination on 22.01.2013, the witness stated that he was medically treated for illness by a private doctor at Raniganj but he had no paper relating his treatment. He further deposed that he was dismissed from service in 1997 and the dispute was raised in 2004. During this intermediate period, he did not file any application before the authority against his dismissal. Management suggested to the witness that he was not suffering from any illness and that he never received any medical treatment during the period of his absence which the workman denied. The workman witness was re-examined on 19.06.2023 for the purpose of admitting some documents in evidence which were not produced earlier. The witness produced the following documents in support of his case :

- (i) Copy of the Charge Sheet is produced as Exhibit W-1.
- (ii) Copy of Enquiry Report is produced as Exhibit W-2.
- (iii) Copy of Identity Card is produced as Exhibit W-3.
- (iv) Copy of purported medical certificate is produced as Exhibit W-4.

On his re-cross-examination, the workman admitted that he raised the Industrial Dispute ten years after his dismissal. The workman stated that he was suffering from jaundice and was unable to produce any medical document relating to his medical treatment for jaundice. It transpires from his cross-examination that during the period of his absence, he was residing at his native place in Village – Karatali, Dist. – Ganjam, Odisha. He further stated that he was medically treated by Dr. A.K. Sarkar and also admitted that he did not know the place of practice of the doctor. The witness stated that Kalu Swain, a co-villager had collected the medical document for him and identified the purported medical certificate as Exhibit W-4. Witness stated that he was unable to state the place where he met Dr. A.K. Sarkar even on a single occasion.

6. Smt. Mayuri Kar Verma has been examined as MW-1. She filed her affidavit-in-chief where she stated that the workman did not submit any reply to Charge Sheet for his unauthorized absence from 25.10.1994 to 20.10.1995. The management thereafter decided to hold departmental enquiry and had sent notice of enquiry to the workman. The charged workman did not appear to participate in the enquiry and the enquiry was held ex-parte. The workman was found guilty and a report in this regard was submitted. The management issued a Notesheet proposing dismissal of Hadu Behara. After getting approval from the competent authority Hadu Behara was dismissed. She further stated that the dismissal of the workman was proper and there was no illegality.

7. In support of their case Management produced the following documents :

- (i) Copy of Charge Sheet is produced as Exhibit M-1.
- (ii) Copies of notices of enquiry dated 14.08.1996 and 25.12.1996 issued to Hadu Behara under registered post are produced as Exhibit M-2 and Exhibit M-3.
- (iii) Copy of notice dated 02.05.1996 is produced as Exhibit M-4.
- (iv) Copy of Enquiry Proceeding and findings of Enquiry Officer is produced as Exhibit M-5.
- (v) Copy of Notesheet with proposal for dismissal and approval of the General Manager is produced as Exhibit M-6.
- (vi) Copy of letter of dismissal dated 17.02.1997 issued by Dy. Chief Personnel Manager is produced as Exhibit M-7.
- (vii) Copy of postal envelope sent under registered post with A/D through which notice of enquiry was sent to workman is produced as Exhibit M-8

The Management witness in her cross-examination deposed that she had no document to show that Charge Sheet was served upon Hadu Behara. It is stated that Enquiry Officer N.R. Mitra was appointed by Agent, BMP Group of Mines. She denied that only General Manager of the Area was the appropriate authority to appoint the Enquiry Officer. It transpires from her evidence that management was unable to produce any order of appointment of N.R. Mitra as Enquiry Officer. Witness admitted that management neither served copy of Enquiry Proceeding nor any Second Show Cause notice upon the workman after he was found guilty of the charge. Witness denied that management did not give opportunity to the workman to respond the charge levelled against him.

8. Mr. H.L. Soni advancing his argument on behalf of the dismissed workman submitted that Hadu Behara was suffering from illness and the Charge Sheet dated 20.10.1995 was not served upon him. The workman was

absolutely in dark regarding any Enquiry Proceeding held against him during the period of his illness. It is contended that management failed to prove that notice of enquiry was served upon the workman or he was informed about the date of enquiry. The union representative pointed out that the workman was not provided with any opportunity to contest the charge nor any Second Show Cause notice accompanied by Enquiry Report was served upon him to meet the ex parte finding against him. Mr. Soni vehemently argued that management has deliberately violated the direction of Hon'ble Supreme Court of India in the case of Md. Ramzan Khan versus Union of India which was accepted by the management of Coal India Limited in circular No. CIL C-5A(VI)/50774/28 dated 12.05.1994. It is urged that the dismissal of a workman by an order issued by the Dy. Chief Personnel Manager, who is not the competent authority to dismiss a workman from service, is illegal. Therefore, the order of dismissal as per letter dated 17.02.1997 (Exhibit M-7) is liable to be set aside and the workman is entitled to be reinstated in service along with back wages from the date of his dismissal.

9. Mr. P.K. Goswami, learned advocate for the management of ECL harped upon the fact that the Industrial Dispute has been raised in the year 2004 after inordinate delay of seven years from the date of his dismissal and the same cannot be entertained. Referring to the cross-examination of workman witness, learned advocate argued that the story of the union that the workman suffering from illness during his absence is out and out false. In his cross-examination dated 21.02.2013, the witness stated that he was treated by a private doctor at Raniganj and he had no papers related to his treatment. At a later point of time, the workman in his re-cross-examination on 19.06.2023 stated that he could not produce documents related to his medical treatment for jaundice and further deposed that at the relevant time he was residing at his native place Village – Karatali, District – Ganjam, Odisha and he was being medically treated by Dr. A.K. Sarkar. The witness failed to state the place where the doctor treated him. Regarding Exhibit W-4, a document purported to be a medical certificate, the witness stated that the document was collected by Kalu Swain, a co-villager. On perusal of the document (Exhibit W-4) it appears that A.K. Sarkar, the doctor who is said to have issued the medical certificate (Exhibit W-4) was having his chamber at Asansol and not at Raniganj. Learned advocate for the management argued that the purported medical certificate produced by Hadu Behara is a fabricated document which does not support his case of illness. Learned advocate argued that the workman actually remained absent not only upto 20.10.1995 but he was absent till 15.01.1997. After the workman was found guilty on the basis of domestic enquiry, a Notesheet was initiated and the General Manager who is the Competent Authority approved the proposal for his dismissal from service. It is submitted that the workman is not entitled to any relief and the Industrial Dispute raised by him is a stale one.

10. I have considered the arguments advanced by the union representative and learned advocate for the management. Perused the pleadings of the parties and evidence adduced. There is unflinching evidence regarding unauthorized absence of the workman from his duty for a long period from 25.10.1994 to 20.10.1995. It transpires from evidence that after issuance of notice under registered post at his native place at Village – Karatali, District – Ganjam, Odisha, the postal envelope was returned unserved with endorsement of the post man (Exhibit M-8). The workman witness stated in his re-cross-examination that he was staying at Village – Karatali, District – Ganjam, Odisha. Therefore, it is presumed that by sending the notice of enquiry to his native place of residence at Odisha is a proper service and the workman avoided receiving the notice. His plea of being unaware about the departmental enquiry therefore cannot be accepted. In paragraph three (3) of his affidavit-in-chief, the workman stated that after being declared fit for resuming duty, he reported for duty on 18.10.1995 but he was not allowed to resume his duty and a Charge Sheet No. PMC/C-6/58/1060 dated 20.10.1995 was issued. Considering the proximity of time between his claim for reporting on 18.10.1995 and the date of issuance of Charge Sheet which is 20.10.1995, it clearly implies that the workman was aware about issuance of Charge Sheet against him. The workman however did not participate in the Enquiry Proceeding on a plea that he did not receive any notice of enquiry. The management in their turn produced Notice of enquiry dated 14.08.1996 (Exhibit M-2), 25.12.1996 (Exhibit M-3) and dated 02.05.1996 (Exhibit M-4). It is evident from Exhibit M-8, a xerox of the postal envelope sent under registered post with A/D addressed to the workman, that the notice of enquiry bearing number BP/Dy. PM/C-6/21/1250 dated 14.08.1996 had been sent to him at his place of residence which was returned unserved with postal endorsement that addressee had gone to Surat and his address was not known. This evidence is of great significance as it reveals that a person who had deserted his place of work under the management of ECL had ventured for greener pastures at Surat in Gujarat. If he was indisposed of due to any illness, he would not have left his place of residence. Therefore, this double standard of the workman cannot be trusted and accommodated in any manner. The Enquiry Officer after holding an ex parte enquiry found the charged employee guilty of the charge. The Enquiry Report (Exhibit M-5) reveals that notice was sent to the charged employee on various dates under registered post but he did not participate. The Charge Sheet may have been issued on 20.10.1995 but at the time of conclusion of enquiry on 15.01.1997, there was no whereabouts of the workman and he is certainly not entitled to any compassion. The workman knowing the consequence of long unauthorized absence did not suffer any prejudice due to ex parte enquiry proceeding held against him.

11. The subsequent course of action taken by the management reveal some lapse in procedure. Admittedly no Second Show Cause notice was issued to the workman. It appears from the facts and circumstances of the case that the workman had not only fled his place of work but also fled his native place and local people informed that he went to Surat. Under this special circumstance, the management of ECL cannot be a helpless spectator and wait to

first find out the charged employee and then serve a Second Show Cause notice before dismissing him. A workman who himself exhibited lack of sincerity and accountability cannot claim any equitable relief. Under such special circumstance, I hold that the procedural deficit on the part of management in not serving any Second Show Cause notice before dismissing him from service ipso facto does not demolish the finding of the Enquiry Officer and the decision of the management to dismiss the workman from service for long absence of workman without information. After the Enquiry Officer found the workman guilty of the misconduct for long absence without any intimation, the Agent, B.M.P. Group of Mines initiated a Notesheet proposing dismissal of Hadu Behara from service. The competent authority i.e. General Manager after considering the proposal and finding of the enquiry officer approved the proposal for dismissal. Generally an order of dismissal is passed by the appropriate authority. In the instant case, decision was taken by the appropriate authority which was communicated by the Dy. Chief Personnel Manager, Sitarampur Area through letter No. ECL/STA/C-6/44/539 dated 17.02.1997 requesting the Agent, B.M.P. Group to communicate the order of dismissal to the person concerned and that the termination was to take place with immediate effect. I do not find any illegality in the procedure of dismissing the workman as there is no extenuating circumstance in his favour.

12. In this matter it would be appropriate to draw guidance from a decision Hon'ble High Court of Kerala, in the case of **P.N. Saji vs. Kerala Public Service Commission (2025: KER: 5997)** where it was held “*When reviewing disciplinary actions against employees, Courts or Tribunals should consider whether violations of rules or regulations are substantive or procedural. Violation of substantive provisions, such as those related to the competency of the authority imposing punishment, typically requires strict compliance, and thus, the test of prejudice has no role. Procedural violations, on the other hand, should be examined to determine whether they prejudiced the employee's ability to defend himself. If prejudice is found, the order has to be set aside. Otherwise, no interference is necessary.*”

13. The workman has raised this Industrial Dispute seven years after his dismissal only in the year 2004. Though there is no period of limitation fixed for initiating an Industrial Dispute, the union/workman is under obligation to assign reasons for the delay in raising the Industrial Dispute after seven years of his dismissal and ten years from his attending duty for the last time at ECL. The workman appears wholly irresponsible in his conduct and his statements are contradictory in nature. In my considered view, I do not find any illegality in the order of dismissal. It appears that the workman has taken a chance after seven years, seeking reinstatement which is not to be entertained at this belated stage. In my view any concession to workman would amount to misplaced sympathy. The workman is not entitled to any back wages specially when there is no reason to interfere with the order of dismissal. The Industrial Dispute is bereft of merit and the same is dismissed on contest.

Hence,

ORDERED

that the Industrial Dispute is dismissed on contest. The workman is not entitled to any relief of reinstatement and back wages. Let an award be drawn up in light of my above findings. Let copies of the Award in duplicate be sent to the Ministry of Labour, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 5 मार्च, 2025

का.आ. 350.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार रिजर्व बैंक ऑफ इंडिया के प्रबंधन, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं 2 दिल्ली के पंचाट (250/2022) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई. आर. (बी-1)-32]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2025

S.O. 350.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 250/2022) 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 Reserve Bank of India and their workmen.

[No. L-12025/01/2025 – IR (B-I)-32]

SALONI, Dy. Director

ANNEXURE

BEFORE CENTRAL GOVT. INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT NO-II, NEW DELHI

I.D. No. 250/2022**Sh. Baljit Singh, S/o Sh. Ranbir Singh,**

R/o House No-99/01, Gandhi Nagar, Ganaur,

Sonipat, Haryana-131101.

Versus

1. The Regional Director,

Reserve Bank of India,

06, Sansad Marg, New Delhi-110001.

2. **A.P. Securitas Pvt. Ltd.,**

10, DDA Commercial Complex,

Nangal Raya, New Delhi-110046.

*Appearance:-**For Claimant: Sh. Ajit Singh, Ld. AR with the claimant**For Management: Sh. Abhinav Sharma, Ld. AR for M-1.**None for M-2***AWARD**

This is an application U/S 2A of the Industrial Disputes Act filed by the claimant with the prayer that his termination from the service by the management be declared unjust and he be reinstated in service with full back wages.

Managements had already filed their written statement denying the claim of the workman. During the pendency of the proceeding an amicable settlement was arrived between the workman and management. In pursuance to the conciliation, the claimant agreed to receive the cheque of Rs. 2,00,000/- (Two Lac Rupees) in full and final settlement with the management-2 before the mediation centre on 04.10.2024. With this, nothing is due upon the management.

The claimant gave a statement to the effect that he has received the cheque from the management and thus, he has no dispute/claim against any of the management of this proceeding. Hence, settlement award is passed. A copy of this award is sent to the appropriate government for notification as required under section 17 of the ID act 1947.

ATUL KUMAR GARG, Presiding Officer

Date: 28.10.2024

नई दिल्ली, 5 मार्च, 2025

का.आ. 351.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दक्षिण पूर्व रेलवे के प्रबंधन, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय कोलकाता के पंचाट (16/2024) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई. आर. (बी-1)-33]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2025

S.O. 351.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 16/2024) of the *Cent. Govt. Indus. Tribunal-cum- Labour Court Kolkata* as shown in the Annexure, in the industrial dispute between the management of South Eastern Railway and their workmen.

[No. L-12025/01/2025 – IR (B-I)-33]

SALONI, Dy. Director

ANNEXURE

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT KOLKATA**Present : Justice K. D. Bhutia, Presiding Officer.****REF. NO. 16 OF 2024****Parties : Employers in relation to the management of**

- 1. M/s. Tharu & Sons Company, Rajagiri, Ernakulam, Kerala,**
- 2. The CNW, South Eastern Railways, Santragachi, Howrah.**

Versus**Sk. Mujibar Rahaman****Appearance:**

On behalf of M/s. Tharu & Sons Company : Absent

On behalf of Sk. Mujibar Rahaman : Absent

Dated: 20th February, 2025.**AWARD**

Today has been fixed for appearance of the parties i.d. for passing no dispute award. Today too parties are found absent when the matter is called.

In fact, record shows, despite due service of notices upon them in the month of December, 2024 as per track reports, the parties have failed to put their appearance and peruse with the dispute.

Therefore, an inference can be drawn that the workman who has raised the present dispute is no more interested to pursue the same.

The present case has been registered as Reference Case no. 16 of 2024 on receiving order No. Kol-700020/17/2024-Dy. CLC (C) dated 18-06-2024 from Dy. Chief Labour Commissioner (Central), Kolkata, who in exercise of power conferred under section 12 (5) read with sub-section (2A) of section 10 of the Industrial Dispute Act, 1947 and by virtue of gazette notification dt.17-03-2023 has referred the following issue to this Tribunal for adjudication:-

“Whether the Demands made by the applicant against the management of M/s. Tharu & Sons Company, a contractor of South Eastern Railway, Santragachi over termination of service is fair, legal and justified? If not, what the concerned workman is entitled?”

The record itself proves that concerned workman after raising the above dispute before the Labour Commissioner is no more interested to pursue the case despite having received the notice from this Tribunal. Therefore, a No Dispute Award is passed and Ref. No.16 of 2024 is disposed of.

Justice K. D. BHUTIA, Presiding Officer

नई दिल्ली, 5 मार्च, 2025

का.आ. 352.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स सेसा रिसोर्सेज लिमिटेड के प्रबंधन के संबद्ध नियोजकों और यूनाइटेड माइन वर्कर्स यूनियन के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, मुंबई, पंचाट (रिफरेन्स नं.- 62/2013) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.03.2025 को प्राप्त हुआ था।

[सं. एल-36012/01/2013-आई. आर. (बी-II)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th March, 2025

S.O. 352.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (Reference No. 62/2013) of the **Central Government Industrial Tribunal cum Labour Court-2, Mumbai** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Sesa Resources Limited** and **United Mine Workers Union** which was received along with soft copy of the award by the Central Government on 05.03.2025.

[No. L-36012/01/2013 – IR (B-II)]

DILIP KUMAR, Under Secy.

ANNEXURE**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.2, MUMBAI****PRESENT**

SHRIKANT K. DESHPANDE

Presiding Officer

REFERENCE NO. CGIT-2/62 of 2013**EMPLOYERS IN RELATION TO THE MANAGEMENT OF****M/S. SESA RESOURCES LTD.**

Sesa Ghor, 20, EDC Complex, Patto,

Panaji, Goa.

Goa- 403001.

AND**THEIR WORKMEN.****United Mine Workers Union**

The General Secretary,

United Mine Workers Union,

Goa G-5, Macedo Apartment, Tisk, Ponda,

APPEARANCES:

Party No. 1 : Mr. M.S. Bandodkar
Advocate

Party No. 2 : Mr. P. Gaonkar
Representative

AWARD**(Delivered on 20.12.2024)**

1. This Reference has been made by the Central Government in exercise of powers under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, vide Government of India, Ministry of Labour & Employment, New Delhi, order No. L-36012/01/2013 (IR(B-II) dated 18.10.2013. The terms of reference given in the schedule are as follows:

‘Whether the action of M/s. Sesa Resources Ltd. not to pay benefits to Shri. Vivek Dabholkar, Clerk arising out of the settlement w.e.f. 01.01.2007 to 31.05.2009 is legal and justified? What relief is entitled to the workman?’

2. According to Second Party workman Vivek Dabholkar, he was working with M/s. V.S. Dempo & Company Private Ltd. Mormugao Port Office since 1989. The said company was taken over by M/s. Sesa Goa Ltd., on 11.06.2009 and its name was changed as M/s. Sesa Resources Ltd. (First Party). As per policy and practice wage agreement used to be signed periodically and the same was on the basis of agreement entered into between All India Port Association and All India Port Workers Federation and such wage agreement was pending at the time of taking over M/s. V.S. Dempo & Company Pvt. Ltd., as such the employees continued to be an employee of establishment at Mormugao Harbour were entitled to wage revision due on and from 01.01.2007 to 31.05.2009. The Second Party workman states that, Port management and Port workmen union entered into settlement on 07.06.2011 based on wage agreement dated 19.01.2010, thereby wages were revised retrospectively from 01.01.2007 for which he was also entitled from 01.01.2007 to 31.05.2009 accordingly his colleagues were paid wage arrears. He approached to the management of M/s. Sesa Goa Ltd., with request to pay wage arrears from 01.01.2007 to 31.05.2009 however the same was not paid thus, the Second Party workman prays for arrears arising out of implementation of wage settlement dated 07.06.2011 with 18% interest by answering the Reference in the affirmative.

3. The First Party resisted the statement of claim by reply Ex-4. The First Party contends that, there was no

relationship of employer and employee between Vivek Dabholkar and the First Party M/s. Sesa Resources Ltd. The company never took any financial obligation to be paid to be paid to Vivek Dabholkar of Dempo & Company Pvt. Ltd. The Second Party workman was never covered under settlement dated 07.06.2011 effective from 01.01.2007 to 31.12.2011. The Charter of Demand submitted by Mormugao Stevedores Staff Association did not include the name of the Second Party workman. M/s. Sesa Resources Ltd., did not sign any settlement for the period mention in the order of Reference as such the Second Party workman is not entitled to any money or benefits which can be computed in terms of money including benefits of settlement dated 07.06.2011 signed between Mormugao Stevedores Staff Association and M/s. Sesa Resources Ltd., which is u/s. 2 (P) R/W 18 (1) of I.D. Act, applicable to the workmen referred in the Charter of Demand and cannot made generally. The First Party further contends that entire liability to get benefits is of M/s. Dempo Holding Pvt. Ltd., namely M/s. Esmeralda Investment Pvt. Ltd. Dempo House Campal Goa and the First Party is not required to pay anything in the transfer agreement as company never took liability of Second Party workman thus, the Second Party workman is not entitled for arrears as claimed and requested to answer the Reference in the negative.

4. My Learned Predecessor has framed the following issues at Ex-5. My findings and reasons to them are as below-

<u>ISSUES</u>	<u>FINDINGS</u>
1. Whether the Second Party workman is employee of the First Party and there exists employee-employer relationship between them?	Yes.
2. If yes, Whether the action of M/s. Sesa Resources Ltd. in not paying benefits arising out of settlement w.e.f. 01.01.2007 to 31.05.2009 to Shri. Vivek Dabholkar (workman) is legal and justified?	No.
3. If not, what relief the workman is entitled to?	Yes.
4. What order?	As per Award.

REASONS

5. **Issue No. 1-** In support of his claim, the Second Party has filed his own evidence affidavit at Ex-11 and he was cross-examined by the counsel for the First Party. Whereas the First Party has filed an evidence affidavit of Mr. Francisco Xavier Fernandes at Ex-18 and he was subjected for cross-examination.

It has come on record that, the Second Party workman was working with M/s. V.S. Dempo & Company Pvt. Ltd., at Mormugao Port Office since 1989 and the said company was taken over by M/s. Sesa Goa Ltd. / M/s. Sesa Resources Ltd., from 11.06.2009. The Second Party workman stated on oath that, he was continued with earlier company till 31.05.2009. This fact is corroborated with the agreement in which it is mentioned that management of M/s. Sesa Resources Ltd. (First Party Company) earlier known as V.M Dempo & Company Pvt. Ltd. The Second Party workman deposed before the Court that, the wage revision was made on the basis of term of wage agreement and such wage agreement was pending with retrospective effect from 01.01.2007.

6. On perusal of the copy of agreement available on record that, the said agreement was in consequence of earlier agreement which came to an end on 31st December 2006 and in the General clause of that agreement it is made clear that arrears arising out of implementation of this settlement for the period from 01st January 2007 to 31st May 2011 will be paid on or before 07.08.2011. This itself shows that, the benefits of settlement was given to the employee from 01st January 2007.

7. True it is that, the name of the Second Party workman was not mentioned in that settlement alongwith the names of employees mentioned in the settlement as at the time of settlement those employees were with the First Party company however the Second Party workman is claiming the benefits of settlement only till 31.05.2009 therefore though there was no relationship of employer and employee between the First Party and the Second Party workman however for the purpose of benefits as per settlement, the Second Party workman is deemed employee of the First Party and the First Party cannot deny that, the Second Party workman is not an employee and cannot claim benefits of settlement. In short, on the basis of settlement for the purpose of wage rise / benefits there is relationship of the employer & employee between the First Party and the Second Party workman. Hence, I answer

this issue in affirmative.

8. Issue No. 2- It is worthwhile to mention here that, I have observed earlier that for the purpose of settlement the Second Party workman is a deemed employee and there was deemed relationship of employer and between the First Party employer and Second Party employee. It has come on record and not much disputed that, the wage revision of employees was based on settlement and since January 2007 the wage settlement of employee was pending and the settlement dated 07th June 2011 was for the period from 01st January 2007 to 31st May 2011.

True it is that, the said settlement is of u/s. 2 (P) of ID Act and binding on the parties who signed it and the said settlement was not signed by the Second Party workman however it is because the Second Party workman was not working at the relevant time with the First Party therefore there was no question of the signature of the Second Party workman and the employee who signed the settlement are entitled for benefits of settlement till 31st May 2011 however the Second Party workman is demanding wage rise only for the period from 01.01.2007 to 31.05.2009. There is no clause in the settlement which denied the benefits to the employees who were in the employment from 01.01.2007 to 07.06.2011 therefore the claim of the Second Party workman is certainly as per the settlement. It has also come on record that, the Second Party demanded the wage rise from 01.01.2007 to 31.05.2009. Not only this but, the Sr. General Manager- Human Resources of V.S. Dempo Pvt. Ltd., also by letter to Vice President (H.R.) of the First Party company by letter Ex-23 requested to give wage rise to the Second Party workman, still the same was not given by the First Party company therefore there is no hitch to accept that, the action of the First Party company is not paying benefits arising out of settlement w.e.f. 01.01.2007 to 31.05.2009 to Second Party workman is not legal and justified. Hence, I answer this issue in the negative.

9. Issue No. 3- As I answered the issue no. 2 in negative, the Second Party workman is entitled to the relief of direction to the First Party company to pay wage rise for the period from 01.01.2007 to 31.05.2009 to the Second Party workman. In short, the Second Party workman is entitled to relief as prayed. Hence, I answer this issue in the affirmative.

10. Issue No. 4- Order as per Award.

AWARD

1. The Reference is answered in affirmative.
2. The First Party company is hereby directed to pay the differences of wage rise from 01.01.2007 to 31.05.2009 to the Second Party workman within a period of two months from the date of publication of Award.
3. The First Party company is also directed to pay Rs.1000/- towards cost of litigation to the Second Party.
4. The copy of Award be sent to the Government for publication.

SHRIKANT K. DESHPANDE, Presiding Officer

Date: 20-12-2024

नई दिल्ली, 5 मार्च, 2025

का.आ. 353.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आईसीआईसीआई प्रुडेंशियल लाइफ इन्सुरेंस कम्पनी लिमिटेड; बैंक ऑफ़ इंडिया; स्टेट बैंक ऑफ़ इंडिया के प्रबंधतंत्र के संबद्ध नियोजकों और श्री तनवीर हुसैन दर; जुबैर अहमद भट; शौकत अहमद साद के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-2, चंडीगढ़, पंचाट (रिफरेन्स न.- 235/2012) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.03.2025 को प्राप्त हुआ था।

[सं. एल-17012/8/2011-आई. आर. (एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th March, 2025

S.O. 353.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 235/2012**) of the **Central Government Industrial Tribunal cum Labour Court-2, Chandigarh** as shown in the Annexure, in the Industrial dispute between the employers in relation to **ICICI Prudential Life Insurance Company Limited; Bank of India; State Bank of India** and **Shri Tanveer Hussain Dar; Zubair Ahmad Bhat; Shaukat Ahmad Saad** which was received along

with soft copy of the award by the Central Government on 05.03.2025.

[No. L-17012/8/2011 – IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

In the Central Government Industrial Tribunal-cum-Labour Court-II, Chandigarh

(Presided over by Mr. Kamal Kant).

ID No. 235/2012

Registered on:-30.03.2012

1. Sh. Tanveer Hussain Dar s/o Bashir Ahmad Dar, R/o 15 Pandrathan, Srinagar.
2. Zubair Ahmad Bhat S/o Bashir Ahmad Bhat, R/o Killora, Shopian, Kashmir.
3. Showkat Ahmad Saad S/o Late Sh. Ghulam Hassan Saad, R/o Khan Haran, PO Tullamulla, Tehsil and Distt. Ganderbal, Kashmir.

----- Applicants

Versus

1. ICICI Prudential Life Insurance Company Ltd. ICICI Prulife Towers, 1089 Appansaheb Marathe Marg, Prabhadaur Mumbai-400025 through its Senior Vice President (SVP) Human Resources.
2. Honey Thakkar, Human Resources ICICI Prudential Life Insurance Co. Ltd. Plot No.22-23, D Block, DLF Building, IT Park, Chandigarh – 134109.
3. Priyanka Shrivastav, ICICI Prudential Life Insurance Co.
4. Malik Syed Din, Head Kashmir Circle, ICICI Prudential Life Insurance Co.
5. Manager Bank of India, Branch Office, Opposite Women College, Moulana Azad Road, Srinagar.
6. Manager, State Bank of India, Branch Office Jalandhar (Punjab)

----Respondents

Present:- None for applicants
None for respondents.

Award : 21.01.2025

Central Government vide Notification No.L-17012/8/2011 (IR(M)) Dated 02.03.2012, under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (hereinafter called the ID Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the termination of services of 5 workmen (as per list enclosed) by the management of M/s ICICI Prudential Life Insurance Company Limited without following the principal of natural justice is legal and justified and if not what relief the above workmen are entitled to from the above employer and whether the management are under legal obligation to liquidate the Educational Loan granted to the workmen for completion of the Post Graduate Course of Management and Insurance.”

1. Registered notice of the petition was given to the applicants as stated in the reference on 04.06.2012 to appear on 27.07.2012. But only 3 applicants came present, who filed their claim petition but two applicants namely Sh. Syed Quasar s/o Sh. Syed Ghulam Mohammad and Sh. Irfan Ali Bhat S/o Sh. Manzoor Hussain Bhat did not turned up.
2. Brief facts of the case as stated by the applicants are that the respondent nos.1 to 4 launched a program in the valley for 1st batch of Post Graduate Program with assurance and promise that the successful students will be directly appointed as Executive Trainees with the respondents company. In this regard, a wide circulation was given in the news paper (Annexure A). In pursuance of the said advertisement, the applicants applied before the respondent nos. 1 to 4, who were selected for the post graduate program in the management and insurance. In this regard, the selection letters were sent to the applicants. The applicants were sent to different colleges of the country for the completion of the course after their selection. After completion of the said course, the respondents appointed the applicants in services of respondent no.1 to 4 on the terms and conditions mentioned in the appointment letters duly issued by respondent no.1 to 4. At the time of selection in the said course, education loan was given to the

applicants through respondent no.5 and 6 on promise and assurance that the same will be liquidated by the respondent no.1 to 4. The company also stands guarantors on behalf of the applicants. The salary components were also fixed in favour of the applicants (Annexure P.2 and P.2/A). After joining the services against the post on which the applicants were appointed, discharged their duties and functions to the best of their capacities and capabilities with honest and sincere dedication and devotion with zeal and zest. The applicants earned appreciation from their superiors. After some time, respondent nos.1 to 4 started harassing the applicants with an endeavor that the applicants will voluntarily resign from the posts, which they were holding but the applicants continued with their duties. Ultimately, the respondent no.1 to 4 terminated the services of the applicants from their company without holding any inquiry or providing any opportunity of being heard or explain any sort of change. The order of termination of services is a violation of standing orders of respondent no.1 to 4 and also against the principles of natural justice. It is prayed that the applicants be reinstated with full back wages along with all attending benefits and their education loan be liquidated by the respondent no.1 to 4 in favor of respondent no.5 and 6.

3. Notice of the petition was also given to the respondents. However, respondent no.5 and 6 did not contest. Respondent nos. 1 to 4 filed reply maintaining therein that the Industrial Tribunal has no jurisdiction to entertain the present dispute as the provisions of the ID Act is not applicable to the facts and circumstances of the present claim as the matter concerning with the applicants and respondents is guided by the terms and conditions of the appointment and not by the provisions of ID Act, because the applicants were working in managerial capacity and also the establishment is covered under exception under the ID Act. The applicants are not workmen as defined under Section 2(s) of the ID Act. The applicants were appointed as associate financial services manager in Grade-I vide appointment letters dated 24.07.2008, 04.08.2008 and 07.08.2008 on a probation period of 6 months, the relevant terms of appointment letter is reproduced as under:

The company has also the right to terminate your employment without assigning any reason by giving fifteen days notice or on payment of an amount equivalent to 15 days base salary in lieu of the notice period. The company also has a right to terminate your employment on grounds of non-performance as per the performance improvement programmed (PIP) Policy.

4. In the present case, the applicant no.1 was terminated because he was unable to meet the KOT criteria, applicant no.2 was terminated on 25.05.2009 due to non performance (PIP) and applicant no.3 was terminated on 15.10.2009 as he was found absconding from work. It is submitted that the respondents only facilitated the educational loan availability to the applicants by assuring job post after successful completion of the course. The applicants have signed a separate loan agreement with the bank for availing the loan facility. The role of respondents was only to deduct the EMI from the salary of the applicants as long as the applicants were working with them and remit the deducted amount in the loan account maintained by them with the bank. The applicants were found to be indulged in dereliction of duty and of attending the duty in unprofessional manner, which have affected the reputation of the respondents. The services of applicants were unsatisfactory, unprofessional. It is submitted that ample opportunities were given to the applicants and thereafter show cause notice was issued to them, however, applicants never replied the same as such they were terminated. The termination of applicant is legal and applicants are not entitled for reinstatement or any compensation as the respondents have already settled the dues of the applicants at the time of their termination. It is prayed that the petition may be dismissed with cost.

Evidence of the parties:-

5. In order to prove their case, applicants namely Sh. Tanvir Hussain and Zubair Bhatt appeared and filed their affidavit AX and A2 respectively and closed their evidence on 18.08.2015. The applicants tendered into evidence following documents:

- Ex.P-1 - Appointment letter of Sh. Tanveer Hussain Dar
- Ex.P-1/A - Appointment letter of Sh. Zubair Bhat
- Ex.P-2 – Composite salary slip of Sh. Tanveer Hussain Dar
- Ex.P-2/A – Composite salary slip of Sh. Zubair Bhat
- Ex.A – Circulation published in newspaper

6. Thereafter, respondents have examined Smt. Jaspreet Kaur (Manager) MW1, who tendered her affidavit as R1. Respondents have also tendered into evidence following documents:

- Ex.R2/Ex.P-1/A - Appointment letter of Mr. Zubair Bhat
- Ex.R3/Ex.P-2 - Appointment letter of Mr. Tanveer Hussain Dar
- Ex. R4 - Appointment letter of Mr. Showkat Saad
- Ex.R5 – Show cause notice to Tanveer Dar dated 01.06.2016
- Ex.R5/A – Show cause notice to Zubair Bhat dated 01.06.2016
- Ex.R5/B – Show cause notice to Showkat Saad dated 01.06.2016

Ex.R6 - Termination letter of Tanveer Dar dated 01.06.2016

Ex.R6/A- Termination letter of Zubair Bhat dated 01.06.2016

Ex.R6/B- Termination letter of Showkat Saad dated 01.06.2016

Ex.R7 – No dues/service certificate dated 01.06.2016 of Sh. Tanveer Hussain Dar

Ex.R7/A – No dues/service certificate dated 01.06.2016 of Sh. Zubair Bhat

Ex.R7/B – No dues/service certificate dated 01.06.2016 of Sh. Showkat Saad

and thereafter, respondents closed their evidence on 05.07.2016 and the matter was fixed for arguments.

7. AR for applicants and AR for management have filed their written arguments. It is added here that in this case, nobody has appeared on behalf of both the parties since 19.12.2023. Under these circumstances, the case is being decided on the basis of written arguments filed on behalf of both the parties.

Submissions of Applicants:

8. In the written arguments of applicants, it is maintained that applicants were appointed as per terms and conditions mentioned in their appointment letters and also issued composite salary slips. Reference has been made of the appointment letter Ex.P-1 and composite salary slip Ex.P-2 of Sh. Tanveer Hussain Dar and appointment letter Ex.P-1/A and composite salary slip Ex.P-2/A of Sh. Zubair Bhat. It is also maintained the management started harassing the applicants. It is maintained that so far as the applicant no.1 was concerned, it is stated that he remained absent, however, he also submitted his medical certificates in this regard. Applicants have successfully completed their probation period and they have been removed from their service fraudulently in violation of principle of natural justice and they be reinstated with consequential benefits. The applicants are workmen as the matter has been referred by the appropriate authority to this Tribunal. They were also not given position of leveled job, rather they were put in service in the sale department.

Submissions of Respondents:

9. On the other hand, in the written arguments filed by the respondents, it is maintained that this Tribunal has no jurisdiction as applicants were appointed in managerial capacity and the applicants does not fall under the definition of workmen as defined under Section 2(s) of the ID Act. It is also maintained that services of applicants were dispensed with during the probation period after issuing show-cause notice, to which the applicants did not replied. Hence, it is prayed that the petition be dismissed.

10. I have given due consideration to the written arguments filed on behalf of both the parties.

Findings:

11. It is added here that Jubair Bhat, applicant no.2 has appeared before the Tribunal and filed his affidavit as Ex.A2 and reiterated the stand taken into the claim petition and he has also stated that as per post graduation program, he was appointed as executive trainee with the respondent company as per Ex.A. He and other applicants were put in services by respondent nos. 1 to 4 on terms and conditions mentioned in the appointment letters. They were also inducted in the induction course. Appointment letter Ex.P1/A and composite salary slip Ex.P2/A of Tanvir Hussain were also referred which are almost identical to the appointment letters and composite salary slips issued to other applicants. It is further maintained that applicants were removed from the services without any reason and without following principle of natural justice. Similarly, Tanveer Hussain has reiterated what has been stated by Jubair Bhat in his affidavit filed before the Tribunal.

12. On the other hand, Ms. Jaspreet Kaur, Manager with respondent no.1 to 4 has filed her affidavit. She has stated that the applicants are not workmen as defined under Section 2(s) of the ID Act. They were working in the managerial capacity and this Tribunal has no jurisdiction to entertain the matter. She has also stated that the applicants were removed from the services as they were unable to meet their desired goal. The applicants were given show cause-notices, to which they did not reply and termination of applicants is legal, justified and in accordance with the terms and conditions of employment rules. She has placed on record termination letters dated 01.06.2016 Ex.6 to 6/B of the employees and show cause notices issued to them dated 01.06.2016 Ex.R5 to R5/B.

13. From aforesaid arguments, thus emerges first question, which required to be determined is whether the applicants are workmen or not and fall within the definition of workmen as defined under Section 2(s) of the ID Act, which read as follow:-

2 (s) ["workman" means any person (including an apprentice) employed in any industry to do any manual, unskilled, skilled, technical, operational, clerical or supervisory work for hire or reward, whether the terms of employment be express or implied, and for the purposes of any proceeding under this Act in relation to an industrial dispute, includes any such person who has been dismissed, discharged or retrenched in connection with, or as a consequence of, that dispute, or whose dismissal, discharge or retrenchment has led to that dispute, but does not include any such person-

(i) who is subject to the Air Force Act, 1950 ([45 of 1950](#)), or the Army Act, 1950 ([46 of 1950](#)), or the Navy Act, 1957 ([62 of 1957](#)); or

(ii) who is employed in the police service or as an officer or other employee of a prison, or

(iii) who is employed mainly in a managerial or administrative capacity, or

(iv) who, being employed in a supervisory capacity, draws wages exceeding [ten thousand rupees] per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.]

14. The question how to determine whether a person is workman or not, was examined in **Civil Appeal No.5187 of 2023 titled as M/s Bharti Airtel Limited versus A S Raghavendra**, wherein it has been held that mere absence of power to appoint, dismiss or conduct disciplinary inquiries against other employees, was not the only reason for the Court to conclude whether the person is workman or not. It can also be ascertained from the facility being enjoyed by the applicant and his managerial capacity. Applying the ratio of the said judgment in the present case, the applicants were working in the managerial capacity, as it is clear from their appointment letters and consolidated salary, Mr. Jubair Bhat, as per Ex.P2/A was entitled for following emoluments:-

Salary Components	Annual Salary (Rs.)
Base	70000
CCA	75,000
Personal Pay	42581
HRA	42000
Conveyance Allowance	9600
Medical Reimbursement	13500
Telephone Reimbursement	7500
Employer contribution to PF	8400
Employers contribution to gratuity	3365
Bonus @8.33%	3500
Total cost to the company	275446

and his appointment letter (Ex.P1/A) shows that he was appointed in on the post of Associate Financial Services Manager in Grade-I. Similarly, Mr. Tanveer Hussain, as per Ex.P1, was entitled for following emoluments:-

Salary Components	Annual Salary (Rs.)
Base	70000
Personal Pay	42581
HRA	42000
Conveyance Allowance	9600
Medical Reimbursement	13500
Telephone Reimbursement	7500
Employer contribution to PF	8400
Employers contribution to gratuity	3365
Bonus @8.33%	3500
Total cost to the company	200446

and his appointment letter (Ex.P2) shows that he was appointed in on the post of Associate Financial Services Manager in Grade-I.

15. As per the case law titled as **M/s Bharti Airtel Ltd. (supra)**, applicant A S Raghavendra was held not to be workman in view of the fact that he was discharging managerial duty and was getting numerous benefits as perks

such as special allowance, car hiring charges, petrol and maintenance, driver's salary etc. Under these circumstances, he was held to not to be workman. In the present case also, the applicants were getting all the allowances as reproduced above. Moreover, the applicants were posted in the managerial capacity Grade-I Posts and cannot be stated to be workmen. Hence, their case is not maintainable before this Tribunal.

16. Moreover, in this case, the workmen were given show-cause notices dated 01.06.2016 and they have not filed any reply to it and after given them compensation, they were retrenched. Thus, their case is also not maintainable on this score as they were given opportunity to defend themselves, but they have failed to defend themselves before the competent authority.

17. The case is not maintainable under the ID Act as the applicants were not the workmen, hence reference is declined.

18. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the ID Act for publication.

KAMAL KANT, Presiding Officer

नई दिल्ली, 5 मार्च, 2025

का.आ. 354.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स भगवान सिंह के प्रबंधन के संबद्ध नियोजकों और उनके कर्मकार के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय-1, धनबाद, पंचाट (रिफरेन्स न.- 96/2003) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.03.2025 को प्राप्त हुआ था।

[सं. एल-29011/36/2003-आई. आर. (एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th March, 2025

S.O. 354.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. 96/2003**) of the **Central Government Industrial Tribunal cum Labour Court-1, Dhanbad** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Bhagwan Singh and Their Workman** which was received along with soft copy of the award by the Central Government on 05.03.2025.

[No. L-29011/36/2003 – IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO.1,DHANBAD

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

Reference: No. 96/2003

Employer in relation to the management of M/s. Bhagwan Singh, Pakur.

AND.

Their workman.

Present: **Shri Dinesh Kumar Singh**

Presiding Officer/Link Officer

Appearances:

For the Employers :- None.

For the workman. :- None.

State : Jharkhand.

Industry:- Coal

Dated 13/02 /2025

AWARD.

By Order No.L-29011/36/2003-(IR(M)) dated 27/08/2003 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub –section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following disputes for adjudication to this Tribunal:

SCHEDULE

“Whether the action of the management of M/s Bhagwan Singh in terminating the services of Lakhichand Sah & Mukund Sah after working continuously for 10 years without complying Section 25-F of I.D. Act is legal and or justified? If not, what relief the above said workman are entitled to?”

2. This reference is received on 6/13.10.2003 by this Tribunal in which the District President, Bihar Rajya Asangathith Mazdoor Congress, Pakur had been advised to submit statement of claim along with relevant document before the Tribunal within fifteen days of receipt of the reference but the union/workman did not appear before the Tribunal. However after receipt of the reference, both parties were noticed but neither the union/workman nor the management appeared before the Tribunal. Thereafter notice of the workman/union as well as management returned with endorsement “Not met” and “insufficient address”. Now Case is pending since 6/13.10.2003 and workman/union as well as management is not appearing before Tribunal. so, it is felt that workman/union has lost its interest in this matter. Hence “No Claim” Award is passed. Communicate.

D. K. SINGH, Presiding Officer

नई दिल्ली, 5 मार्च, 2025

का.आ. 355.—औद्योगिक विवाद अधिनियम (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार मेसर्स जयप्रकाश एसोसिएट्स लिमिटेड के प्रबंधन के संबद्ध नियोजकों और श्री हंसराज शर्मा के बीच अनुबंध में निर्दिष्ट केन्द्रीय सरकार औद्योगिक अधिकरण एवं श्रम न्यायालय, जबलपुर, पंचाट (रिफरेन्स नं.- सीजीआईटी/एलटी/-आरसी/84/2017) को जैसा कि अनुलग्नक में दिखाया गया है, प्रकाशित करती है जो केन्द्रीय सरकार को सॉफ्ट कॉपी के साथ 05.03.2025 को प्राप्त हुआ था।

[सं. एल-29012/22/2016-आई. आर. (एम)]

दिलीप कुमार, अवर सचिव

New Delhi, the 5th March, 2025

S.O. 355.—In pursuance of Section 17 of the Industrial Dispute Act, 1947 (14 of 1947), the Central Government hereby publishes the award (**Reference No. CGIT/LC/-RC/84/2017**) of the **Central Government Industrial Tribunal cum Labour Court, Jabalpur** as shown in the Annexure, in the Industrial dispute between the employers in relation to **M/s Jaiprakash Associates Limited** and **Sri Hansraj Sharma** which was received along with soft copy of the award by the Central Government on 05.03.2025.

[No. L-29012/22/2016 – IR (M)]

DILIP KUMAR, Under Secy.

ANNEXURE

THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT, JABALPUR
NO. CGIT/LC/R/84/2017

Present: P.K.Srivastava

H.J.S..(Retd)

Shri Hansraj Sharma,

S/o Shri Lalji Sharma,

Village – Rerua, Post – Shukulgawa,

Rewa (Madhya Pradesh) - 486123

Workman

Vs

M/s Jaiprakash Associates Ltd.

(E&C) Division,

Jaypee Vihar, Majhigwan,
PO – Bharatpur, Sidhi
(Madhya Pradesh) - 486776

Management

(JUDGMENT)

(Passed on this 22nd day of January-2025)

As per letter dated 19/05/2017 by the Government of India, Ministry of Labour, New Delhi, the reference is made to this Tribunal under Section-10 of Industrial Disputes Act, 1947 (in short the 'Act') as per Notification No. L-29012/22/2016-IR(M) dt. 19/05/2017. The dispute under reference relates to:

“1. Shri Hansraj Sharma, who worked as Supervisor who was drawing salary above Rs. 10,000/-pm, under M/s Jaiprakash Associates Ltd. (E&C) Divn., Jaypee Vihar, Dist. Sidhi, whether an “Workman” under Section 2(s) of Industrial Disputes Act, 1947 or not?”

2. If he is a “Workman” under ID Act, whether the termination made by the employer w.e.f. 24.06.2015, (due to his absence from duty w.e.f. 03.03.2015 to 24.06.2015) is justified, legal and proper or not? If not justified, to what relief he is entitled to?

3. If he is not a “workman” under I.D. Act, whether any relief can be granted by the CGIT, Jabalpur to Mr. Hansraj Sharma, Ex-supervisor or not?”

After registering the case on the basis of reference, notices were issued to parties. The workman appeared and filed his statement of claim. None appeared for Management. No written statement of defense was filed by Management. Due to continuous absence of Management, the case was order to proceed ex-parte against Management vide order dated 22.02.2021.

The case of the workman is mainly that, he was first appointed for Gardening in J.P. Sidhi Plant in 2007 and was promoted to the post of supervisor in Grade N-12 with initial pay at Rs. 3950/- per month. His monthly salary including allowances was Rs. 9350/- per month. Hence, he comes within the definition of Workman as defined under Section 2 (s) of the Act. Due to illness and being under medical treatment, he could not attend his office on 03.03.2015. He went at his workplace on 04.03.2015 but was not allowed to punch his attendance card. Subsequently, he was suffering from pain due to Harnia and was suggested surgery. He sent information about his illness to the Management and also sent his medical papers through registered post and via e-mail also. The Management wrongly took his absence as unauthorized and issued a show-cause notice on 16.04.2015. He submitted his reply. The Management without considering his reply, and without affording him any opportunity of hearing, also without conducting any departmental enquiry against him, terminated his services on the ground of unauthorized absence from 03.03.2015 vide order dated 26.06.2015 which is against law, unjust and arbitrary. The workman has thus sought the relief of his reinstatement with back-wages and benefits holding his termination vide order dated 26.06.2015 against law.

The workman filed his affidavit as his examination-in-chief which is uncross-examined. He also filed his original promotion letter issued by management on 16.05.2012 with salary slip, termination order dated 24.06.2015, his reply to charge-sheet dated 04.05.2015, his counter application in form of reply dated 15.05.2015 and 16.05.2015, Certificate of doctor and medical prescription which are Exhibit W-1 to W-9.

I have heard ex-parte argument of Mr. Aditya Ahiwasi Learned Counsel for the workman; I have gone through the record.

On perusal of record in the light arguments, following issues come up for determination:

- 1. Whether the workman is as “Workman” as defined under Section 2 (s) of the Act ?***
- 2. Whether the termination of services of the Workman by Management without holding departmental enquiry are just and legal ?***
- 3. Relief if any which the workman is entitled to ?***

Issue No. 1:-

Section 2(s) of the Act, which defines Workman, is being reproduced as follows:

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

retrenchment has led to that dispute, but does not include any such person—

(i) who is subject to the Air Force Act, 1950 (45 of 1950), or the Army Act, 1950 (46 of 1950), or the Navy Act, 1957 (62 of 1957); or

(ii) who is employed in the police service or as an officer or other employee of a prison; or

(iii) who is employed mainly in a managerial or administrative capacity; or

(iv) who, being employed in a supervisory capacity, draws wages exceeding ten thousand rupees per mensem or exercises, either by the nature of the duties attached to the office or by reason of the powers vested in him, functions mainly of a managerial nature.

It has been pleaded and stated on note in his affidavit by the Workman; that his work was to look after the Plants, there was no worker working against him. He was there to supervise the garden. His this statement is uncontroverted. His total emoluments are also less than 10,000/-, as it has been proved from his pay slip and promotion order, filed and proved by him. Hence, holding that nature of his job was not the supervision of persons, rather it was supervision of the garden and his total emolument were also less than 10,000/- he is held to be a Workman as defined under Section 2 (s) of the Act.

Issue No. 1 is answered accordingly.

Issue No. 2:-

From the evidences in form of affidavit uncontroverted and documents as mentioned above, it is established that the Management issued a charge sheet in form of show cause notice alleging him misconduct of unauthorized absence for the period from 03.03.2015 to the date of issue of show cause notice/ charge sheet which is dated 16.04.2015. He did file his reply for reasons of his absences which were his illness.

In the case of Anubhav Dwivedi V.s. State of Madhya Pradesh decided by W.P. No. 22119 of 2018 decided by Hon'ble High Court of Madhya Pradesh, it has been held by a single bench of Hon'ble High Court that when the termination is based on charge of misconduct, a regular departmental enquiry is necessary before terminating the services of the employee failing which the order of termination shall be bad in law. Same principle has been laid down by Hon'ble High Court of M.P. in another case Union of India V.s. The President Rashtriya Rail Mazdoor Congress Reported in 2019 (4) LLJ 448.

Relying on the above preposition of law referred to by learned Counsel for workman, since there is nothing on record that any departmental enquiry was conducted against the Workman before issuing order of termination by Management for alleged misconduct of unauthorized absence of the workman for more than 10 days. Vide show cause/ charge-sheet dated 16.04.2015 is held bad in law.

Issue No. 2 is answered accordingly.

Issue No. 3:-

In the light of findings recorded above, the workman is held entitled to be reinstated but with 25% wages setting aside the order of his termination by management vide order dated 24.06.2015.

Based on the findings recorded above, the reference is answered as follows.

AWARD

1. The workman is held to be a 'Workman' as define under Section 2 (s) of the act of Industrial Disputes Act, 1947.
2. Holding the termination of services of the workman bad in law, he is held entitled to be reinstated from the date of his termination with 25% back wages and is also held entitled to other in service benefits deeming him to be in continuous service.

DATE:- 22/01/2025

P. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 5 मार्च, 2025

का.आ. 356.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मध्य रेलवे के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारो के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में

केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (02/2022-23) प्रकाशित करती है।

[सं. एल-41011/35/2022-आई. आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2025

S.O. 356.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 02/2022-23) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of Central Railway their workmen.

[No. L-41011/35/2022 – IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/02/2022-23

Date: 04.02.2025.

Party No.1: The Divisional Railway Manager,
Central Railway, Bhusawal,
Distt. Jalgaon – 425201.

V/s

Party No.2: The Secretary,
National Railway Mazdoor Union,
Admn Branch, Mazdoor Bhawan,
Bhusawal, Distt. Jalgaon – 425201.

AWARD

(Dated: 04th February, 2025)

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 National Railway Mazdoor Union and their workman, Shri Bhagwan Chindu, for adjudication, as per letter No. L-41011/35/2022-IR (B-I) dated 08.04.2022, with the following schedule:-

"Whether the demand of the National Railway Mazdoor Union to calculate pensionary and terminal benefits related to Shri Bhagwan Chindu, Ex-Trackman, in the Central Railway, Bhusawal from the date in initial appointment i.e. 22.05.1978 is fair, legal & justified? If yes, to what relief the Union/workman is entitled to?"

2. Case called out. Representative on behalf of the respondent Shri Umakant Bauskar is present but no one is present on behalf of the petitioner since very beginning. One letter dated 09/08/2022 has been sent by the secretary of National Railway Mazdoor Union for assurance to appear before the Court. But even then no one is responding and attending the Court. No statement of claim and written statement have been filed by the parties. No other evidence has been filed by the petitioner to establish his say/claim.

3. As the petitioner is not coming since long shows that petitioner is not interested to contest the case and do not want to proceed with the reference, so it is closed.

The case of the petitioner is not proved.

Hence, it is ordered:

ORDER

The demand of the National Railway Mazdoor Union to calculate pensionary and terminal benefits related to Shri Bhagwan Chindu, Ex-Trackman, in the Central Railway, Bhusawal from the date in initial appointment i.e. 22.05.1978 is unfair, illegal & unjustified. The workman is not entitled to any relief.

SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 5 मार्च, 2025

का.आ. 357.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार दक्षिण पूर्व मध्य रेलवे के प्रबंधन, संबंधित नियोजकों और उनके कर्मचारियों के बीच अनुबंध में निर्दिष्ट औद्योगिक

विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नागपुर के पंचाट (59/2015-16) प्रकाशित करती है।

[सं. एल-41012/04/2016-आई. आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2025

S.O. 357.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 59/2015-16) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Nagpur* as shown in the Annexure, in the industrial dispute between the management of South East Central Railway their workmen.

[No. L-41012/04/2016 – IR (B-I)]

SALONI, Dy. Director

ANNEXURE

BEFORE SHRI SHIV SHANKER PRASAD PRESIDING OFFICER, CGIT-CUM-LABOUR COURT, NAGPUR

Case No.CGIT/NGP/59/2015-16

Date: 13.02.2025.

Party No.1:

- 1) The Chief Works Manager,
South East Central Railway,
Workshop, Motibagh, Kadbi Chowk,
Nagpur – 440004.
- 2) The Divisional Railway Manager,
South East Central Railway, Kingsway,
Nagpur – 440001.
- 3) The General Manager,
South East Central Railway, R.T.S. Colony,
Bilaspur – 495004.
- 4) The Chief Mechanical Engineer (Plg & WS),
Bilaspur – 495004.

V/s.

Party No.2:

Sh.Milind, S/o Mahadeo Borkar,
R/o Indora Mata Tekdi, Gond Moholla,
Post – Bezonbagh, Nagpur – 440004.

AWARD

(Dated: 13th February, 2025)

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 South East Railway and their workman, Shri. Milind S/o Mahadeo Borkar for adjudication, as per letter **No. L-41012/04/2016-IR(B-I) dated 11.03.2016**, with the following schedule:-

“Whether the action of the management of South East Railway in terminating the service of Shri Milind S/o Mahadeo Borkar by way of compulsorily retirement on 07.11.2013 is legal, fair & justified? If not, to what relief Shri Milind S/o Mahadeo Borkar is entitled to?”

2. Case called out. Both the parties are absent. Petitioner is not responding and attending the Court since 21.04.2020 i.e. near about five years. Although, petitioner and respondent have filed their statement of claim and written statement respectably but petitioner has not filed any evidence to establish his claim. No other evidence is available on record to establish the claim of petitioner.

Claim of the petitioner is not proved so it is closed.

Hence, it is ordered:

ORDER

The action of the management of South East Railway in terminating the service of Shri Milind S/o Mahadeo Borkar by way of compulsorily retirement on 07.11.2013 is legal, fair & justified. The Workman is not entitled to any relief.

SHIV SHANKER PRASAD, Presiding Officer

नई दिल्ली, 5 मार्च, 2025

का.आ. 358.—औद्योगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मेसर्स ओरियन सिक्यूरिटी सॉल्यूशन प्राइवेट लिमिटेड के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय आसनसोल के पंचाट (41/2023) प्रकाशित करती है।

[सं. एल-12025/01/2025-आई. आर. (बी-1)-34]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2025

S.O. 358.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 41/2023) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court Asansol* as shown in the Annexure, in the industrial dispute between the management of M/s Orion Security Solution Pvt. Ltd their workmen.

[No. L-12025/01/2025 – IR (B-I)-34]

SALONI, Dy. Director

ANNEXURE

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

PRESENT: Shri Ananda Kumar Mukherjee,
Presiding Officer,
C.G.I.T-cum-L.C., Asansol.

REFERENCE CASE NO. 41 OF 2023

PARTIES: Imtiyaz Ali
Vs.
Management of M/s. Orion Security Solution Pvt. Ltd.

REPRESENTATIVES:

For the Workman: Mr. P. K. Das, Advocate.
For the Management: None.

INDUSTRY: Security Service.

STATE: West Bengal.

Dated: 28.01.2025

AWARD

In exercise of powers conferred under clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), the Ministry of Labour, Government of India through the Office of the Deputy Chief Labour Commissioner (Central), Asansol, vide its Order **No. 1(30)/2023/E** dated 26.07.2023 has been pleased to refer the following dispute between the employer, that is the Management of M/s. Orion Security Solution Private Limited and their workman for adjudication by this Tribunal.

SCHEDULE

“ Whether the action of the management of M/s Orion Security Solution Pvt Ltd under Axis Bank in terminating the service of Imtiyaz Ali w.e.f. 07.11.2022 is justified? If not, what relief the workman is entitled to? ”

1. On receiving Order **No. 1(30)/2023/E** dated 26.07.2023 from the Office of the Deputy Chief Labour Commissioner (Central), Asansol, Ministry of Labour, Government of India, for adjudication of the dispute

Reference case was registered on 28.07.2023 and an order was passed for issuing notice to the parties through registered post, directing them to appear and submit their written statements along with relevant documents in support of their claims and a list of witnesses.

2. Mr. P. K. Das, learned advocate for Imtiyaz Ali, the aggrieved workman is found present. For ends of justice the Industrial Dispute is fixed up today for appearance and ex-parte hearing, in default, the Industrial Dispute is to be disposed of. On repeated calls at 12.20 PM Imtiyaz Ali is found absent without any steps. Learned advocate submitted that workman did not contact him in the meantime. M/s. Orion Security Solution Private Limited is found unrepresented.

3. On 18.09.2023, Imtiyaz Ali appeared through Mr. P. K. Das, learned advocate and submitted written statement. Since none appeared for M/s. Orion Security Solution Private Limited engaged under Axis Bank the case was fixed on 01.03.2024 for ex-parte hearing. Today is the fourth date the case is fixed up for ex-parte hearing but the aggrieved workman is not found available. It appears to me that reasonable opportunities have been granted to the workman to participate in the proceeding but he is not inclined to take part in the proceeding. Hence, Industrial Dispute is dismissed in the form of a No Dispute Award.

Hence,

ORDERED

that a No Dispute Award be drawn up in respect of the above Reference case. Let copies of the Award in duplicate be sent to the Ministry of Labour and Employment, Government of India, New Delhi for information and Notification.

ANANDA KUMAR MUKHERJEE, Presiding Officer

नई दिल्ली, 5 मार्च, 2025

का.आ. 359.—औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एच डी एफ सी बैंक लिमिटेड के प्रबंधतंत्र, संबद्ध नियोजको और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण/श्रम न्यायालय नं - II चण्डीगढ़ के पंचाट (320/2013) प्रकाशित करती है।

[सं. एल-12012/102/2013-आई. आर. (बी-1)]

सलोनी, उप निदेशक

New Delhi, the 5th March, 2025

S.O. 359.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award (Ref. 320/2013) of the *Cent.Govt.Indus.Tribunal-cum-Labour Court No.- II Chandigarh* as shown in the Annexure, in the industrial dispute between the management of **HDFC Bank Ltd.** their workmen.

[No. L-12012/102/2013 – IR (B-I)]

SALONI, Dy. Director

ANNEXURE

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

Present: Sh. Kamal Kant, Presiding Officer.

ID No.320/2013

Registered on:-7.2.2014

Sh. Rakesh Manro, S/o Sh. Kharaiti Lal Manro, R/o H.No.394, Ward No.20, Near Veterinary Hospital, Jaswant Singh Kohli Street, Peer Khana Road, Khanna, District Ludhiana.

.....Workman

Versus

1. HDFC Bank Ltd., Chandigarh Road, Samrala, through its Branch Manager.
2. HDFC Bank Ltd., Mall Road, Ludhiana, through Its Zonal Manager.
3. HDFC Bank Ltd., Human Resources Division, HDFC Bank House, 2nd Floor, Senapati Bapat Marg, Lower Parel, Mumbai-400013, through its Chairman-cum-Managing Director.

Respondents/ Management

AWARD**Passed on:-20.05.2024**

Central Government vide Notification No.L-12012/102/2013-IR(B-I) Dated 30.12.2013, under clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947(hereinafter called the Act), has referred the following Industrial dispute for adjudication to this Tribunal:-

“Whether the action of termination the services of Sh. Rakesh Manro w.e.f. 06.11.2008 by the management of HDFC Bank Ltd. is legal, just and valid? If not, to what relief the workman is entitled to and from which date?

1. The case was fixed for remaining evidence of workman. On scrutiny of the order sheets, it is revealed that the workman has not come present on 26.09.2023, 23.11.2023, 14.03.2023 and today also i.e. 20.05.2024 continuously. Several dates for arguments have been fixed by the Tribunal, which denotes that workman is neither serious nor interested in disposal of the case on merit.
2. Since the workman has neither put his appearance for long nor he has led any evidence to prove its case against the mangement and has left the case unattended for a long time without any intimation, as such, this Tribunal is left with no choice, except to pass a ‘No Claim Award’. Accordingly, ‘No Claim Award’ is passed in the present reference for the non-prosecution of workman.
3. Let copy of this award be sent to the Appropriate Government as required under Section 17 of the Act for publication.

KAMAL KANT, Presiding Officer